

INDEX
TORRANCE CITY COUNCIL NOVEMBER 18, 2014

<u>SUBJECT</u>	<u>PAGE</u>
<u>OPENING CEREMONIES</u>	
1. Call to Order/Roll Call	1
2. Flag Salute/Invocation	1
3. Affidavit of Posting/Waive Further Reading	1
4. Withdrawn, Deferred or Supplemental Items	1
5. Council Committee Meetings and Announcements	2
6. <u>COMMUNITY MATTERS</u>	
6A. Proclamation re "National Adoption Month"	2
6B. Recognition of Kathy Young for Volunteer Service	2
6C. Presentation on South Bay Cities Council of Governments Work Program	2
6D. Approval of Virtual Lighting Ceremony for El Prado Bridge	3
7. <u>ORAL COMMUNICATIONS #1</u>	3-4
8. <u>CONSENT CALENDAR</u>	
8A. Approval of Minutes	4
8B. Environmental Quality and Energy Conservation Commission 2013-14 Annual Report	4
8C. Amendment to Enhanced Watershed Management Plan Project	4
8D. Purchase Order for Netting at Sea Aire Golf Course	4
11. <u>PUBLIC SAFETY</u>	
11A. Agreement re Ambulance Transportation and Patient Billing Services	5-12
12. <u>ADMINISTRATIVE MATTERS</u>	
12A. City Council Dark Nights	12
12B. Continuation of Banner Tow Operation at Torrance Airport	12-13
12C. Approval of December 16, 2014 as City Council Dark Night	13
12D. Resolutions re Public Employees Medical and Hospital Care Act	13-14
13. <u>HEARINGS</u>	
13A. Revised Allocation/Appropriation of Community Development Block Grant Funds	14-15
15.2 <u>OTHER</u>	
15.2A Agreement re Torrance Park Handicap Accessibility Project	15-16
16. <u>SECOND READING ORDINANCES</u>	
16A. Second and Final Reading of Ordinance No. 3780	16
17. <u>ORAL COMMUNICATIONS #2</u>	16
18. <u>EXECUTIVE SESSION</u>	1, 16
19. <u>ADJOURNMENT</u>	16

At 10:28 p.m., the meeting was adjourned to Tuesday, November 25, 2014 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. The City Council Citizen Development and Enrichment Committee will meet on Tuesday, November 25, 2014 at 2:00 p.m. in the City Manager Assembly Room.

**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 5:31 p.m. on Tuesday, November 18, 2014 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Goodrich, Griffiths, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Giordano, City Attorney Fellows, City Clerk Poirier 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 the 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 7:00 p.m. with all members present. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Councilmember Griffiths.

The non-sectarian invocation was given by Councilmember Rizzo.

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

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, November 13, 2014.

MOTION: Councilmember Goodrich 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 Rizzo and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred; supplemental material was available for 11A, 12B and 12D.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Weideman, with the concurrence of Council, requested that staff schedule a joint meeting of the Torrance Unified School District and the City Council Citizen Development and Enrichment Committee to discuss projects to be included in the recently approved ballot measures “T” and “U.”

Councilmember Griffiths announced that the City will be hosting a public workshop to discuss the possibilities for historic preservation programs in Torrance on Thursday, November 20, from 7:00 – 9:00 p.m. at the Bartlett Center located at 1318 Cravens Avenue. He noted that written comments can be submitted to the Planning Division of the Community Development Department for those who are unable to attend.

Councilmember Ashcraft requested an excused absence for the November 25, 2014 City Council meeting.

Mayor Furey announced that the City Council State Legislative Advocacy Committee had met earlier for a state legislative update.

Anthony Gonsalves, president of Joe E. Gonsalves and Son, state legislative consultant, provided background information about the lobbying firm and discussed recent legislation regarding the ability of cities to regulate massage establishments.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE “NATIONAL ADOPTION MONTH”

Mayor Furey presented a proclamation declaring the month of November as “National Adoption Month” in the City of Torrance to Susan Tucker, Assistant Regional Administrator (L.A. County Department of Children Family Services – Adoptions Division); Maureen Small, Supervisor (Adoptions Division); Tedji Dessalegn, Regional Administrator, Torrance Regional Office; Rosa Tang, Assistant Regional Administrator, Torrance Regional Office; and Douglas and Trudy Meyer, and their daughter Cherish, Torrance adoptive family.

6B. RECOGNITION OF KATHY YOUNG

Mayor Furey presented a certificate of recognition to Kathy Young in recognition of her 500 hours of volunteer service at the South Bay Environmental Services center.

6C. PRESENTATION ON SOUTH BAY CITIES COUNCIL OF GOVERNMENTS WORK PROGRAM

With the aid of slides, Jacki Bacharach, Executive Director of South Bay Cities Council of Governments, gave a brief presentation on the South Bay Cities Council of Governments Work Program and the benefits to the City of Torrance, including workshops and specialized training for City staff, various environmental/conservation programs, and transportation infrastructure improvements.

Mayor Furey thanked SBCCOG for all its efforts on behalf of the City of Torrance.

6D. VIRTUAL LIGHTING CEREMONY FOR EL PRADO BRIDGE

Recommendation

Recommendation of the City Manager that City Council schedule and host a virtual lighting ceremony of the Pacific Electric Railway - El Prado Bridge at the beginning of the December 2, 2014 City Council Meeting at 7:00 p.m. and provide a gathering area at Torrance Center South parking lot, where interested community members can celebrate the lighting.

Cable and Community Relations Manager Smith reported that staff was recommending that the City Council host a virtual lighting ceremony of the Pacific Electric Railway – El Prado Bridge, which will include the Mayor’s flipping of a ceremonial remote switch to light the bridge live on television.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

7. ORAL COMMUNICATIONS

7A. Steve Norris, Arts Council of Torrance, expressed concerns that the light board at the Armstrong Theatre is failing, which has caused problems during recent productions, and recommended that it be replaced as soon as possible. He noted that he was working with a lighting professional to create a report on the equipment necessary to upgrade the lighting system at the theatre along with the costs involved for purposes of budgeting.

7B. Suzan Hubert, Friends of Madrona Marsh, thanked the Mayor, Councilmembers and City staff who spent “Make a Difference Day” planting native vegetation at the marsh.

7C. Kathryn Endo-Roberts, Cultural Arts Commission, expressed concerns about malfunctioning and antiquated sound equipment at the Armstrong Theatre.

7D. Maria Parrish reported that November is “National Family Caregivers Month” and requested that the Council recognize it with a proclamation. She highlighted the vital services performed by homecare workers for the sick, the elderly and individuals with disabilities.

7E. Diane Dixon, homecare worker, echoed the request for a proclamation.

Mayor Furey, with the concurrence of Council, requested that staff bring forward a proclamation at the next meeting recognizing “National Family Caregivers Month.”

7F. Gabriela Fischer, United Small Business Alliance, announced upcoming events, including a roundtable discussion on November 19, a marketing workshop for small business owners on November 26, and a Small Business Holiday Expo on December 17 at the Doubletree Hotel, with additional information available at www.UnitedSBA.com.

7G. Chef Michael Shafer invited the public to attend the Downtown Torrance Marketplace on Thursday, November 20, featuring DJ Ozzie, face painters, balloon artists and vendors. He also announced “Musical Café for a Cause,” featuring music from Broadway to Woodstock on Sunday, January 18, at the Armstrong Theatre, benefitting the Del Amo Rotary Club, Trash for Teaching, and South Bay Children’s Health Center.

7H. Janet Payne, Old Torrance Neighborhood Association, announced that the 6th Annual Taste of Old Torrance will be held on Wednesday, November 19, at the Bartlett Center, 1318 Cravens Avenue, which will include offerings from various restaurants located in downtown Torrance.

7I. Debbie Hays, Torrance Historical Society, announced that THS will be hosting an exclusive pre-release screening of the movie *Unbroken* on Tuesday, December 16, at AMC Del Amo Theatres, which will include a Q&A session with the movie's producer and members of the Zamperini family. She noted that tickets will be available for purchase at the museum beginning on November 21 for THS members and December 1 for the general public and proceeds from the event will benefit the Louis Zamperini Trust Collection at the Torrance Historical Society and other related events and projects.

8. **CONSENT CALENDAR**

8A. **APPROVAL OF MINUTES**

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of October 21, October 28, and November 4, 2014.

8B. **ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION
2013-2014 ANNUAL REPORT**

Recommendation

Recommendation of the Community Development Director that City Council accept and file the Environmental Quality and Energy Conservation Commission 2013-2014 annual report.

8C. **AMENDMENT TO ENHANCED WATERSHED MANAGEMENT PLAN PROJECT**

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve an appropriation of \$419,538 from the Sewer Enterprise Fund balance to the NPDES Permit and TMDL Compliance for Santa Monica Bay Beaches and Dominguez Channel Project, FEAP #574 for a new not to exceed project cost of \$840,393;
- 2) Approve an amendment to the Memorandum of Understanding (C2013-243) with the Beach Cities to complete the Enhanced Watershed Management Program (EWMP) Project; and
- 3) Authorize staff to submit the Santa Monica Beaches Bacteria TMDL Implementation Plan for Jurisdictional Groups 5 and 6 to the Los Angeles Regional Water Quality Control Board.

8D. **PURCHASE ORDER FOR NETTING AT SEA AIRE GOLF COURSE**

Recommendation

Recommendation of the Community Services Director that City Council award a purchase order to Judge Netting Inc. of Costa Mesa, CA in the amount of \$59,284, for the purchase and installation of new golf course netting at Sea Aire Golf Course (B2014-53).

MOTION: Councilmember Barnett moved to approve Consent Calendar Items 8A through 8D. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

11. PUBLIC SAFETY

11A. AGREEMENT RE AMBULANCE TRANSPORTATION AND PATIENT BILLING SERVICES

Recommendation

Recommendation of the Fire Chief that City Council award an agreement to provide emergency ambulance transportation and patient billing services for the Torrance Fire Department to Westmed Ambulance Inc., d.b.a McCormick Ambulance, Torrance, CA (RFP# B2014-51). This will be a one-year agreement, from December 3, 2014 through December 2, 2015, with an option for the City to extend the agreement for up to four (4) additional 1-year terms with the same terms and conditions.

Captain Hudson, Emergency Medical Services Coordinator for the Torrance Fire Department, reported that the City solicited formal proposals for provision of emergency ambulance transportation/patient billing services as the current agreement expires on December 2, 2014. With the aid of slides, he provided an overview of the requirements contained in the Request for Proposal (RFP) and explained the three-phase evaluation process. He noted that four proposals were received and one was rejected after the initial review because all the required documentation was not submitted. He advised that the evaluation team determined that McCormick Ambulance was the most qualified and it was the only provider that agreed to maintain the response time standards in the RFP with no exceptions.

Councilmember Weideman disclosed that he met with Bob and Rebecca Gerber and representatives of McCormick Ambulance and that he watched the video from the September 27, 2011 City Council meeting at which the previous contract was approved.

Noting that the previous contract had a three-year term, Councilmember Weideman expressed concerns about the financial viability of a company setting up shop in Torrance with only a one-year contract.

Captain Hudson responded that the one-year term was selected to provide the fire department with greater flexibility.

Councilmember Ashcraft disclosed that she also met with Mr. and Mrs. Gerber and watched the video of the September 27, 2011 City Council meeting.

Councilmember Griffiths disclosed that he met with Mr. and Mrs. Gerber, watched the video of the September 27, 2011 City Council meeting, and received a \$500 contribution from Gerber Ambulance for his campaign in the last election. He reported that he serves on the Salvation Army Board of Directors, of which Mr. Gerber is also a member, but believes he can make a fair and impartial decision in this matter.

Councilmember Griffiths expressed concerns that the RFP process was rushed and this limited the number of responses from potentially qualified service providers.

City Manager Jackson advised that the timing of the process was dictated by issues involving the current provider and the decision not to renew their contract due to deficiencies in their service.

Councilmember Griffiths suggested that the RFP process could have begun much sooner because notices of default were sent to the current provider as early as last year.

City Manager Jackson reported that the City delayed taking action because it appeared that there was going to be a change in ownership and the new owner would correct the deficiencies.

Assistant City Attorney Sullivan explained that the new ownership was supposed to take over in early spring 2014 so the City would have had ample time to evaluate the company's performance before the contract was up, but negotiations dragged on and eventually broke down.

Captain Hudson reported that the City was notified that negotiations had terminated in late August.

Councilmember Griffiths reiterated his position that the short period of time allowed for the submission of proposals limited the number of responses.

Councilmember Griffiths questioned why the current provider's proposal was immediately rejected due to the failure to provide audited financials when the only penalty in the previous RFP was a deduction of points during the evaluation process.

Captain Hudson explained that the City decided to make this a requirement due to events that occurred since the last RFP was issued, including an instance where a contract was awarded for emergency ambulance services in Santa Clara County and the company subsequently declared bankruptcy. Additionally, he noted that the State's Emergency Medical Services Authority recommends that financial information be obtained when awarding this type of contract.

City Manager Jackson noted that it was clearly stated in the RFP that audited financials were required.

Councilmember Griffiths pointed out that it could be difficult for some companies to obtain the required financial information within the timeframe allowed for the submission of proposals.

City Manager Jackson responded that no concerns were expressed to the City about this issue and no protests were filed until very recently.

Noting that only the McCormick Ambulance proposal was included in the original agenda item, Councilmember Griffiths expressed concerns that the Council had not had sufficient time to review the proposals from the other companies. He echoed Councilmember Weideman's concerns about the financial viability of setting up shop in Torrance for a one-year contract.

Councilmember Griffiths pointed out that the cover letter for McCormick Ambulance's proposal states, "We understand that it is the Torrance Fire Department's desire to start transporting patients," and mentions that the company will work closely with the fire department to ensure a smooth transition. He related his understanding that Fire Department ambulances are to be used in extreme emergency situations only.

City Manager Jackson advised that the City was not planning to take over the transporting of patients at this time and the comments contained in the cover letter were premature.

Councilmember Griffiths reported that there is a \$1000 limit for direct contributions to candidates for elective offices in the City of Torrance from any source, but significantly larger contributions can be made via a PAC (Political Action Committee) and in the most recent election, McCormick Ambulance provided a minimum of \$30,000 for campaign activities. He stated that he would rather do business with a company that donates money to charitable causes than one that supports politicians financially and he doesn't think citizens of Torrance feel this type of activity is a good way to do business in Torrance.

Mayor Furey disclosed that Mr. Gerber has donated to all three of his campaigns; that McCormick Ambulance or its representatives have donated to at least two of his campaigns; and that McCormick Ambulance contributed to an independent expenditure in his mayoral campaign. He explained that independent expenditures are quite legal per the "Citizens United" Supreme Court decision and they tend to be viewed in a positive or negative light depending on whether they benefit a candidate you support or one you oppose. He reported that he has not met with McCormick representatives since that time or with any of the companies that submitted proposals as he felt the evaluation process was best left to the experts on the City's evaluation team. He noted that he was present at the September 27, 2011 City Council meeting, at which time he stressed the importance of involving the Council in the RFP process; that the Council had the opportunity to review the current RFP on August 26, 2014; and that it was subsequently approved by a vote of 6-0, with Councilmember Barnett absent.

Councilmember Rizzo disclosed that he met with Bob Gerber and toured his facility and also met with representatives of McCormick Ambulance; that neither of those companies donated money to his campaign in the last election; and that any information received during those meetings will not influence his vote.

Councilmember Ashcraft disclosed that she received \$500 from Gerber Ambulance for her campaign in the last election, but this will not influence her decision in this matter.

Councilmember Weideman disclosed that he received \$1000 from Gerber Ambulance for his campaign in the last election, but this will not influence his decision.

Councilmember Barnett disclosed that he met with Mr. Gerber on more than one occasion over the past several months and recently met with representatives of McCormick Ambulance. He reported that he received campaign contributions from Mr. Gerber on two occasions, but he does not remember the amount and he was confident that he could make a fair and impartial decision in this case.

City Manager Jackson advised that this item could be continued for one week if the Council preferred due to the volume of supplemental material.

In response to Mayor Furey's inquiry, Assistant City Attorney Sullivan confirmed that the fact that some members of the Council received campaign donations from parties involved does not disqualify them from participating in this decision.

With the aid of slides, Rick Roesch, President, Joe Chidley, CEO, and Mike Henderson, Vice President, of McCormick Ambulance, provided background information about the company. They provided an overview of the company's operations, noting that it has the exclusive 911 contract for western L.A. County; that it has the best on-time compliance rates in L.A. County; that it has a sophisticated billing system designed to maximize reimbursements; and that it has its own EMT training school. They highlighted the company's community involvement, which

includes free CPR training events and the donation of ambulances to foreign countries. Additionally, they noted that the company plans to offer “sidewalk CPR training” for high school seniors, provide free standby for local high school football games, and donate four AEDs to community agencies over the term of the contract. They reported that McCormick has a team of disaster specialists and specialized equipment, including its own disaster unit and two state-issued disaster units, each of which have the capacity to treat 60+ patients, a mobile communications unit, an electric medical cart for use at special events, and an ambulance driving simulator used to train drivers before they go out in the field. They reviewed proposed ambulance stations in Torrance and their response areas, pointing out that the company exceeds requirements for ambulances with up to 37 units available during the day and 33 units at night.

Councilmember Weideman asked about the financial viability of a one-year contract, and Mr. Chidley explained that the only added expense for McCormick is the rent for the new facility in Torrance and the five new dedicated ambulances since the company is already in the area.

Councilmember Weideman noted that McCormick’s 96.7% on-time response time was predicated on an 8-minute/59-second response time, however Torrance’s response time requirement is a little more stringent.

Captain Hudson reported that McCormick has committed to meeting the City’s response time requirement and he believes it has the infrastructure to do it.

In response to Councilmember Ashcraft’s inquiry, Mr. Chidley confirmed that the on-time response rate quoted was for Code 3 (lights and siren) responses.

Captain Hudson explained that calls are initially categorized as Code 2 (flow of traffic/no siren) and are upgraded at the discretion of fire department personnel. He related his belief that Code 3 on-time response rates were indicative of a company’s ability to respond to other types of calls.

Councilmember Goodrich disclosed that he spoke with representatives of all four of the ambulance companies that submitted responses to the RFP.

Mayor Furey invited public comment.

Lisa Harris, Torrance resident and McCormick Ambulance employee, commented positively on the company.

Linda Gottshall-Sayed, Torrance, noted that she served with Mr. Furey on the blue ribbon committee charged with creating ethics guidelines for elected officials in Torrance. She expressed concerns that the PAC formed to support Mayor Furey’s candidacy had only two contributors – McCormick Ambulance, which provided \$25,000, and Torrance Fire Fighters Association (TFFA), which provided \$15,000. She stated that while it is not illegal for Mayor Furey to vote on this contract, she believed his doing so would give the appearance of impropriety therefore she called on him to recuse himself.

Indicating that he saw no conflict of interest, Mayor Furey stated that people have the constitutional right to create a political action committee, which acts independently of a candidate; that he did not ask McCormick Ambulance or TFFA to do this; that they did not coordinate their activities with him nor did he have any control over them; and that it would not change his vote one iota.

Leo Grizzaffi, Torrance, voiced objections to the fire department operating as an ambulance company, relating his belief that private companies do a much better job of running a business than a government agency. He recalled that McCormick Ambulance had sought to gain favor the last time this contract was considered by offering large contributions to the fire department. He voiced support for Gerber Ambulance, which has served as the City's provider for 20 years and whose owner has a long history of supporting the community.

Chris Ritchie, Torrance resident and McCormick Ambulance employee, voiced his opinion that it was time to change ambulance service providers from Gerber to McCormick Ambulance.

Tiffany Rogers, Torrance resident and McCormick Ambulance EMT, expressed support for McCormick Ambulance.

Eric Mix, Torrance resident and McCormick Ambulance employee, stated that he looked forward to working with the Torrance Fire Department and providing emergency services for residents.

Jacqueline Simon, Torrance resident and McCormick Ambulance employee, reported that she would greatly enjoy working in Torrance.

Clint Paulson, Torrance, stated that he thought it was odd that McCormick Ambulance was the only company allowed to make a presentation at this meeting and he felt it was symbolic of the way the RFP process was conducted, which has led to a public perception that the process was rigged. He expressed concerns that two of the four members of the evaluation team are members of the Torrance Fire Department and therefore have ties to the PAC that was formed with McCormick Ambulance in support of Mayor Furey's candidacy. He voiced his opinion that it was in the Council's and the City's best interests to alleviate any suspicions and urged the Council to consider restarting the RFP process to ensure that it's done in a manner that is fair, open and impartial especially since it's a matter of public safety.

Ryan Mand, Torrance, related his belief that it would have been helpful for Gerber Ambulance to have made a presentation. He indicated that he was not in favor of campaign contributions because it's impossible to tell if they sway a politician's judgment.

Bill Sutherland, Torrance, noted that Gerber Ambulance's entire operation is located in Torrance and expressed concerns about the loss of tax revenue should the business close. He discussed the difficulty of complying with minimum response times when a call is not Code 3 because an ambulance may have to wait up to 2 minutes just to get through one traffic signal. He questioned how many complaints have been filed by the public during Gerber's 20 years of service, relating his understanding that Torrance Fire Department filed complaints which turned out to be unfounded. With regard to ethics, he recalled that the last time this contract was considered by the Council, McCormick Ambulance representatives denied that there were any plans to sell the business even though they were in discussions with Faulck Ambulance to do so.

Jim Catzaretas, Torrance resident and business owner, expressed concerns about large companies like McCormick Ambulance coming in and taking the lifeblood away from small businesses in Torrance. He related his experience that Bob Gerber is an extremely generous and caring individual who helps people in need and participates in many charitable endeavors. He questioned what McCormick Ambulance has done for this community.

William Beverly, legal counsel for Gerber Ambulance, voiced objections to the exclusion of Gerber Ambulance's proposal from consideration due to the lack of audited financial statements. He noted that he submitted a formal protest letter on November 17, 2014 (Supplemental #2), which staff deemed to be untimely. He explained that the late response occurred because the same requirement for audited financial statements was contained in the previous RFP in 2011, but this requirement was weighted and a proposal was not disqualified if they were not provided. He further explained that the Notice of Intended Award that triggers the protest period did not indicate that Gerber's proposal had been disqualified, which only became apparent when the staff report was issued. He advised that while the State's Emergency Medical Services Authority recommends that financial information be obtained when awarding this type of contract, it is not a requirement and "audited" financial statements are not specified.

Rebecca Gerber, founder/vice president of Gerber Ambulance, provided background information about the company, which began 27 years ago and has had the ambulance service contract for the Torrance Fire Department for the past 20 years. She explained that it was impossible to provide audited financial statements because it would take at least three months to prepare them for the privately held company and the bidding process was only three weeks. She noted that other financial information was provided, including state and federal tax returns and expressed her willingness to have them audited. She stated that Torrance's 911 contract is the majority of the company's business, therefore it is critical to the company and its employees, many of whom live in Torrance.

Ms. Gerber stated that the company has never been involved in an accident or put residents at risk and it has demonstrated a strong commitment to the community for over 20 years. She further stated that she did not know how her company could compete against an outside company that was willing to funnel \$25,000 into a political campaign and she was disheartened by this activity and felt it was unethical. She reported that the company has a 94-95% compliance rate for an 8-minute Code 2 response, which is far more difficult than the 8 minute/59 second Code 3 response time touted by McCormick, and it has never had to use a backup provider in 20 years.

Margie Chidley, McCormick Ambulance employee, stated that the City will never find a more ethical company than McCormick Ambulance.

Responding to Mr. Beverly's comments, Assistant City Attorney Sullivan advised that audited financial statements were not called out as a specific requirement in the 2011 RFP, however this was changed in the current RFP where it is listed on the first page under "Submittal Requirements." Additionally he noted that the fact that Gerber Ambulance's proposal had been disqualified was listed in the Notice of Intended Award issued on November 4, 2014 contrary to Mr. Beverly's remarks.

Councilmember Goodrich questioned how long there have been issues with the current provider; and City Manager Jackson reported that default notices were sent in June 2013 and February 2014.

Councilmember Weideman requested that staff elaborate on the issues involved in the two default notices.

Assistant City Attorney Sullivan reported that the first notice of default sent on June 17, 2013 listed several violations of the contract including: 1) Not having the required number of staffed ambulances available; 2) Responding to an incident with an ambulance driver, but no

attendant; 3) Failure to report an ambulance that is unavailable; 4) Failure to have backup ambulances available within the required time; 5) Failure to have automatic vehicle locator equipment connected to the City's computer-aided dispatch; and 6) Failure to meet the required response time. He explained that the second notice sent on February 4, 2014 listed items that were still in default (Items 1, 4, 5 and 6) along with new areas of concern, including not making contractor books, records and reports available for City review and audit; having ambulances that did not pass vehicle maintenance inspections; failure to provide safety precautions; failure to provide required training for employees; and failure to check ambulances before sending them into the field.

In response to Councilmember Weideman's inquiry, Captain Hudson reported that he is a member of Torrance Fire Fighters Association.

Councilmember Griffiths stated that he did not believe he had the information available to make a decision at this time since McCormick was the only company to make a presentation and the Council only received copies of the proposals from the three other companies around 3:00 p.m. this afternoon. He indicated that he was not comfortable making such a critical decision based on the recommendation of four evaluators.

Noting that there have been allegations of impropriety, Councilmember Goodrich asked what training and/or policies the City has in place for employees regarding ethical behavior.

City Manager Jackson reported that all employees go through an extensive ethics training program; that there are stringent requirements regarding the reporting of any gifts or gratuities, which exceed state requirements; and that violations are grounds for disciplinary action up to termination of employment.

Mayor Furey related his belief that he and other councilmembers do not have the expertise to evaluate responses to RFPs. He pointed out that the evaluation team included staff from the Finance Department and the CIT (Computer Information Technology) Department as well as the Fire Department.

Councilmember Ashcraft stated that she was not comfortable in awarding this contract to a company that invested so heavily in the last election process even though it was all very legal. She noted that while staff, committees and/or commissions may make recommendations, it is the Council that makes the final decision and she felt it was important that they have all the material necessary to make an informed decision.

Councilmember Goodrich observed that the evaluation team for the previous contract also recommended McCormick Ambulance and this was long before the recent mayoral campaign. He stated that during his short time on the Council, he has been impressed with the fact that members of the Council do not interfere with staff decisions, which is very important because this can lead to gross breaches of ethics. He further stated that he has found that City staff does an extremely good and professional job of vetting decisions before they ever get to the Council.

Noting that he worked for the City for 30 years, Councilmember Rizzo related his experience that Torrance has a highly ethical staff and credited them for helping the City weather difficult times. He stated that he saw no impropriety in staff's recommendation and expressed confidence in their ability to make well-reasoned, ethical decisions.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed as reflected in the following vote:

YES: Councilmembers Goodrich, Rizzo, Weideman and Mayor Furey

NO: Councilmembers Ashcraft, Barnett and Griffiths

The City Council briefly recessed from 9:46 to 9:56 p.m.

12. ADMINISTRATIVE MATTERS

12A. CITY COUNCIL DARK NIGHTS

Recommendation

Recommendation of the City Manager that City Council declare the following Tuesdays as City Council dark nights from January 1 through June 30, 2015: January 6, January 20, February 17, March 31, May 26, and June 30.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

12B. CONTINUATION OF BANNER TOW OPERATION AT TORRANCE AIRPORT

Recommendation

Recommendation of the Airport Commission and the General Services Director that City Council approve Aviad LLC to continue banner tow operations at Torrance Municipal Airport - Zamperini Field.

Facilities Operation Manager Megerdichian reported that the Council approved Aviad's banner tow operations in June 2014 subject to an annual review by the Airport Commission in October and the commission completed the review on October 9, 2014 and subsequently voted in favor of allowing the company to continue operations. He noted supplemental material which lists the fees paid by Aviad directly and indirectly to the City.

Councilmember Weideman indicated that he was more concerned about compliance with noise regulations and did not believe the fees paid by Aviad were germane to this discussion.

Amy Josefek, Torrance, expressed concerns that noise from low-flying banner tow planes disturbs both beachgoers and residents. She disputed claims that there was any economic benefit to Torrance, noting that Aviad's owner lives in another state; that businesses advertising on the banners are sometimes competitors of Torrance merchants; and that property values could be reduced due to airplane noise. She voiced her opinion that banner tow operations are a noisy, unsightly nuisance that add nothing to the community and detract from the quality of life.

Councilmember Goodrich noted that he has a fondness for aviation due to personal ties, his educational background, and his service in the United States Air Force; however he has two concerns about banner tow operations at Torrance Airport – noise and safety. He suggested that the beach should be a refuge from the noisy urban environment, but it is not due to noisy, low-flying planes bombarding beachgoers with advertising. He reported that he did independent research on the Internet and found that there have been two accidents involving banner-towing aircraft in the immediate area in a little more than a year and at least 53 have been people killed in banner-towing planes in the last 25 years across the United States. Additionally he noted that an airport manager at a Jersey shore airport that decided to ban the planes was quoted as saying “Banner towing is one of the most dangerous aviation activities.” He stated that he could not justify placing this burden on residents and their quality of life for the \$1200 annual revenue the City receives.

Responding to questions from the Council, Facilities Operations Manager Megerdichian reported that there were 50 banner-tow flights by Aviad from June 18, 2014 to October 6, 2014 and confirmed that banner tow operations are conducted at the northeast side of the airport, an area approved by the FAA.

Councilmember Griffiths concurred with Councilmember Goodrich's comments, noting that he had expressed concerns about the safety of banner tow operations at a City Council meeting prior to being appointed to the Council and that he was the one who requested the information about the income generated by the flights (supplemental material). He voiced his opinion that the income does not justify the negative impacts from the banner tow companies.

MOTION: Councilmember Goodrich moved to deny the continuation of Aviad's banner tow operation at Torrance Municipal Airport – Zamperini Field. The motion was seconded by Councilmember Griffiths and passed as reflected in the following vote:

YES: Councilmembers Goodrich, Griffiths, Rizzo and Weideman

NO: Councilmembers Ashcraft and Barnett and Mayor Furey

12C. APPROVAL OF DECEMBER 16, 2014 AS AN ADDITIONAL COUNCIL DARK NIGHT

Recommendation

Recommendation of the City Manager that City Council approve Tuesday, December 16, 2014 as a City Council dark night due to the "Unbroken" premiere event scheduled at the same date and time.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

12D. RESOLUTIONS RE PUBLIC EMPLOYEES MEDICAL AND HOSPITAL CARE ACT

Recommendation

Recommendation of the City Manager that City Council:

- 1) Adopt a Resolution for Torrance Recurrent Recreation Employees Organization employees (TRREO), and
- 2) Adopt a Resolution for Certain Part-Time Hourly Employees to be subject to the Public Employees Medical and Hospital Care Act (PEMHCA) for an expenditure of \$48,000.

Human Resources Manager Fuentes reported that this action was necessary to comply with the Affordable Care Act and would allow the City to offer health insurance to part-time and variable-hour employees who meet the threshold to be eligible for coverage.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

RESOLUTION NO. 2014-125

A RESOLUTION ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTIONS AT AN AMOUNT EQUAL TO OR GREATER THAN THAT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b)

MOTION: Councilmember Ashcraft moved to adopt Resolution No. 2014-125. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

RESOLUTION NO. 2014-126

A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTIONS AT AN AMOUNT EQUAL TO OR GREATER THAN THAT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b).

MOTION: Councilmember Ashcraft moved to adopt Resolution No. 2014-126. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

13. HEARINGS

13A. REVISED ALLOCATION/APPROPRIATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Recommendation

Recommendation of Community Development Director that City Council:

- 1) Conduct a public hearing and consider public input; and
- 2) Adopt a Resolution authorizing the revised allocation and appropriation of 2014- 2015 Community Development Block Grant (CDBG) funds as follows: ADA Sidewalk Improvement Revised allocation: \$640,085 Torrance Park ADA Improvements Revised allocation: \$43,415.

Mayor Furey announced that this was the time and place for a public hearing on this matter. City Clerk Poirier confirmed that the hearing was properly advertised.

Deputy Community Development Director Cessna reported that staff was recommending that \$43,415 of CDBG funds be reallocated from the ongoing ADA Sidewalk Improvement Project to the Torrance Park ADA Improvements Project.

As no one from the public came forward to speak, the public hearing was closed.

MOTION: Councilmember Weideman moved to close the public hearing. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

RESOLUTION NO. 2014-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE CITY'S REVISED COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2014-2015

MOTION: Councilmember Ashcraft moved to adopt Resolution No. 2014-127. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

15.2 OTHER – MISCELLANEOUS

15.2A AGREEMENT RE TORRANCE PARK HANDICAP ACCESSIBILITY PROJECT

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve a transfer of \$2,175 from the Parks and Recreation Open Space Fund to the Torrance Park Handicap Accessibility Project, I-161 for a new not to exceed project budget of \$298,590;
- 2) Determine that the approval of the construction of the Torrance Park Handicap Accessibility Project, I-161 (B2014-32) is categorically exempt from environmental review pursuant to Section 15332 of the Guidelines implementing California Environmental Quality Act (CEQA);
- 3) Approve the plans and specifications for the Torrance Park Handicap Accessibility Project, I-161 (B2014-32);
- 4) Reject the bid from Buetter Engineering and Contracting as unresponsive; and
- 5) Award a one-year public works agreement to Martinez Concrete, Inc. of Azusa, CA in the amount of \$226,550 and authorize a 5% contingency in the amount of \$11,327 to construct the Torrance Park Handicap Accessibility Project, I-161 (B2014-32).

Deputy Public Works Director Bilezerian provided an overview of the Torrance Park Handicap Accessibility Project, which will replace damaged sidewalk in the park and provide for a continuous path of travel. He noted that the apparent low bidder Buetter Engineering and Contracting submitted an incomplete bid, therefore staff was recommending that the bid be rejected as non-responsive and the agreement be awarded to Martinez Concrete. He noted a scrivener's error on page 5 of the contract.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3780

ORDINANCE NO. 3780

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADDING ARTICLE 40 TO CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO REGULATE THE INSTALLATION AND OPERATION OF UNATTENDED COLLECTION BOXES

MOTION: Councilmember Weideman moved to adopt Ordinance No. 3780. The motion was seconded by Councilmember Barnett and passed by a 6-1 vote, with Councilmember Ashcraft voting no.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Goodrich reported that he attended the dedication of the Faith Hall Community Center at the First Lutheran Church on Carson Street last Sunday, noting the hall will be used to prepare meals for the homeless and the church looks forward to partnering with other agencies in this endeavor.

17B. Councilmember Goodrich thanked staff for including extra information in staff reports that he had requested concerning the location of companies bidding on City projects.

17C. Councilmember Goodrich provided background information about “National Drive Electric Week” held each September to heighten awareness of the widespread availability of electric vehicles and highlight the benefits of electric and hybrid vehicles. With the concurrence of Council, he requested that staff look into scheduling a “National Drive Electric Week” event for the City of Torrance in September 2015.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 10:28 p.m., the meeting was adjourned to Tuesday, November 25, 2014 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. The City Council Citizen Development and Enrichment Committee will meet on Tuesday, November 25, 2014 at 2:00 p.m. in the City Manager Assembly Room.

Attest:

/s/ Patrick J. Furey

Mayor Patrick J. Furey

/s/ R. Poirier

City Clerk Rebecca Poirier, MMC

Approved on December 23, 2014