

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Fire Department

AGENDA DATE: April 13, 2021

PUBLIC HEARING: April 27, 2021

CONTACT NAME AND PHONE NUMBER: Mario M. D'Agostino, Fire Chief (915) 212-5605

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: 2 Set the Standard for a Safe and Secure City

SUBJECT:

An ordinance granting Life Ambulance, Inc., a franchise extension and amending Ordinance No. 018926, to modify its franchise rates, to operate a non-emergency ambulance transfer service.

BACKGROUND / DISCUSSION:

Life Ambulance Service, Inc., has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 018926 approved on April 30, 2019. Article I, Section E.1 of Ordinance No. 018926, allows for an extension of the non-emergency ambulance transfer service franchise.

PRIOR COUNCIL ACTION:

The City Council granted a franchise renewal through Ordinance No. 018926 on April 30, 2019.

AMOUNT AND SOURCE OF FUNDING:

Total Amount: Revenue Generating

Dept.: 999; Division: 99999; Fund: 1000; Account: 431200; Funding Source: Ambulance Service Revenue

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: *Lory K Kebschull*

ORDINANCE NO. _____

AN ORDINANCE GRANTING LIFE AMBULANCE SERVICE, INC. A FRANCHISE EXTENSION AND AMENDING ORDINANCE NO. 018926, TO MODIFY ITS FRANCHISE RATES, TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE

WHEREAS, the City of El Paso, Texas is empowered to grant franchises for the use of its streets, alleys, and public rights-of-way under the City Charter and the City's general police powers; and

WHEREAS, LIFE AMBULANCE SERVICE, (“GRANTEE”) has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 018926 approved on April 30, 2019; and

WHEREAS, Article I, Section E.1 of Ordinance No. 018926 dated April 30, 2019, allows for an extension of the non-emergency ambulance transfer service franchise, provided Grantee give to the City a written request to extend the franchise no later than three (3) months prior to the expiration date of this franchise whether it be during the initial term or any renewal period; and

WHEREAS, Grantee provided said written request in a timely fashion; and

WHEREAS, Article I. Section E.4 of Ordinance No. 018926 dated April 30, 2019, allows the City to require that the terms, conditions and provisions of the franchise be modified upon Grantee’s request for renewal, and the City wishes to modify the terms, conditions and provisions of the franchise so as to clarify certain existing provisions such as the effective date and rates; and

WHEREAS, on evidence received, City Council finds that public convenience and necessity justify granting a franchise extension to GRANTEE to operate a non-emergency ambulance transfer service in the City of El Paso, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT:

1. Finding that public convenience and necessity justify renewal of this franchise, a renewal of the non-exclusive franchise, subject to the Grantee's compliance with the requirements and limitations set forth in Ordinance No. 018926 dated April 30, 2019, and by local, state and federal laws, is hereby granted to LIFE AMBULANCE SERVICE, INC., Grantee, to operate a non-emergency transfer ambulance service within the City and upon the public streets, rights-of-way and alleys of the City of El Paso, and all of the terms of Ordinance No. 018926 except for those specifically altered in the following paragraphs of this renewal, are extended for two years commencing at 12:01 a.m., May 1, 2021 (the “Effective Date”), regardless of the date upon which the ordinance granting the franchise is adopted.

ORDINANCE NO. _____

2. Article I, Section C: The entire paragraph shall be replaced as follows: “Term and Effective Date. Regardless of the date upon which the ordinance granting the franchise is adopted, the term of this franchise shall be for two (2) years commencing on 12:01 a.m., May 1, 2021 (the “Effective Date”), with the possibility to renew the franchise as set forth below.”
3. Article III, Section D.1: The entirety of paragraph 1 shall be replaced as follows: “Franchising Authority Identified. Grantee's billing statements shall include the Grantee's proper phone number and street address for its El Paso office and shall identify the City as Grantee's franchising authority as follows: Franchising Authority: City of El Paso, Attn: Fire Department, Community Health Program, 416 N. Stanton, Ste. 200, El Paso, Texas 79901.”
4. Exhibit “A”: The rates listed in Article III (Administration and Regulation), Section B (Rates), Exhibit “A” (Life Service Ambulance, Inc.’s Medical Transport Public Rates) of Ordinance No. 018926 dated April 30, 2019, shall be replaced in their entirety by Exhibit “A” to the present Ordinance, attached hereto and incorporated by reference as if set forth in full.
5. Except as herein amended, Ordinance No. 018926 dated April 30, 2019, shall remain in full force and effect.

(Signatures follow on next page)

PASSED AND APPROVED this _____ day of _____, 2021.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:


THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Josette Flores
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Mario D'Agostino
Fire Chief

(ACCEPTANCES AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE)

ORDINANCE NO. _____

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ACCEPTANCE AND ACKNOWLEDGMENT

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this _____ day of _____, 2021.

LIFE AMBULANCE SERVICES, INC.

By: _____
Printed Name: _____
Title: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2021, by _____, as _____, on behalf of **LIFE AMBULANCE SERVICES, INC.**

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

RECEIVED FOR FILING THIS _____ DAY OF _____, 2021.

Laura D. Prine, City Clerk

ORDINANCE NO. _____

EXHIBIT A

LIFE AMBULANCE SERVICE, INC.

PUBLIC RATES

TRANSPORT TYPE:	RATE
BLS NON-EMERGENCY	\$485.00
BLS EMERGENCY	\$625.00
ALS NON-EMERGENCY	\$550.00
ALS-1 EMERGENCY	\$755.00
ALS-2 EMERGENCY	\$795.00
SPECIALITY CARE TRANSPORT (SCT)	\$1,175.00
MILEAGE	\$14.00

* Supplies will be billed for Payor who recognizes supplies.

* Discount consideration may be given to the following:

1. Patients
2. Facilities
3. Payors
4. Vendors

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WHEREAS, the City of El Paso, Texas is empowered to grant franchises for the use of its streets, alleys, and public rights-of-way under the City Charter and the City's general police powers; and

WHEREAS, LIFE AMBULANCE SERVICE, (“GRANTEE”) has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 018926 approved on April 30, 2019; and

WHEREAS, Article I, Section E.1 of Ordinance No. 018926 dated April 30, 2019, allows for an extension of the non-emergency ambulance transfer service franchise, provided Grantee give to the City a written request to extend the franchise no later than three (3) months prior to the expiration date of this franchise whether it be during the initial term or any renewal period; and

WHEREAS, Grantee provided said written request in a timely fashion; and

WHEREAS, Article I, Section E.4 of Ordinance No. 018926 dated April 30, 2019, allows the City to require that the terms, conditions and provisions of the franchise be modified upon Grantee’s request for renewal, and the City wishes to modify the terms, conditions and provisions of the franchise so as to clarify certain existing provisions such as the effective date and rates; and

WHEREAS, on evidence received, City Council finds that public convenience and necessity justify granting a franchise extension to GRANTEE to operate a non-emergency ambulance transfer service in the City of El Paso, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT:

1. Finding that public convenience and necessity justify renewal of this franchise, a renewal of the non-exclusive franchise, subject to the Grantee's compliance with the requirements and limitations set forth in Ordinance No. 018926 dated April 30, 2019, and by local, state and federal laws, is hereby granted to LIFE AMBULANCE SERVICE, INC., Grantee, to operate a non-emergency transfer ambulance service within the City and upon the public streets, rights-of-way and alleys of the City of El Paso, and all of the terms of Ordinance No. 018926 except for those specifically altered in the following paragraphs of this renewal, are extended for two years commencing at 12:01 a.m., May 1, 2021 (the “Effective Date”), regardless of the date upon which the ordinance granting the franchise is adopted.

2. Article I, Section C: The entire paragraph shall be replaced as follows: “Term and Effective Date. Regardless of the date upon which the ordinance granting the franchise is adopted, the term of this franchise shall be for two (2) years commencing on 12:01 a.m., May 1, 201921 (the “Effective Date”), with the possibility to renew the franchise as set forth below.”

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3. Article III, Section D.1: The entirety of paragraph 1 shall be replaced as follows: “Franchising Authority Identified. Grantee's billing statements shall include the Grantee's proper phone number and street address for its El Paso office and shall identify the City as Grantee's franchising authority as follows: Franchising Authority: City of El Paso, Attn: Fire Department, ~~Fire Medical Research Division~~Community Health Program, 416 N. Stanton, Ste. 200, El Paso, Texas 79901.”

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~~3.4.~~ Exhibit “A”: The rates listed in Article III (Administration and Regulation), Section B (Rates), Exhibit “A” (Life Service Ambulance, Inc.’s Medical Transport Public Rates) of Ordinance No. 018926 dated April 30, 2019, shall be replaced in their entirety by Exhibit “A” to the present Ordinance, attached hereto and incorporated by reference as if set forth in full.

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~~4.5.~~ Except as herein amended, Ordinance No. 018926 dated April 30, 2019, shall remain in full force and effect.

(Signatures follow on next page)

PASSED AND APPROVED this _____ day of _____, 2021.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Josette Flores
Senior Assistant City Attorney

Mario D'Agostino
Fire Chief

(ACCEPTANCES AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE)

ACCEPTANCE AND ACKNOWLEDGMENT

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this _____ day of _____, 2021.

LIFE AMBULANCE SERVICES, INC.

By: _____
Printed Name: _____
Title: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2021, by _____, as _____, on behalf of **LIFE AMBULANCE SERVICES, INC.**

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

RECEIVED FOR FILING THIS _____ DAY OF _____, 2021.

Laura D. Prine, City Clerk