

**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 Elite Medical Transport of Texas, LLC d/b/a Elite Medical Transport, a franchise extension and amending Ordinance No. 018925, to modify its franchise rates, to operate a non-emergency ambulance transfer service; and repealing Ordinance No. 019111.

**BACKGROUND / DISCUSSION:**

Elite Medical Transport of Texas, LLC has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 018925 approved on April 30, 2019. Article I, Section E.1 of Ordinance No. 018925, allows for an extension of the non-emergency ambulance transfer service franchise.

**PRIOR COUNCIL ACTION:**

October 27, 2020, City Council approved Ordinance No. 019111, which was an amendment of Ordinance No. 018925 for the sole purpose of adjusting rates contained in Exhibit "A" to Ordinance No. 018925, due to the financial impact of COVID-19.

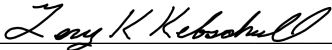
**AMOUNT AND SOURCE OF FUNDING:**

Total Amount: Revenue Generating

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

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** 

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING ELITE MEDICAL TRANSPORT OF TEXAS, LLC  
D/B/A ELITE MEDICAL TRANSPORT, A FRANCHISE EXTENSION AND  
AMENDING ORDINANCE NO. 018925, TO MODIFY ITS FRANCHISE RATES, TO  
OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE; AND  
REPEALING ORDINANCE NO. 019111**

**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**, ELITE MEDICAL TRANSPORT OF TEXAS, LLC (“GRANTEE”) has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 018925 approved on April 30, 2019; and

**WHEREAS**, Article I, Section E.1 of Ordinance No. 018925 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. 018925 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 October 27, 2020, City Council approved Ordinance No. 019111, which was an amendment of Ordinance No. 018925 for the sole purpose of adjusting rates contained in Exhibit “A” to Ordinance No. 018925, due to the financial impact of COVID-19; and

**WHEREAS**, GRANTEE has submitted an adjusted list of rates and acknowledges that Ordinance No. 019111 shall be repealed in its entirety by way of the present ordinance; 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:**

**ORDINANCE NO. \_\_\_\_\_**

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. 018925 dated April 30, 2019, and by local, state and federal laws, is hereby granted to ELITE MEDICAL TRANSPORT OF TEXAS, LLC, 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. 018925 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, 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" (Elite Medical Transport Public Rates) of Ordinance No. 018925 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. 018925 dated April 30, 2019, shall remain in full force and effect.
6. **Repeal of Ordinance No. 019111**. Ordinance No. 019111, dated October 27, 2020, was approved by Council for the sole purpose of adjusting Exhibit "A" to Ordinance No. 018925, in order to reflect the financial impact of COVID-19 upon Grantee in terms of supplies and the cost of enhanced infection control practices. Ordinance No. 019111 contained language that it would remain in effect 90 past the expiration of the Local Disaster Declaration, re-enacted through Emergency Ordinance No. 019035, as amended. Ordinance No. 019111 also contained language that the rates appearing its Exhibit "A" would automatically revert to the rates detailed in Ordinance No. 018925 upon Ordinance No. 019111 ending. Grantor and Grantee acknowledge that **Ordinance No. 019111 IS HEREBY REPEALED** upon adoption of the present ordinance.

(Signatures follow on next page)

**ORDINANCE NO.** \_\_\_\_\_

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.** \_\_\_\_\_

**ACCEPTANCE AND ACKNOWLEDGMENT**

**ACCEPTANCE**

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

**ELITE MEDICAL TRANSPORT OF TEXAS, LLC D/B/A ELITE MEDICAL TRANSPORT**

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 ELITE MEDICAL TRANSPORT OF TEXAS, LLC D/B/A ELITE MEDICAL TRANSPORT.

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

My Commission Expires:  
 \_\_\_\_\_

RECEIVED FOR FILING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**EXHIBIT A**

Elite Medical Transport of Texas, LLC.

**Public Rates**

BLS Non-Emergent	\$500.00
BLS Emergent	\$550.00
ALS Non-Emergent	\$625.00
ALS Emergent (I)	\$775.00
ALS Emergent (II)	\$845.00
SCT Specialty Care Transport	\$1395.00
Mileage Rate	\$16.00
Stand-by Rate	\$125.00 first hour, \$95.00 each additional hour
BLS Supply Charge	\$50.00
ALS Supply Charge	\$50.00

\*Discount consideration may be given to the following:

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

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE GRANTING ELITE MEDICAL TRANSPORT OF TEXAS, LLC  
D/B/A ELITE MEDICAL TRANSPORT, A FRANCHISE EXTENSION AND  
AMENDING ORDINANCE NO. 018925, TO MODIFY ITS FRANCHISE RATES, TO  
OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE; AND  
REPEALING ORDINANCE NO. 019111**

**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, ELITE MEDICAL TRANSPORT OF TEXAS, LLC (“GRANTEE”)** has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 018925 approved on April 30, 2019; and

**WHEREAS**, Article I, Section E.1 of Ordinance No. 018925 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. 018925 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 October 27, 2020, City Council approved Ordinance No. 019111, which was an amendment of Ordinance No. 018925 for the sole purpose of adjusting rates contained in Exhibit “A” to Ordinance No. 018925, due to the financial impact of COVID-19; and

**WHEREAS**, GRANTEE has submitted an adjusted list of rates and acknowledges that Ordinance No. 019111 shall be repealed in its entirety by way of the present ordinance; 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:**

**ORDINANCE NO.** \_\_\_\_\_

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. 018925 dated April 30, 2019, and by local, state and federal laws, is hereby granted to ELITE MEDICAL TRANSPORT OF TEXAS, LLC, 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. 018925 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, 2019~~21~~ (the "Effective Date"), with the possibility to renew the franchise as set forth below."
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- 3-4. Exhibit "A": The rates listed in Article III (Administration and Regulation), Section B (Rates), Exhibit "A" (Elite Medical Transport Public Rates) of Ordinance No. 018925 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.
- 4-5. Except as herein amended, Ordinance No. 018925 dated April 30, 2019, shall remain in full force and effect.
- 5-6. Repeal of Ordinance No. 019111. Ordinance No. 019111, dated October 27, 2020, was approved by Council for the sole purpose of adjusting Exhibit "A" to Ordinance No. 018925, in order to reflect the financial impact of COVID-19 upon Grantee in terms of supplies and the cost of enhanced infection control practices. Ordinance No. 019111 contained language that it would remain in effect 90 past the expiration of the Local Disaster Declaration, re-enacted through Emergency Ordinance No. 019035, as amended. Ordinance No. 019111 also contained language that the rates appearing its Exhibit "A" would automatically revert to the rates detailed in Ordinance No. 018925 upon Ordinance No. 019111 ending. Grantor and Grantee acknowledge that **Ordinance No. 019111 IS HEREBY REPEALED** upon adoption of the present ordinance.

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ORDINANCE NO. \_\_\_\_\_



**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**WITNESS THE FOLLOWING SIGNATURES AND SEALS:**

THE CITY OF EL PASO

\_\_\_\_\_  
Oscar Leoser  
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)

**ORDINANCE NO.** \_\_\_\_\_

**ACCEPTANCE AND ACKNOWLEDGMENT**

**ACCEPTANCE**

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

**ELITE MEDICAL TRANSPORT OF TEXAS, LLC D/B/A ELITE MEDICAL TRANSPORT**

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 ELITE MEDICAL TRANSPORT OF TEXAS, LLC D/B/A ELITE MEDICAL TRANSPORT.

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

My Commission Expires:  
\_\_\_\_\_

**RECEIVED FOR FILING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

Laura D. Prine, City Clerk

**ORDINANCE NO.** \_\_\_\_\_

PL Matter #21-1006-1365/PL Doc #1066441/Elite Medical Transport of Texas, LLC/JF