

ORDINANCE NO. 20230518-005

AN ORDINANCE WAIVING CITY CODE CHAPTER 14-11 (*USE OF RIGHT OF WAY*) AND SECTION 10-2-60 OF CHAPTER 10-2 (*MEDICAL TRANSFER SERVICES*); AND AUTHORIZING NEGOTIATION AND EXECUTION OF A LICENSE AGREEMENT WITH LONE STAR AMBULANCE 1, LLC, d/b/a ALLEGIANCE MOBILE HEALTH FOR A LIMITED TERM AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS. Council finds the following:

1. Allegiance Mobile Health (Allegiance) has held a non-emergency medical transfer franchise with the City since 2018.
2. On April 12, 2018, Council approved Ordinance 20180412-009, granting the franchise for a five-year term.
3. On June 12, 2018, the five-year term began.
4. On February 15, 2023, in accordance with the terms of the then-current franchise, the City received an application from Allegiance requesting a renewal of the franchise for another five-year term. Allegiance fully complied with the requirements for submitting the application and paid the required fee.
5. On June 12, 2023, the franchise under which Allegiance operated for five years will expire.
6. City Code Section 10-2-62 (*Review of Application, Public Hearing*) requires Council hold a public hearing and approve an ordinance on first reading granting a renewal of the non-emergency medical franchise for a five-year term.
7. Section 3 of Article XI of the City Charter (*Franchises and Public Utilities*) requires that an ordinance granting or renewing a franchise be read at three regular meetings of Council, and the final action cannot occur until at least 30 days after the first reading of, and action on, the ordinance.
8. Section 3 of Article XI of the City Charter (*Franchises and Public Utilities*) stipulates that no ordinance granting a franchise shall become effective until the expiration of 60 days following the date of Council's last action on the ordinance.

9. Allegiance transports approximately 300 patients each month. Allegiance customers include nursing homes, assisted living facilities, and similar facilities that house elderly and disabled individuals. These customers rely on Allegiance to transport residents who require basic life support systems when they are transported to doctors' appointments or to other locations in order to receive care. Allegiance makes non-emergency transports for local hospitals, which rely on this service when discharging certain patients. Allegiance customers include individual patients who require basic life support services when traveling to and from doctors' appointments for services such as kidney dialysis. ATCEMS depends on the Allegiance to provide these services so that ATCEMS can commit all of its resources to providing emergency services to the population of Austin and Travis County.
10. A public convenience will be served by granting Allegiance a license agreement to operate a non-emergency medical transfer service upon the public streets of the City for a limited term until such time as the ordinance granting renewal of the franchise becomes effective.

PART 2. LICENSE AGREEMENT - AUTHORIZATION. Council authorizes the City Manager to negotiate and execute a license agreement with Allegiance that will grant Allegiance the right to operate a non-emergency medical transfer service upon the public streets and other public rights-of-way of the City for a limited term.

PART 3. TERM OF LICENSE AGREEMENT. The term of the license agreement shall begin on June 12, 2023, and end at midnight on December 12, 2023. Council directs that the license agreement includes a provision to permit the City to terminate the license agreement for convenience if the ordinance granting the renewal of the franchise is not finally approved by Council.

PART 4. OBLIGATIONS AND RESPONSIBILITIES OF ALLEGIANCE UNDER LICENSE AGREEMENT. Council directs that the terms of the license agreement that describe the obligations, responsibilities, and requirements of Allegiance, especially but not limited to the requirement that Allegiance indemnify and hold harmless the City, its officers, agents and employees from any and all claims or losses which may result from any negligent or intentional act or omission of Allegiance, its agents, employees or representatives, be substantially similar to the franchise that expires on June 12, 2023.

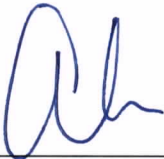


PART 5. For purposes of negotiating and executing the license agreement with Allegiance for a limited term, Council waives all requirements related to granting a license agreement in Chapter 14-11 (*Use of Right of Way*) and the requirement that

Allegiance operate a non-emergency medical transfer service pursuant to a franchise under Section 10-2-60 of Chapter 10-2 (*Medical Transfer Services*).

PART 6. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 7. Based on the recitals in Part 1 of this ordinance, Council finds that the June 12, 2023, termination of the franchise held by Allegiance to operate a non-emergency medical transfer service constitutes an emergency. Because of this emergency, this ordinance takes effect immediately upon the termination of the franchise on June 12, 2023, for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

<p>_____, May 18 _____, 2023</p> <p> _____ Anne L. Morgan City Attorney</p>	<p>§  § _____ § Kirk Watson Mayor</p> <p>ATTEST:  _____ Myrna Rios City Clerk</p>
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