

ORDINANCE NO. 20230518-006

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 AMERICAN MEDICAL RESPONSE OF TEXAS, INC. 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. American Medical Response of Texas, Inc. (AMR) has held a non-emergency medical transfer franchise with the City since 1996.
2. On April 26, 2018, Council approved Ordinance 20180426-009, granting a renewal of the franchise for a five-year term.
3. On June 26, 2018, the five-year term began.
4. On February 14, 2023, in accordance with the terms of the then-current franchise, the City received an application from AMR requesting a renewal of the franchise for another five-year term. AMR fully complied with the requirements for submitting the application and paid the required fee.
5. On June 26, 2023, the franchise under which AMR 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. AMR transports approximately 1,000 patients each month. AMR customers include nursing homes, assisted living facilities, and similar facilities that house elderly and disabled individuals. These customers rely on AMR 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. AMR makes non-emergency transports for local hospitals, which rely on this service when discharging certain patients. AMR 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 AMR 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 AMR 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 AMR that will grant AMR 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 26, 2023, and end at midnight on December 26, 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 AMR UNDER LICENSE AGREEMENT. Council directs that the terms of the license agreement that describe the obligations, responsibilities, and requirements of AMR, especially but not limited to the requirement that AMR 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 AMR, its agents, employees or representatives, be substantially similar to the franchise that expires on June 26, 2023.

PART 5. For purposes of negotiating and executing the license agreement with AMR 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 AMR operate a non-emergency medical transfer service pursuant to a franchise under Section 10-2-60 of Chapter 10-2 (*Medical Transfer Services*).

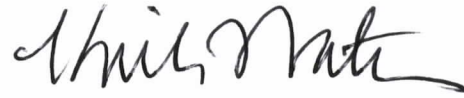
PART 6. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 7. Based on the recitals in Part 1 of this ordinance, Council finds that the June 26, 2023, termination of the franchise held by AMR 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 26, 2023, for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

_____, May 18, 2023

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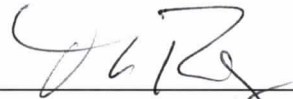
Kirk Watson
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk