

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

DEPARTMENT: Fire

AGENDA DATE: Introduction - April 24, 2012 Public Hearing - May 1, 2012

CONTACT PERSON/PHONE: Otto Drozd III - 485-5600

DISTRICT(S) AFFECTED: All districts

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the Mayor be authorized to sign an Ordinance granting a renewal of a Franchise for Elite Medical Transport of Texas, LLC. DBA Elite Medical Transport, to operate a Non-Emergency Ambulance Transfer Service.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

A non-exclusive franchise to operate a non-emergency transfer service within the City of El Paso. El Paso Fire Department only provides emergency services, it does not provide non-emergency transfer services. This franchise is a one year term.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

A franchise extension was granted to Elite Ambulance Service on May 10, 2011.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also
Information copy to appropriate Deputy City Manager)

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A FRANCHISE EXTENSION FOR ELITE MEDICAL
TRANSPORT 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, ELITE MEDICAL TRANSPORT OF TEXAS, LLC. DBA ELITE MEDICAL TRANSPORT ("GRANTEE") has been providing non-emergency ambulance transfer services under a franchise renewal granted by the City Council through Ordinance No. 017552 on May 10, 2011, and before that through Ordinance No. 017260 on December 22, 2009, extending the franchise granted to Grantee by City Council on October 27, 2009 under Ordinance No. 017224 and through Ordinance No. 016769 on November 6, 2007; and

WHEREAS, Article I, Section E.1 of Ordinance No. 017552 dated May 10, 2011, 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. 017552 dated May 10, 2011, 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; 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 one-year renewal of the non-exclusive franchise, subject to the Grantee's compliance with the requirements and limitations set forth in Ordinance No. 017552 dated May 10, 2011, and by local, state and federal laws, is hereby granted to ELITE MEDICAL TRANSPORT OF TEXAS DBA ELITE MEDICAL TRANSPORT, 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. 017552, except for those specifically altered in the following paragraphs of this renewal, are extended for one year commencing at 12:01 a.m., May 8, 2012 (the "Effective Date"), regardless of the date upon which the ordinance granting the franchise is adopted.

2. Article I, Section B.5: The definition shall be replaced as follows: ““Fire Chief” shall mean the Fire Department official responsible for the management of emergency ambulance service for the City of El Paso or his designee.”
3. Article I, Section E.1: The entire paragraph shall be replaced as follows: “Renewal Procedure. If the Grantee wishes that the City renew this franchise, Grantee shall submit a request in writing to the City Clerk’s Office, 2 Civic Center, El Paso, Texas 79901, by at least three (3) months prior to the expiration date of this franchise, whether it be during the initial term or any renewal period. The City shall consider Grantee’s written request and shall determine whether public convenience and necessity justify renewal of this franchise, including during any renewal period.
4. Article I, Section E.3: The entire paragraph shall be replaced as follows: “Notwithstanding Article I, Sections E.1 and E.2 of this franchise, the City Manager is authorized to grant a thirty (30) day extension of this franchise, under the same terms and conditions in effect at the time that Grantee makes its written renewal request, whether or not Grantee timely submits the renewal request notice prior to the expiration of this franchise during the initial term or any renewal periods.”
5. Article I, Section Q: The street address for the Fire Department shall be replaced as follows: “416 N. Stanton, Ste. 200, El Paso, Texas 79901”.
6. Article I, Section R.3: The following shall be added to the end of the paragraph: “The City may at any time make an inquiry as to whether Grantee is able to comply with each and every term of this franchise.”
7. Article II, Section J.5: The first sentence shall be replaced with the following: “A vehicle that meets the requirements of this franchise under this ordinance shall be issued a permit sticker indicating its validity for a twelve-month period from the date of inspection.”
8. Article II, Section K. 3: The second sentence shall be replaced with the following: “Business phone numbers and logos are permissible; however, the words “Emergency Medical Services” or “EMS” shall not be used in any fashion.”
9. Article II, Section L.5: The last sentence shall be replaced with the following: “EPFD will either elect to respond to the call or give Grantee permission to respond.”
10. Article II, Section L.7: The term Fire Medical Services shall be replaced with the following: “Fire Rescue Division”.
11. Article III, Section D.1: The Fire Department division name and address shall be changed to the following: “Fire Department, Fire Rescue Division, 416 N. Stanton, Ste. 200, El Paso, Texas 79901.”
12. Except as herein amended, Ordinance No. 017552 dated May 10, 2011, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2012.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:

Otto Drozd, III
Fire Chief

(ACCEPTANCES AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE)

ACCEPTANCE AND ACKNOWLEDGMENT

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this 3RD day of April, 2012.

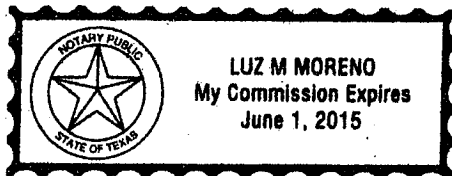
**ELITE MEDICAL TRANSPORT OF TEXAS,
LLC DBA ELITE MEDICAL TRANSPORT**

By: [Signature]
Printed Name: MICHAEL SHABKIN
Title: PRESIDENT

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 3rd day of April, 2012, by Michael Shabkin, as PRESIDENT, on behalf of **ELITE MEDICAL TRANSPORT OF TEXAS, LLC DBA ELITE MEDICAL TRANSPORT.**



My Commission Expires:
June 01, 2015

[Signature]
Notary Public, State of Texas
Notary's Printed or Typed Name:
LUZ M MORENO

RECEIVED FOR FILING THIS _____ DAY OF _____, 2012.

Richarda Duffy Momsen, City Clerk