

ORDINANCE NO. 20171102-002

AN ORDINANCE WAIVING CHAPTER 14-11 (USE OF RIGHT OF WAY) AND SECTION 10-2-60 OF CHAPTER 10-2 (MEDICAL TRANSFER SERVICES) OF THE CITY CODE; AND AUTHORIZING NEGOTIATION AND EXECUTION OF A LICENSE AGREEMENT WITH ACADIAN AMBULANCE SERVICE, INC. FOR A LIMITED TERM; AND DECLARING AN EMERGENCY.

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

PART 1. FINDINGS. The council finds the following:

1. Acadian Ambulance Service, Inc. (Acadian) has held a non-emergency medical transfer franchise with the City since October, 2007.
2. On March 1, 2017, in accordance with the terms of the then-current franchise, the City received an application from Acadian requesting a renewal of the franchise for another five-year term. Acadian fully complied with the requirements for submitting the application and paid the required fee.
3. On August 24, 2017, as required by City Code Section 10-2-62 (*Review of Application, Public Hearing*), the Austin-Travis County EMS (ATCEMS) Advisory Board recommended renewal of the franchise for a five year term.
4. On October 19, 2017, as required by City Code Section 10-2-62 (*Review of Application, Public Hearing*) city council held the public hearing and approved an ordinance on first reading granting a renewal of the non-emergency medical franchise for a five year term.
5. By October 19, city council had taken the first action necessary to renew the franchise. The franchise under which Acadian operated for five years expired on October 31, 2017.
6. 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 city council, and the final action cannot occur until at least 30 days after the first reading of, and action on, the ordinance.

7. On November 9, 2017, city council is scheduled to act on the second reading of the ordinance renewing the medical transfer franchise, and on December 7, 2017, council is scheduled to act on the third reading of the ordinance.
8. Section 3, 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 city council's last action on the ordinance.
9. If city council approves the ordinance at the scheduled second and third reading of the ordinance, the term of the franchise renewal will begin on February 6, 2018.
10. Acadian transports approximately 700 patients each month. Acadian customers include nursing homes, assisted living facilities, and similar facilities that house elderly and disabled individuals. These customers rely on Acadian 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. Acadian makes non-emergency transports for local hospitals, which rely on this service when discharging certain patients. Acadian 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 Acadian 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.
11. A public convenience will be served by granting Acadian 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. The city council authorizes the City Manager to negotiate and execute a license agreement with Acadian that will grant Acadian 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.

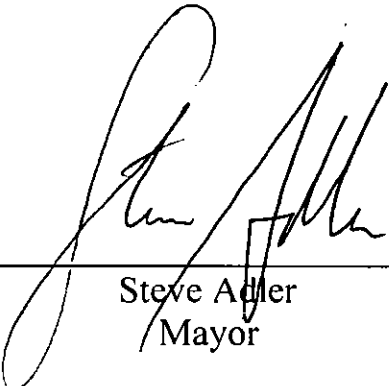
PART 3. TERM OF LICENSE AGREEMENT. The term of the license agreement shall begin on November 1, 2017, and end at midnight on February 5, 2018. Council directs that the license agreement include a provision to permit the City to terminate the license agreement for convenience if the ordinance granting the renewal of the franchise is not finally approved by city council.

- PART 4. OBLIGATIONS AND RESPONSIBILITIES OF ACADIAN UNDER LICENSE AGREEMENT.** Council directs that the terms of the license agreement that describe the obligations, responsibilities, and requirements of Acadian, especially but not limited to the requirement that Acadian 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 Acadian, its agents, employees or representatives, be substantially similar to the franchise that expired on October 31, 2017.
- PART 5.** For purposes of negotiating and executing the license agreement with Acadian for a limited term, city council waives all requirements related to granting a license agreement in Chapter 14-11 (*Use of Right of Way*) and the requirement that Acadian 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, city council finds that the October 31, 2017 termination of the franchise held by Acadian to operate a non-emergency medial transfer service constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage on November 2, 2017 for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED


_____, November 2, 2017

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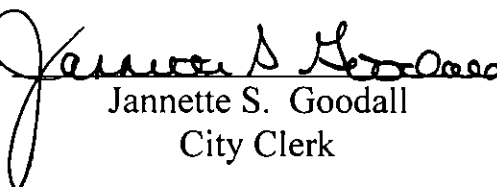
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk