



**Frisco Fire Department**  
City of Frisco, Texas

## Memorandum

**To:** Honorable Mayor Maso and Members of the Frisco City Council

**Cc:** George Purefoy, City Manager  
Henry J. Hill, Deputy City Manager  
Paul Siebert, Assistant Fire Chief

**From:** Mark Piland, Fire Chief

**Date:** January 19, 2016

**Subject:** Consider and act upon an Ordinance amending Frisco's Code of Ordinances, Ordinance No. 06-03-31, Chapter 34 (Environment), Article III (Hazardous Materials), Section 34-56 (Definitions); modifying the definition of certain terms used in Article III (Hazardous Materials); clarifying certain fees to be charged for services provided by Frisco in connection with the abatement or cleanup of Hazardous Materials Incidents; and modifying and clarifying certain regulations related to the imposition of such fees

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**Action Requested:** City Council consideration and approval of an Ordinance amending The City of Frisco Code of Ordinances, Ordinance No. 06-03-31, Chapter 34 (Environment), Article III (Hazardous Materials), Section 34-56 (Definitions); modifying the definition of certain terms used in Article III (Hazardous Materials); clarifying certain fees to be charged for services provided by Frisco in connection with the abatement or cleanup of Hazardous Materials Incidents; and modifying and clarifying certain regulations related to the imposition of such fees.

**Background Information:** Ordinance 10-01-04 (*replacing Original Ordinance 06-03-31*) was approved by City Council at their January 19, 2010 meeting. The 2010 Ordinance revised the cost recovery schedule for the abatement and cleanup of Hazardous Materials Incidents within the City and for times when the City's Hazmat Team is requested for service outside the City's borders. The 2010 Ordinance was largely based upon the Hazmat cost recovery schedule utilized by Dallas Fire/Rescue. The 2010 Ordinance updated the cost recovery schedule to reflect the charges established in other cities (*notably Dallas*) and to cover the scope of services that the Department's Hazmat Team was providing (*including*

accounting for the number of specialized apparatus and the use of state of the art equipment).

Over the past couple of years, there has been a significant increase in the service requests for the abatement or cleanup of Hazardous Materials Incidents. Total amounts assessed under the Ordinance cost recovery schedule are variable and rely upon a number of inputs to calculate (*personnel costs, apparatus costs and equipment costs*), however total assessments are largely dependent upon the Department's time spent at a particular incident scene. Summary information on the Department's Hazardous Materials Incident Response the past two (2) years is included below:

		2015	2014
1	Count	21	9
2	Total Hours on Scene	134.5	74.75
3	Total Assessment	\$ 62,648.00	\$ 33,058.50

The large uptick in calls during Calendar Year 2015 is largely due to the gas line issues relating to the AT&T fiber upgrades. As a result of the increased service calls, City staff has been performing a diagnostic review of the Hazmat Ordinance cost recovery schedule. The proposed revision to this Ordinance would revise the definition of when cost recovery charges would begin to be assessed; this definition is included in Article III, Section 34-56(a):

*“For hazardous materials incidents located within the jurisdiction of the City of Frisco, costs and fees are measured from the time the first Fire Department vehicle arrives at the incident site; all costs described in this ordinance shall be billable.”*

The current Ordinance establishes that cost recovery charges do not start to accumulate until the first Fire Department vehicle has been on the incident location scene for a 1-Hour Period. Staff believes that changing the definition to start assessing billable charges under the Ordinance cost recovery schedule provides additional incentive to operators within the City of Frisco to enhance their efforts to avoid these types of incidents. An analysis of additional cost recovery assessments that would occur upon the approval of this Ordinance is provided under the Financial Considerations section.

The other revisions to the Ordinance are recommended by the City Attorney's Office and are of a "housekeeping" nature. These include revisions to the language in the cost recovery schedule in order to make the descriptions more informative as to the items that are included as billable. There are no amendments recommended to the amounts currently included in the cost recovery schedule. City staff will continue to evaluate the cost recovery schedule and any recommendations regarding revision

would be included with the Master Fee Schedule Ordinance to be considered by City Council in the fall.

**Alternatives:** City Council could consider the following alternatives:

- Approval of the Ordinance;
- Input towards the discussion as desired;
- Deny approval of the Ordinance and send back to staff with direction.

**Financial Considerations:** In order to estimate the financial considerations of amending the definition, City staff has identified the Average Hourly Assessment based on the total assessments and time spent on incident scenes during Calendar Years 2015 and 2014. This information is summarized below:

		2015	2014
1	Count	21	9
2	Total Hours on Scene	134.5	74.75
3	Total Assessment	\$ 62,648.00	\$ 33,058.50
4	Average Hourly Assessment	\$ 465.78	\$ 442.25

An Average Hourly Assessment is provided in order to provide some financial estimate regarding the approval of this Ordinance. It is important to note that in estimating cost recovery for the abatement or cleanup of Hazardous Materials Incidents, multiple variables affect the overall amount assessed. The nature of particular incidents, the complexity of particular response (*apparatus, personnel and equipment*) and the Department's time on scene all determine the total assessment for a particular incident. The purpose of this recommendation is not focused on increasing revenues to the City, but to provide greater incentive to operators within the City of Frisco to maintain overall compliance with City Ordinances.

**Legal Review:** The Ordinance has been drafted by the City Attorney's Office and is approved as to form and legality.

**Supporting Documents:** Supporting documents include the following:

- Copy of Ordinance
- Copy of Ordinance being amended

**Staff Recommendation:** Staff recommends placement of this item on the January 19, 2016 City Council meeting agenda to consider and approve the Ordinance as recommended by City staff. City staff will be present at the meeting to address the City Council's questions relating to this agenda item.