

MINUTES
CITY COUNCIL COMMITTEE ON THE ENVIRONMENT
March 6, 2017

After determining that a quorum of the Committee on the Environment of the Denton City Council was present, the Committee on the Environment thereafter convened into an Open Meeting on Monday, March 6, 2017 at 1:33 p.m. in the City Council Work Session Room 215 E. McKinney, Denton, Texas.

Present: Council Member Dalton Gregory, Council Member Joey Hawkins and Council Member Keely Briggs

Also Present: Jon Fortune, ACM; Kenneth Banks, Director Environmental Services and Sustainability; Vance Kemler, General Manager Solid Waste; Deborah Viera, Environmental Compliance Coordinator Wendy Chance, SW & Recycling Bus Acct Coord; Stepanie Corley, Sustainability Coordinator; Jonathan Gregory, Intern and Kim Mankin, Administrative Supervisor

REGULAR MEETING:

A. COE17-014 - Consider approval of the Committee on the Environment meeting minutes of February 6, 2017.

Approved as circulated

B. COE17-015 - Receive a presentation and hold a discussion regarding LEED building requirements and process.

Kenneth Banks introduced Beth Brant, DSGN Associates Inc. stating that she has worked with the City on the feasibility for the Fire Stations. Her Company was involved in the justification study that the Dallas Green Building Program put together for some of their public buildings. She will be talking about LEED and some of the other programs that are out and changes associated.

Brant started the presentation. The City of Denton has adopted many codes and follows the IECC/IRC (International Energy Conservation Code/International Residential Code).

A brief history of IECC in Texas included adoption of the 2001 minimum codes set through State Energy Conservation office. The focus at that time was the non-attainment areas and affected counties that were deemed to have poor air quality by EPA. The codes generally stayed the same through 2008. In 2011 Texas passed 2009 IECC as part of a \$290 million incentive from the Federal Government. In 2012 IECC was not adopted state wide; a few Cities such as Austin and Denton adopted it. In 2016 - HB 1736 adopted IECC 2015.

There was a climate zone map of the United States shown. North Texas is in zone 3, a moist area. **Council Member Briggs asked if the zones change.** Brant answered they have been steady and unchanged for years.

Compliance paths were talked about that includes prescriptive, simulated performance, Energy Star and the Energy Rate Index. The mandates for all paths were discussed such as insulation, air leakage and mechanical system requirements.

The required documents for the different compliance paths were shown.

The IgCC (International Green Construction Code) has not been adopted state-wide. This focuses on 'green' building practices that are not energy related. The ICC is working with USGBC, ASHRAE to combine LEED, IgCC, standard 189.1 to possibly become "parts of single system". A map was shown of the states that have adopted IgCC and a comparison map of the states that have adopted IECC.

LEED Overview has four ratings; certified, silver, gold and platinum. LEED is the most widely used green building rating system in the world. It works for all builds at all phases of development, from new construction to existing buildings, and all building sectors, from homes to hospitals to corporate headquarters.

The City of Denton Buildings that are LEED Buildings include:

2007 Fire Station No. 7

2012 Public Safety Training Facility

2014 Fire Station No. 2

2016 Linda McNatt Animal Center

2016 Fire Station No. 4

Council Member Gregory asked how long it takes to get the certification. Brant answered it could be six months to over a year after the building is opened. **Gregory asked what level of LEED certification Fire Station 2 is set for, staff will verify.**

Briggs asked if there is a goal in mind when it is registered, Brant answered there is.

Brant went on to say that the average cost paid to USGBC for LEED Certification is \$5,000. The average cost for LEED implementation is one to three percent of the projects total budget cost. The average return on investment takes one to three years. Studies have found a positive correlation between improved indoor environmental quality and human health, productivity and attendance.

GBCI (Green Business Certification, Inc) is the premier organization for independently recognizing excellence in sustainability performance and practice globally and is the third party certification body for LEED.

The LEED version 4 is current, version 3 is sun setting. Some of the changes include: Integrative design, Location & Transportation, Utility Consumption Reporting, Water Use Reduction, Energy Use Reduction and Material & Resources.

Brant talked about the comparison of LEED vs ICC Codes. LEED has mandatory prerequisites and optional credits, while IECC & IgCC are mostly mandatory requirements (some jurisdictional options and/or electives). LEED has percentage targets with list of available methods to comply, while IECC has prescriptive and / or performance based compliance requirements. IgCC threshold levels tend to be lower and IgCC requires a variety of plans for compliance. IECC minimum requirements are starting to compare with LEED energy credits.

Council Committee Members would like this presentation sent to them.

C. COE17-016 - Receive a report, hold a discussion, and provide direction regarding Denton Development Code Subchapter 17 Environmentally Sensitive Areas (ESAs).

Deborah Viera gave this presentation, continuing with Policy Changes Part 3. The proposed changes include the creation of a new criteria manual (Environmentally Sensitive Areas Criteria Manual) for the City of Denton. Currently there are six criteria manuals that are the technical aspects of the Denton Development Code that supports or helps developers to comply with the DDC. The new manual would be listed in Section: **35.17.3**

Viera changed the wetland delineation in Section **35.17.4**. Before the approval was by a certified wildlife biologist, there are no formal certification that a biologist would go through to be able to delineate wetlands. There is training but no certification. Viera added 'A wetland delineation by a trained scientist has been performed if encroachments into jurisdictional wetlands are proposed'. **Gregory questioned scientist, this doesn't have that a scientist has to have any special training.** Viera added that after talking to various consultants, when someone is hired for this type of assessment, the industry looks for them to have the training. The City can require them to provide documentation for that training. **Gregory believes that should be required.** Jon Fortune suggested adding language where staff can determine if they meet the qualifications as a professional. There was much discussion regarding this language and how it should be written.

Gregory would feel more comfortable if it stated a qualified scientist. Banks thinks this language is a good idea.

The 'credit' area of the code was discussed in detail along with the Parkland Dedication Ordinance. ESAs to be counted towards parkland dedication must meet a certain criteria that might conflict, in some extent, with the goals of preserving ESA in its natural state.

There was a lot of discussion regarding the parkland dedication ordinance.

Gregory asked about a drainage channel and how property was platted as opposed to how it is platted now. Viera answered now if property is platted a drainage easement has to be established. Staff either makes the entire drainage channel a drainage easement and be one separate lot with public access. This is in case the developer does not maintain the drainage, staff can go in and maintain it, it becomes a safety issue with the City. The other option would be to have the drainage easement and the flood plain to be incorporated on individual lots. This is very challenging. With a drainage easement there are stipulations. Staff prefers the first option.

Trails within the ESA was discussed, around the edge of the habitat is acceptable.

Lastly the Environmentally Sensitive Area Assessment Criteria Manual will be incorporated within the information required area 35.17.6.

Briggs asked about the credit associated with the tree canopy at 35.17.4, staff and the members discussed this portion of the code.

- D. COE17-017** - Receive a report, hold a discussion and give staff direction on improving multifamily recycling participation.

Vance Kemler talked about this item. Current statistics show a total of 471 multi-family complexes in Denton, and new complexes are continually being built. However, the more than 1,200 apartments added in recent years still don't begin to meet the city's demand for rental and apartment housing.

The commercial sector is a poor performer when it comes to recycling and waste diversion.

Only about 7.2 percent is being achieved for these areas compared to 37 percent in single family residential sector.

This is an opportunity to increase recycling in the other portion of residential services. This discussion is for 4-plexes and larger.

Staff is interested in increasing marketing in an attempt to get the complexes to adopt recycling on an elective basis. A few communities across Texas have implemented mandatory recycling ordinances but have not worked out to well. Staff prefers to the voluntary approach.

All of the new apartment complexes that are being built have to follow the site criteria manual that include container enclosures. **Gregory asked if we are getting compliance.** Kemler answered the enclosures are being built as required but they are not putting in recycling in the second slot. **Gregory asked why.** Kemler answered it is not mandated that they have to add a recycling container in the second slot. This would take changes in the code to require this. Jon Fortune added that there is not a requirement for multi-family or commercial to have recycling. The ordinance is in place for the abutment to be built. Staff has been holding and getting volunteers for recycling. Fortune asked Kemler to speak about the other cities that have mandatory recycling.

Kemler answered that since the Solid Waste code has nothing in it that makes recycling services mandatory for multifamily or commercial. In fact for multifamily and businesses that choose to recycle the Federal Case Law reads that Denton cannot be the sole source service provider for the City of Denton. It must be open market for recycling services. Fortune reiterated that if it is required the City of Denton could not be sole source service provider.

Briggs was thinking about how much the landfill has increased over the years, what do we want as a goal for our city. Kemler added that the landfill is very complex. Denton is the closest landfill for the ETJ areas as well.

Approximately 60-70 percent of the construction boxes that come in are recycled.

Gregory stated that we have an ordinance that requires single family to recycle and provide carts, a fee has to be paid. No one in the mandatory areas are required to put out the carts they can add everything to the trash cart. Kemler agreed. **Gregory asked if we require new multi-family enclosures couldn't we require a recycling bin to be enclosed as well.** Kemler added we can.

Fortune clarified that the Committee Members want to go forward with new construction and recycling not go back to the established areas. This was agreed upon. **Briggs added to add incentives for the established.** Fortune said there has been some success with this approach. Gregory added he believes it needs to be mandated to use some type of recycling and move forward.

Gregory pointed out the complex participation and how that has grown lately, then asked what has happened. Kemler stated that he has spoken with the collections manager and stated that this is a priority. More work has been done on visiting multi-family and educating them. As the easier ones come on, staff is pushing for 40 percent by the end of the calendar year. Fortune added that in the education process staff is letting the complexes know that they are off-setting cost by using recycling services. Most of these have to be researched and customized separately to show the complexes the benefits.

Briggs added that socially it is great to recycle. Kemler added that two of the hottest topics

nationally are recycling and food waste.

Briggs asked if we know how much waste could be reduced if commercial embraced this program. Kemler answered in looking at what waste generation occurs in this community, about 20 percent is coming from single family, the balance would be commercial and multi-family.

Briggs appreciated the data that solid waste has.

Gregory asked if the recycling area at North Lakes would be closed. Kemler answered yes, the North Lakes Park development will use the existing area. One of the excuses that complexes use is ‘why should I pay for recycling our tenants can use the drop off center’. Some of the older properties that are changing owners, staff is being successful in obtaining recycling services.

Gregory asked if there are other recycling centers. Kemler pointed out downtown at the Cupboard and the one at the landfill. **Gregory asked about recycling on the muse streets and how it is going.** Kemler answered he hasn’t look at that in a while but will bring back a report. Briggs is concerned about North Lakes Center closing.

Gregory asked about replacing stickers on recycling carts in residential areas. Kemler will ask his staff and bring that information back.

The committee members would like to move forward on mandatory recycling on new multi-family construction.

E. COE17-018 - ACM Update:

1. Sustainability Update
2. Matrix

CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Committee on the Environment or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Briggs - Follow up on recycling on commercial

Jonathan Gregory will replace Kathy Jack in Conservation Coordinator.

The meeting was adjourned by consensus at 3:23 p.m.