

MINUTES
CITY COUNCIL COMMITTEE ON THE ENVIRONMENT
August 14, 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, August 14, 2017 at 12:00 p.m. in the City Council Work Session Room 215 E. McKinney, Denton, Texas.

Present: Council Member Keely Briggs and Council Member Sara Bagheri

Also Present: Bryan Langley, Deputy CM, Mario Canizares, ACM; Kenneth Banks, General Manager Water Utilities; Katherine Barnett, Sustainability and Special Projects; Jessica Rogers, Energy Services Manager; Tabitha Millsop, Business Analyst; Elizabeth Ruiz, Energy Program & Key Acct Admr; Lauren Barker, KDB Program Manager and Kim Mankin, Administrative Supervisor

Absent: Council Member Dalton Gregory

REGULAR MEETING:

A. COE17-028 - Consider approval of the Committee on the Environment meeting minutes of April 3, 2017.

Approved as circulated

B. COE17-027 - Receive a report, hold a discussion and receive presentation from staff regarding proposed updates to the GreenSense Incentive Program, and GreenSense Incentive Program Manual and streamlining the approval process for Distributed Generation projects installed within Denton Municipal Electric service territory.

Katherine Barnett started the presentation stating this information was in an Informal Staff Report to detail where the funds were spent from the program. The program ran out of money in June, \$200,000 was expended one month sooner this year than last. The same about of money but on fewer projects (461 vs 485). The HVAC projects went up which have a higher rebate level.

Briggs asked if the HVAC was from multifamily. Barnett answered no just single family, one change is this is not available for new construction.

Jessica Rogers then started with changes to the manual. The GreenSense Incentive Program includes: free in-home energy audits, energy efficiency rebates, standard offer incentives, engineering audits, and Services for ERCOT's ERS Program.

Rogers went over the history of the program beginning in 1998, 2018 will be 20 years.

1998 – EnergySave Program

2009 – GreenSense Rebate Program

2016 – DME partnered with Sustainability

2017 – GreenSense Incentive Program

GreenSense Budget, the money for this program has been depleted for solar installations. The current budget is \$200,000. When determining the budget for 2018 staff looked at what it would

have cost if all the applications would have been covered, that would have been \$290,000. Staff is proposing increasing the solar budget from \$200,000 to \$290,000.

Briggs asked how many more homeowners that would have been covered. Rogers answered 13-14 more, one would include a large commercial installation.

Rogers added that on the Energy Efficiency side adding \$10,000 to next year's budget, which is \$100,000 more on the overall project.

Bagheri stated that the commercial program didn't get the rebate this year but would next year. Rogers answered they didn't qualify this year funds had already been expended. Bagheri asked if they can re-apply. Rogers answered no, the way it works is on a first come first served basis. You have to apply in the year it is installed.

Briggs asked if all residential and commercial share the same allotted money. Rogers agreed.

Proposed updates include:

- HVAC rebate change

 - Current: \$600 per HVAC & \$700 per Heat Pump

 - Proposed: \$200 per 1.0 – 2.5 ton units & \$400 per 3.0 – 5.0 ton units

- Electric Vehicle Rebate Addition

 - Proposed: \$300 per Electric Vehicle Purchase

Briggs asked if this is for new vehicles. Rogers answered since this is new staff is proposing a 30 day introductory period to qualify if you already have an electric vehicle. After that period it would be for new vehicles only. Briggs asked if there are plans to add more charging stations. Rogers stated she would look into it.

- 4 Coincident Peak & Spot Price Curtailment will be removed, there are no current participation

Briggs asked how many years were these programs not used. Liz Ruiz answered it was introduced in 2015.

Bagheri asked if this was commercial only. Rogers answered yes has to be 200kW that can be committed to the program. There is a challenge with this type of demand response in Denton. Staff will research better ways to make this effective. A cost of service study will take place next year.

Distributed Generation includes solar, wind, and storage gas/diesel engines. When a customer wants to install any DG, staff encourages them to take advantage of the in home energy audit program. Staff tries very hard to help lead customers to the correct DG, they are quite expensive.

Staff also encourages customers to upgrade and apply for and rebates. Encourage use of local installers and to get several quotes. After this the customer will go through the interconnection agreement & application process with DME. The building inspection permit process will follow. Lastly DME personnel will go out and make sure disconnects are in place and safe.

Briggs asked about fees. Rogers answered the permit fee is \$130.

Staff applied for the SolSmart Designation this year. This is a National program recognizing solar friendly communities. The application was submitted in January 2017, with a response in February 2017 of incomplete validation for lack of documentation. Staff agreed the process

needs to be updated and more efficient. NCTCOG is working with the City as a SolSmart Advisor with a goal to have a Bronze Designation by October 2017.

Staff is working on the DG Manual to have one document with one location. This will streamline the application and approval process.

Briggs asked about the manual being on the website. Rogers answered the goal is to have it available in October.

C. COE17-030 – Receive a report, hold a discussion regarding Denton Development Code Subchapter 17 Environmentally Sensitive Areas (ESAs).

Deborah Viera gave the presentation starting with an overview.

Environmentally Sensitive Areas (ESAs) are undeveloped and developed floodplains, riparian buffers, water-related habitats and upland habitats.

Viera explained why it is important to protect the ESA's. To protect the quality and quantity of surface water resources, promote effective floodplain management, and ensure stream bank stability. It is part of the city's measures for meeting multiple permits and programs requirements.

Viera also explained why staff is updating Subchapter 17. Subchapter 17 has not been revised since its adoption in 2002. Subchapter 17 supported and complimented numerous standards contained throughout the original DDC, many of which had been revised and no longer fit together. Further clarifications about the intent behind the standards would be beneficial. Applicants complain about unclear language that make the development review process complicated and less certain. Subchapter 17 was the city first attempt in codifying Denton's environmental vision. The implementation of some of the provisions originally adopted were not fully outlined and have not been implemented. Need for evaluating the original policies adopted and modify those that have not performed as expected and/or adopting new policies that were not considered at the time.

Bagheri stated that Clarion Group is reviewing the entire Denton Development Code, then asked if staff is working with them to make sure the changes are being implemented. Viera answered she has been in communication and has met with them. The original timeline has changed from the end of this year to mid next year.

The ESA Map was first adopted in 1999.

Briggs asked if there are any ESAs that are not on the map. Viera answered there is, when they are found, they are added to the map. There was further discussion regarding the ESAs.

During this process the proposed code language changes were policy changes, language additions, language clarifications and corrections. Staff knew the further into this process, the more complicated it would be.

Most changes today are policy changes and language additions.

Changes to Subchapter 17 requires changes to the DDC to make it flow together.

The ESA Map will have to be amended. A new ESA criteria manual will have to be created. The development applications and checklists will have to be revised. The changes go with the proposed tree code.

Viera stated that the major code changes are:

- To address challenges with developed and undeveloped floodplain ESA designations
- Address Riparian buffers and Water-related habitats nested inside developed floodplain ESAs
- New roads and disturbances as permitted uses
- Preservation of Upland habitats by non-residential developments
- Create a criteria for approving alternative ESA plans
- Create an appeal process for ESA field assessments
- Create an ESA criteria manual
- Compliant with proposed Tree Code

Developed vs. undeveloped floodplain

- Criteria for mapping developed and undeveloped floodplain is not consistent
- FIRMs are updated on a regular basis (new FIRMs, LOMRs, LOMAs, etc.)
- Standards should be applied based on site conditions when development is about to happen and not based on an outdated map. A map was shown with examples.

Viera discussed in detail the 2002 Floodplain vs the 2017 Floodplain and code change with the new additions to language. Also discussed was the 2002 and 2017 Riparian buffer & water related habitat permitted uses, 2002 and 2017 Upland Habitat Code Language, And 2002 and 2017 Alternative ESA Plan Code Language.

Viera talked about the criteria for approval regarding ESA's and the changes and additions associated.

Viera detailed the changes to Subchapter 3 procedures. Those procedures include:

- Consider an application for Site Design review and other plans required for Site Plan approvals;
- Consider an application for a Minor Plats;
- Make determinations regarding the application and interpretation of standards, criteria, and requirements of this Chapter; and
- Make determinations regarding the appropriate designation for new and unlisted uses based on similar uses that are described.
- Consider an application for a Watershed Protection permit.
- Consider application for an Environmentally Sensitive Areas (ESAs) field assessment.

The appeal process would include:

- A Staff decision on Site Design reviews may be appealed to the Planning and Zoning Commission.
- A Staff decision on Minor Plats is final and may not be appealed.
- A staff determination pursuant to Sections 35.3.7.A.3 and A.4 may be appealed to the Board of Adjustment.
- A Staff decision on a Watershed Protection Permit or a Gas Well Development Plat may be appealed to the Planning and Zoning Commission pursuant to law, Home Rule authority and its authority under Tex. Loc. Gov't Code Chapter 212.
- A Staff decision on an Environmentally Sensitive Areas (ESAs) field assessment may be appealed to the Planning and Zoning Commission.

2017 ESA Criteria Manual will include:

In addition to meeting the requirements expressly established in this Subchapter, all environmentally sensitive areas shall comply with the Environmentally Sensitive Areas Criteria Manual. Where there is conflict between a provision set forth in this Subchapter and a provision of the Environmentally Sensitive Areas Criteria Manual, the provisions of this Subchapter shall apply.

The next steps are:

Bagheri asked how staff plans on communicating with the development community. Viera answered in the development community there are associations and her intent is to meet with them. There are two or three builders that are active in the City of Denton. Viera will find out the concerns at the meetings.

Bagheri asked if the proposed revisions can be available at the next public meeting with Clarion. Viera answered staff will look and see when the next public meeting is and work toward that. After all input staff will go to Council for approval.

Briggs asked if the changes that his committee has been approving will go to Clarion for incorporation into their format. Viera answered staff will have to reformat according to what they have set up for the DDC for incorporation.

D. COE17-032 – Receive a report, hold a discussion and give staff direction regarding commercial & multifamily recycling.

Katherine Barnett gave the update that was previously discussed in March 2017. There were a few action items from the meeting that will be brought back. Those items include marketing and education, voluntary multi-family program vs. mandatory multi-family program, all the code and ordinance changes associated, and chapter 24 update with solid waste regulations.

There are new options to look at when the items are brought back.

There has been an increase on the voluntary multi-family program, ended 2016 with 130 complexes. Currently there are 186 complexes participating.

E. COE17-029 - ACM Update:
1. 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 – Discuss changing channelized drainage into non-channelized in parks

The meeting was adjourned by consensus at 1:28 p.m./Approved on September 9, 2017