



**City of Denton**  
**MINUTES**  
**PUBLIC UTILITIES BOARD**

City Hall  
215 E. McKinney Street  
Denton, Texas  
www.cityofdenton.com

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**Monday, May 20, 2019**

**6:00 pm**

**Work Session Room**

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After determining that a quorum of the Public Utilities Board of the City of Denton, Texas is present, the Chair of the Public Utilities Board will thereafter convene into an open meeting on Monday, May 20, 2019 at 6:00 p.m. in the Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas

**Board Members: Chair Susan Parker, Vice Chair Brendan Carroll, Charles Jackson, Billy Cheek, Lilia Bynum and Karen DeVinney**

**Absent: Allen Bishop**

**Ex Officio Member: Kenneth Banks, General Manager of Utilities**

**WORK SESSION**

**A. PUB19-079 – Receive a report, hold a discussion and give staff direction regarding the Denton Energy Center (“DEC”) External Sound Level Study.**

Chris Lutrick gave the presentation stating that DME received a complaint by a homeowner immediately adjacent to the Denton Energy Center in November 2018. When the DEC project was in the planning stages, DME staff talked to the homeowner letting him know there would be little external noise heard from the plant during operations. The information that was provided to the homeowner was based on the original plan, which was only six engines. The decision was made by Council to put all twelve engines on the one site. There was no follow-up with the homeowner. There are two times the amount of sound than what was originally planned. There is a rhythmic low bass type of sound.

Lutrick contacted the homeowner about his concerns and pledged to undertake further review of the situation. There was also problems with the lights shining right into his bedroom. Lutrick contacted the plant manager and it was decided to turn the lights off at night unless staff was present for safety reasons. The homeowner was happy with this.

Lutrick brought the problems to DME management and the following actions were decided on. Add a sound monitoring/recording device. One monitor is on the north wall of the engines and one monitor is placed in the neighbors backyard. The monitors were left in place for about four weeks. This enabled the monitoring of noise levels during different weather and atmospheric conditions as well as to capture the plant operating at various times.

Homeowner invited staff into their home so that they could experience the noise levels first hand. During this time, the plant was force started at 6 pm. The plant was audible from the home’s back deck. It was perceptible from his sitting room. As stated by the homeowner, the sound is a low frequency bass sound generated by the engines. The next step was to decide where the sound was coming from. ENC modeled the sound being generated by plant operations. Sound levels and frequencies were captured at multiple points around plant as well as from the plant roof. Additional samples were collected at the residence.

There was many theories researched. DME received the sound study report from ENC on March 19 and shared the results with the homeowner, as was promised.

A map was shown of the DEC and the homeowner. From the back of the house to the engine hall is about 2,250 feet. The house is considerably higher than the DEC.

There was a sound reference chart shown as well as a real time sound level graph.

It was theorized by plant personnel, and confirmed by the noise consultants, that the main source of exterior noise was the ridge vents. There were photos shown of the ridge vents.

### **Mitigation Option 1**

- Construction of a berm between the DEC and the adjacent home
- The earthen berm was modeled at 16' in height and ran approximately 1200' along the west property line.
- Estimated cost was \$500,000
- The berm would provide 0.2 db of noise reduction
- The source of the noise (ridge vent) would require a much taller earthen berm structure to provide any significant mitigation.

### **Mitigation Option 2**

- Installation of Silencers on existing ridge vents
- The option is feasible without major structural modifications to existing structural members
- Budgetary Estimate is \$378,000
- Provide approximately 8.7db of noise reduction at residence

Sound Model results was shown on a noise contour map unmitigated and mitigated. There was a lot of discussion in detail about this map.

Summary showed both options and the cost with the Db reduction for each option.

Staff recommendation is to prepare an RFP for design, supply and installation of ridge vent silencers. Alternate options are to (1) prepare an RFP if any alternate mitigation options exist, that would be viable for this application. (2) Take no further action on sound mitigation at DEC.

Board Member Carroll stated staff went out to speak prior to the DEC being constructed. There was a consultant that had data about the noise and how loud it would be. Lutrick answered he isn't familiar with that report. He has called Burns and McDonnell which were design engineers on this project and they had the Db would be below 65 at the property line. Chair Parker stated that is the reason for the sound absorbing walls, Lutrick agreed. Carroll stated there was a study done about sound and there was items brought up and everyone was 500ft away that it might not even matter. What are the statues or required by law for the sound. Lutrick did not find anything in the Denton Development Code, industry standard is 60-65Db.

Carroll stated that there were sound absorbing walls were installed. Lutrick stated they were installed, planners knew it would be an issue.

Carroll stated the engines are highly technical, are they performing as they are supposed to. Lutrick answered they are running as planned, and met the noise stipulations by contract.

Board Member Cheek asked if there have been issues before brought through PUB. Lutrick answered no. Cheek asked if 6p is a normal time to start the plant. Jason Brown, DEC Plant Manager, answered yes

5pm or 6pm is typical. Morning is 7am for a couple of hours. Cheek asked if anyone know the cost of the entire study Lutrick answered about \$21,000. He then showed another map with other residences.

Carroll asked if someone can show what can be developed by neighbors for future issues. Lutrick showed on the map the property line of the City and the airport.

Board Member Devinney asked about the noise levels from the airport. This was shown and discussed.

Board Member Jackson talked about different uses for the property to the south different zoning.

Cheek questioned would Atmos have done the study if they were operating the plant. Lutrick didn't have an answer for this.

The Public Utilities Board agreed with option 2. Cheek would like further explanation of why the baffles weren't put in originally.

There was a lot of discussion on this item.

**B. PUB19-091 - Receive a report, hold a discussion, and give staff direction regarding the Solid Waste department's Home Chemical Collection, yard waste and brush collection, and bulk waste collection services.**

Ethan Cox gave the presentation that started with the overview. The purpose was to conclude the review of programs that was requested by Council in 2018. The additional residential services were to identify challenges, review program benchmarks and provide recommendations.

Definitions were shown on the items that were spoken about.

**Department Objective -**

Ensure the proper handling, diversion, and/or disposal of unique and hard to handle items in a compliant, effective, and efficient manner.

**Purpose -**

-HCC – Federal Storm Water Permit requirement. Divert hazardous materials away from waterways and the landfill.

-Electronics/Appliances – Recycle or properly dispose of electronics/appliances.

-Bulky Items – Collect household items too large for cart service. Prevent illegal dumping.

-Yard Waste + Brush – Collect, divert, and make Dyno Dirt Products

Cox showed on a map the weekly residential collections including the equipment and staff required. Program performance for 2017-18 was shown with the daily participation numbers on a graph.

Opportunities for improvement are to improve collection efficiency, equity and safety/environmental impact.

Cox then showed photos and stated the current challenges for the HCC, electronics and appliances.

**Home Chemical Collections**

Information was shown regarding the collection frequency, restrictions of the products, and fees and rate impacts for this program. There was a chart of what other cities in the state do for like programs.

## Electronics & Appliance Collection

Information was also shown regarding the collection frequency, restrictions of the products, fees and rate impacts for this program. This program had the biggest difference in the benchmark with other cities.

## Bulky Waste – Current Challenges

- Vague bulky item definition
- Confusing volume restrictions
- Heavy users versus Low users
- Missed reuse opportunities

The frequency, restrictions and cost associated was also shown for this program as well as photos.

## Yard Waste & Brush Current Challenges

- Highly inefficient collections
- Heavy users v. Low users
- Plastic bags not environmentally friendly
- Abuse by commercial landscapers/tree trimmers
- Confusing volume restrictions & rates

Cox showed a picture and gave an example of how a landscaping service took advantage of a customer and told how the City helped.

Information was shown regarding the collection frequency, restrictions, fees and rate impacts for this program.

Chair Parker asked if there could be a way to schedule brush much like appliances. Cox answered that is what they would prefer. Carts and craft bags were also talked about for yard waste.

Carroll asked about paying for brush to sell dyno dirt. He would like that information to be clearer.

Alternative service delivery options was shown on a table. This table included the service model, rate structure and notes for each service. Cox talked about this in detail.

The Committee on the Environment recommended:

- Introduce electronic service requests
- HCC – Maintain existing collection service
- Electronics/Appliances – Maintain existing collection service
- Bulky Waste – Maintain existing collection service  
Introduce commercial bulk collection
- Brush – Convert to scheduled service  
Introduce commercial brush collection
- Yard Waste – Maintain existing collection service

## Next Steps

- Recommend changes to rates for approval as part FY 19/20 budget
- Revise Solid Waste Ordinance (Chapter 24)
- Prepare for implementation (tentatively October 1, 2019)

Carroll asked how the cost for HHC was calculated. Cox explained the calculation.

Board Member Bynum asked about electronics and appliances, if this service will be discontinued or the fees go up. Cox answered they have talked about both and explained.

Carroll added if the website had more information on where you could take things to recycle, it would be helpful.

Carroll likes the recommendation by COE. Most were in favor of the yard carts and craft bags. Not in favor of the subscription fee. There are many different options and lots of discussion.

**C. PUB19-092 - Receive a report, hold a discussion, and give staff direction regarding the Solid Waste department's recycling program.**

Ethan Cox gave this presentation starting with the glass & plastic recycling.

Summary of May 10 Staff Report-

-March 26, 2019 – Staff learns Pratt is landfilling glass & plastics 3-7. Pratt did not provide prior notice to staff. Staff initiates contract review.

-April 24, 2019 – Pratt resumes shipments of plastics #3-7

-April 29, 2019 – Staff issues a written request for notification.

-May 7, 2019 – Pratt responds to staff request for notification.

-May 14, 2019 – Pratt receives verbal commitment from glass recycler in Houston.

The agreements with Pratt are land lease and processing agreements. This expires on October 2, 2027. The list of program materials was shown. Portions that were key in the contract are ownership of recyclables, market and sale and disposal.

Impacts on the landfill operation was shown on a few graphs. After that, the recycling process overview was laid out on a flow chart.

The plastic recycling overview of plastics 3-7 was shown and photos were shared. Plastics are sold in mixed bails, as some are difficult to recycle. This is a volatile market with few regional buyers.

Glass recycling overview included information about there being few regional buyers. The MRF pays recycling facilities. There is a high contamination rate with one example being paper.

Denton program has a buyer for plastics 3-7 by Integrico in Sarepta, LA. Glass has a verbal commitment to accept by EcoGlass Recycling in Houston.

Market Update includes, India bans plastic imports in March, Southeast Asia is accepting imports for now. Domestic – Legislation proposed to boost commodity end markets. The market is still volatile; expect low prices and tight quality standards to continue.

Comparison with other cities was shown.

Next Steps -

**Residents & Businesses:**

-Continue recycling all program materials in a responsible manner

-Ongoing education efforts

**Pratt Commitments**

-48 hour advance notice of any change impacting the Denton program

-Monthly market & program updates

**Solid Waste – Material Audits**

-Inbound – Inspect five random deliveries to Pratt per week

-Waste – Inspect one random load of Pratt waste per week

Carroll encouraged staff stay aware so this does not happen again.

There was some further discussion.

## **REGULAR MEETING**

### **1. ITEMS FOR INDIVIDUAL CONSIDERATION**

**A. PUB19-093** - Consider approval of the Public Utilities Board Meeting minutes of May 6, 2019.

Approved as circulated.

**B. PUB19-068** – Consider recommending approval of a Resolution appointing a member to the Board of Directors of the Texas Municipal Power Agency, a Joint Powers Agency, representing the City of Denton, Texas; and declaring an effective date.

Antonio Puente talked about this item stating this item it to appoint someone for a two-year term. The current appointee is Mayor Watts. Watts has expressed an interest to continue. This position does not have to be an elected official. The other appointee is Bill Cheek.

Carroll asked how long he has been on the board, Puente answered since 2009. Carroll then asked if there are term limits, Puente answered no.

**Board Member Bynum motioned to approve this item with a second by Board Member Carroll. Vote 6-0 approved.**

**C. PUB19-095** – Consider recommending approval of a resolution appointing Frank Pugsley as the City's representative to serve as a member of the Board of Directors of the Upper Trinity Regional Water District; and providing an effective date.

Kenneth Banks presented this item giving the background information. Denton is a member of the Upper Trinity Regional Water District, a State Chartered district that is authorized to provide Water, Wastewater, and storm water services for Denton County.

Tim Fisher has been the representative since 2001 but recently retired. Frank Pugsley, Water Utilities Director, has indicated an interest and desire to fill this position. Pugsley will be able to serve the remainder of Mr. Fisher's four year term and will be eligible at that time to be appointed for another four years.

**Board Member Cheek motioned to approve this item with a second by Board Member Carroll. Vote 6-0 approved.**

**D. PUB19-094** - ACM Update:

1. Question concerning attendance policy
2. Future Agenda Items
3. Matrix

## **CONCLUDING ITEMS**

Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Public Utilities Board 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

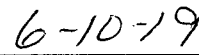
holiday schedules; an honorary or salutory recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than 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

Devinney: Thanked staff for the tour of the Water and Wastewater Treatment Plants as well as the Solid Waste Programs.

**Adjournment: 8:31pm**

**Approved 6/10/20**

  
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**Susan Parker**

  
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**Date**