

MINUTES OF THE CITY COUNCIL COMMITTEE
MONDAY, MAY 1, 2023

23-0016

ENVIRONMENT AND SUSTAINABILITY COMMITTEE
CITY COUNCIL CHAMBER, CITY HALL/VIDEO CONFERENCE
COUNCILMEMBER PAULA BLACKMON, PRESIDING

PRESENT: [7] Blackmon, Ridley, *West (**9:17 a.m.), Arnold (**9:07 a.m.), *Resendez,
*Bazaldua, Schultz

ABSENT: [0]

The meeting was called to order at 9:03 a.m. with a quorum of the committee present.

The meeting agenda, posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the committee had been considered, the meeting adjourned at 10:00 a.m.

Presiding Officer

ATTEST:

City Secretary Staff

Date Approved

The agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the committee are attached to the minutes of this meeting as EXHIBIT B.

The briefing materials are attached to the minutes of this meeting as EXHIBIT C.

***Note: Members of the Committee participated in this meeting by video conference.**

****Note: Indicates arrival time after meeting called to order/reconvened.**

MINUTES OF THE CITY COUNCIL COMMITTEE
MONDAY, MAY 1, 2023

E X H I B I T A

RECEIVED

2023 APR 27 PM 5: 25

**CITY SECRETARY
DALLAS, TEXAS**

City of Dallas

1500 Marilla Street,
Council Chambers, 6th Floor
Dallas, Texas 75201

Public Notice

230386

POSTED CITY SECRETARY
DALLAS, TX



Environment and Sustainability Committee

May 1, 2023

9:00 AM

(For General Information and Rules of Courtesy, Please See Opposite Side.)

(La Información General Y Reglas De Cortesía Que Deben Observarse

Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

2022 CITY COUNCIL APPOINTMENTS

COUNCIL COMMITTEE	
ECONOMIC DEVELOPMENT Atkins (C), Arnold (VC), McGough, Narvaez, Resendez, West, Willis	ENVIRONMENT AND SUSTAINABILITY Blackmon(C), Ridley (VC), Arnold, Bazaldua, Resendez, Schultz, West
GOVERNMENT PERFORMANCE AND FINANCIAL MANAGEMENT Mendelsohn (C), Willis (VC), Atkins, Bazaldua, McGough, Ridley, West	HOUSING AND HOMELESSNESS SOLUTIONS Thomas (C), Moreno (VC), Arnold, Blackmon, Mendelsohn, Ridley, Schultz
PUBLIC SAFETY McGough (C), Mendelsohn (VC), Atkins, Moreno, Resendez, Thomas, Willis	QUALITY OF LIFE, ARTS, AND CULTURE Bazaldua (C), West (VC), Arnold, Blackmon, Narvaez, Ridley, Thomas
TRANSPORTATION AND INFRASTRUCTURE Narvaez (C), Atkins (VC), Bazaldua, Mendelsohn, Moreno, Schultz, Willis	WORKFORCE, EDUCATION, AND EQUITY Schultz (C), Thomas (VC), Blackmon, McGough, Moreno, Narvaez, Resendez
AD HOC JUDICIAL NOMINATING COMMITTEE Resendez (C), Arnold, Bazaldua, Ridley, Thomas, West, Willis	AD HOC LEGISLATIVE AFFAIRS Atkins (C), McGough, Mendelsohn, Narvaez, Willis
AD HOC COMMITTEE ON PROFESSIONAL SPORTS RECRUITMENT AND RETENTION Johnson (C), Atkins, Bazaldua, Blackmon, Thomas	AD HOC COMMITTEE ON GENERAL INVESTIGATING & ETHICS Mendelsohn (C), Atkins, Blackmon, McGough, Schultz
AD HOC COMMITTEE ON ADMINISTRATIVE AFFAIRS Willis (C), McGough, Moreno, Schultz, West	

(C) – Chair, (VC) – Vice Chair

General Information

The Dallas Council Committees regularly meet on Mondays beginning at 9:00 a.m. and 1:00 p.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council Committee agenda meetings are broadcast live on bit.ly/cityofdallasty and on Time Warner City Cable Channel 16.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Información General

Los Comités del Concejo de la Ciudad de Dallas se reúnen regularmente los lunes en la Cámara del consejo en el sexto piso del Ayuntamiento, 1500 Marilla, a partir de las 9:00 a.m. y la 1:00 p.m. Las reuniones de la agenda del Comité del Consejo se transmiten en vivo por la estación de bit.ly/cityofdallasty y por cablevisión en la estación Time Warner City Cable Canal 16.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasara o interrumpirá los procedimientos, o se negara a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*pgers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

“Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisara al oficial que este presidiendo la sesión a tomar acción.” Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

“Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.” Section 3.3(c) of the City Council Rules of Procedure.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

The City Council Environment and Sustainability meeting will be held by videoconference and in the Council Chambers, 6th Floor at City Hall.

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the Environment and Sustainability Committee on Spectrum Cable Channels 16 (English) and 95 (Spanish) and at bit.ly/cityofdallastv.

Call to Order

MINUTES

1. [23-1207](#) Approval of the March 6, 2023 Committee Minutes

Attachments: [Minutes](#)

BRIEFING ITEMS

- A. [23-1208](#) Updated CECAP Considerations for 2024 Bond Program
[Susan Alvarez, PE, Assistant Director, Office of Environmental Quality & Sustainability]

Attachments: [Presentation](#)

- B. [23-1210](#) Environmental Commission Update
[Kathryn Bazan, Chair, Environmental Commission]

BRIEFING MEMOS

- C. [23-1212](#) 88th Legislature - Legislation relating to Environment & Sustainability
[Carrie Rogers, Director, Office of Government Affairs]

Attachments: [Memorandum](#)

- D. [23-1213](#) Landscape Equipment Transition (LET) Implementation
[M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager]

Attachments: [Memorandum](#)

- E. [23-1214](#) Lane Plating Superfund Site Update
[M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager]

Attachments: [Memorandum](#)

ADJOURNMENT

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

MINUTES OF THE CITY COUNCIL COMMITTEE
MONDAY, MAY 1, 2023

E X H I B I T B

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MAY 1, 2023

Item 1: Approval of the March 6, 2023 Committee Minutes

Councilmember Schultz moved to adopt the minutes as presented.

Motion seconded by Councilmember Ridley and unanimously adopted. (West, Arnold absent when vote taken)

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MAY 1, 2023

BRIEFING ITEMS

Item A: Updated CECAP Considerations for 2024 Bond Program

The following individuals briefed the committee on the item:

- Susan Alvarez, PE, Assistant Director, Office of Environmental Quality & Sustainability;
- Julie Hiromoto, Board Member, Environmental Commission; and
- Cal Estee, Assistant City Attorney, City Attorney's Office

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MAY 1, 2023

BRIEFINGS ITEMS

Item B: Environmental Commission Update

The following individual briefed the committee on the item:

- Kathryn Bazan, Chair, Environmental Commission

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MAY 1, 2023

BRIEFING MEMOS

Item C: 88th Legislature - Legislation relating to Environment & Sustainability

Item D: Landscape Equipment Transition (LET) Implementation

Item E: Lane Plating Superfund Site Update

The committee discussed the items.

MINUTES OF THE CITY COUNCIL COMMITTEE
MAY 1, 2023

E X H I B I T C



City of Dallas

Updated CECAP Considerations for 2024 Bond Program

**Environment & Sustainability
Committee
May 1, 2023**

Susan Alvarez, PE, CFM
Assistant Director
Office of Environmental Quality & Sustainability

Purpose



Updated recommendations provided in response to answer the staff and then ENVS Committee question:

“How can we update the Technical Specifications supporting the 2024 Capital Bond Program to be consistent with the CECAF net zero goals moving forward?”



Paris Smart City 2050, copyright VincentCallebautArchitectures





Integrate Dallas CECAP goals and actions into bond-funded projects in order to...

- Lead by example
- Pilot projects to demonstrate the value of green, healthy, resilient and equitable building investments
- Prepare the ground for future codes and standards to meet CECAP 2030 NZC goals with a coalition of local and industry leaders.



Moody Performance Hall



Dallas Fire Station No. 6, LEED Platinum

The performance criteria must be:

- Easy to explain
- Aspirational
- Achievable

Demonstrated interest and need



- Original Programmatic Request received from Convention Center Team in 2021
- Dallas AIA provided recommendations February 1, 2022
- ENVS Briefed February 7, 2022
- EVC – Convened Strategic Partnerships Committee - July, 2022



Jack Evans Police Headquarters



Overview

- **Context**
 - Existing “Green” Policy Precedents
 - Related CECAP Targets/Goals
- Recommendations
 - Baseline Requirements
 - Stretch Goals – Projects pick at least one
- EVC Process



Bond and City Precedents

- Bond programs
 - 2003 - LEED Silver +
 - 2006 - LEED Gold +
 - 2012 - LEED Gold+
 - 30% water use reduction (WE c3.1)
 - 16% energy use reduction (EA c1, 3 pts)
 - 2017 - exemplar projects
 - Singing Hills Rec Center – LEED Gold BD+C/ Architecture 2030
 - Vickery Meadows Library - LEED Gold BD+C/ Architecture 2030
- 2013 Dallas Green Construction Code
 - LEED certifiable
 - 20% water use reduction
- CECAP (2020)
- Sustainable Procurement (2021)



Existing “Green” Policies



- Environmental Policy (2005)
- ★ Green Building Policy (2003, 2008, 2012, 2016)
 - Cool Roof Policy (2012)
- Complete Streets (2016)
- Update to Tree & Landscape Ordinance (Article X), (2018)
- Green Energy Policy (2019)
- Updates to City Paving/ Drainage Criteria (2019).....

CECAP Targets/Goals



NET ZERO ENERGY NEW CONSTRUCTION

ENERGY USE IN EXISTING RESIDENTIAL BUILDINGS



SOLAR POWER GENERATED
RENEWABLE ELECTRICITY PLANS



PUBLICLY AVAILABLE EV CHARGING

ELECTRIC FLEETS

SINGLE OCCUPANT VEHICLE TRAVEL MODE SHIFT



ORGANIC WASTE

PAPER WASTE

LANDFILL DIVERSION



WATER CONSUMPTION

WATER FOR INDIRECT REUSE

IMPAIRED WATERBODIES LISTED IN WATERSHED



CANOPY COVER CITYWIDE

URBAN HEAT ISLAND INDEX

PARK OR TRAIL ACCESS



HEALTHY, AFFORDABLE FOOD ACCESS

ACRES OF URBAN GARDENS



GROUND LEVEL OZONE

AIR POLLUTANTS



RESTAURANTS, FARM STANDS, OR MARKETS SOURCING FROM LOCAL PRODUCERS



GOAL 1: DALLAS' BUILDINGS ARE ENERGY EFFICIENT AND CLIMATE RESILIENT.



Objectives

- Increase energy efficiency of **existing buildings** or facilities.
- Ensure that **new buildings** are constructed sustainably and are carbon neutral.
- Increase **climate resilience** for new and existing buildings through structural and operational improvements.

Targets

- Net zero energy new construction**
 - 100% starting in 2030

Energy use in existing residential buildings

- 10% of existing buildings reduce energy use 10% by 2030
- 10% of existing buildings reduce energy use 25% by 2030

Sustainable Procurement Policy



Trinity River Audubon Center

- Resolution # 21-0908 adopted by Dallas City Council in May 26, 2021
- “Comprehensive Sustainable Procurement Policy to guide purchasing decisions to positively impact the City's social, economic, and environmental health”
- Implemented through a working group of affected departments that is charged with:
 - Maintaining environmentally preferred products lists (EPP);
 - Identifying sustainability labels/standards to use in writing specifications;
 - Analyzing citywide purchases for efficiency and waste reduction opportunities;
 - Recommending social, economic, and environmental contracting aspects under the City's Administrative Directive 4-05.

Overview

- Context
 - Existing “Green” Policy Precedents
 - Related CECAP Targets/Goals
- **Recommendations**
 - Baseline Requirements
 - Stretch Goals – Projects pick at least one
- EVC Process



Baseline Recommendation (Buildings)



*Vickery Park Branch Library, Architecture 2030/
LEED Gold BD+C*

- Implement Technical Specification language
 - to require **LEED™ Gold certification (at current version)** with minimum performance criteria.
 - that results in a **significant reduction in Energy Use Intensity** based on National EPA Energy Star or comparable national benchmark. **Specify top 20% EnergyStar** rate for all appliances and equipment.
 - to require **embodied carbon disclosure (EPD)** for select materials at time of procurement
 - implement the use of **Green Button**, a free DOE tool that supports benchmarking and transparency. Performance data is a powerful tool.



Pick One: Stretch Goal - Buildings



- Consider pilot project opportunities for LEED Zero Carbon.
- Implement **Architecture 2030 framework** for promoting advanced efficiency and electrification, using zero-code.org/resources, or similar resources;
- Meet an **established efficiency threshold** (Energy Star score or EUI threshold through a building performance standard).
- Design smart, efficient buildings with distributed renewable energy that are **grid-integrated** and play a critical role in electricity generation, peak load management and storage.
- Consider piloting International Living Future Institute (ILFI) design principles or **petal certification**. The Living Building Challenge (LBC) is a stretch goal that requires onsite energy, water treatment, healthy and transparent material selection.



Baseline Recommendation (Infrastructure)



Singing Hills Recreation Center, Architecture 2030

- Implement Technical Specification language
 - to require **Envision** or **SITES** certification at the current version and **achieve selected site-related credits**
 - that results in a **significant reduction in Energy Use Intensity** based on National EPA Energy Star or comparable national benchmark. **Specify top 20% EnergyStar** rate for all appliances and equipment.
 - to require **embodied carbon disclosure (EPD)** for select materials at time of procurement
 - implement the use of **Green Button**, a free DOE tool that supports benchmarking and transparency. Performance data is a powerful tool.



Envision Program



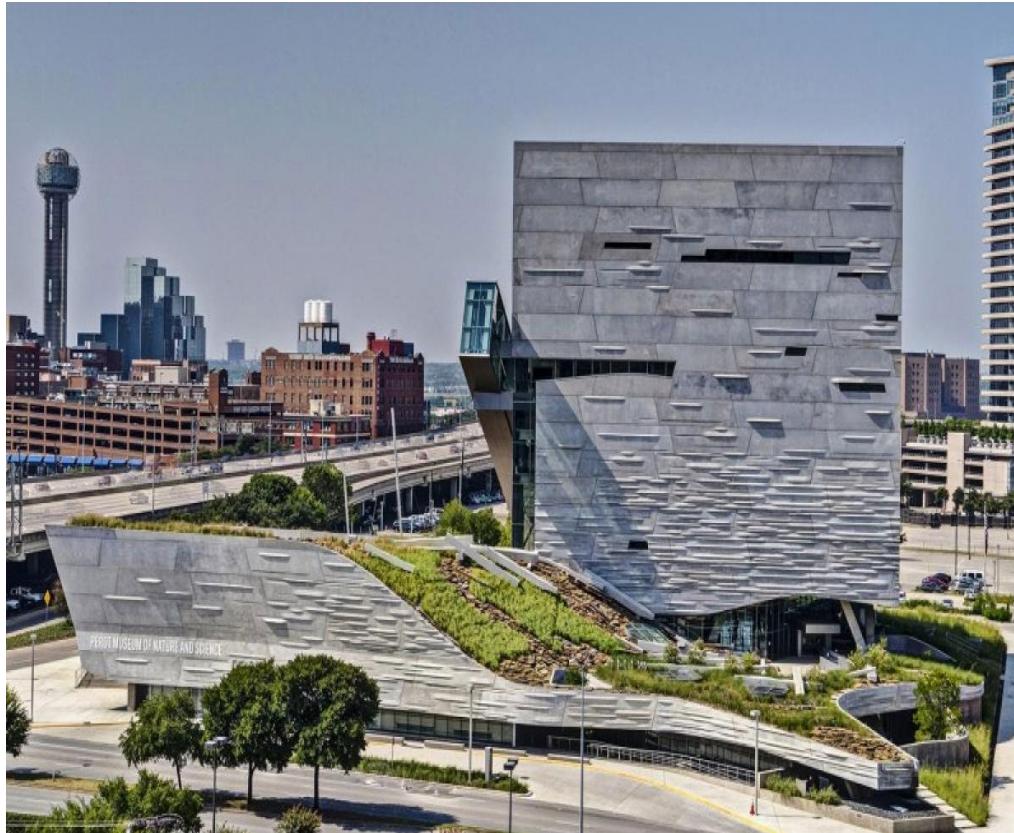
- Founded in 2010 collaboratively by the American Public Works Association, American Council of Engineering Companies and American Society of Civil Engineers (ASCE).
- Envision applies to infrastructure, as LEED does for habitable buildings.
- Guides project teams to more sustainable design and social impact of 'quality of life,' including collaboration and long-term economic impact and resilience.



TRWD/ DWU Integrated Pipeline Project



SITES Program



Perot Museum of Nature & Science

- SITES certification is for parks and other project sites with or without buildings.
- Framework for designing, developing and managing/ maintaining sustainable and resilient landscapes and supporting nature positive design.
- Complementary w/ City's LEED Gold requirement
- **Program Goals**
 - 1) Transform the market through design, development and O&M practices
 - 2) Create regenerative systems that foster resilience (flood control, urban heat island, community space, etc)
 - 3) Protect and ensure access to future resources & mitigate climate change (clean air/ water, open space, etc)
 - 4) Enhance human well-being and strengthens community.



Pick One Stretch Goal - Sites/ Infrastructure



- Implement the Climate Positive Design challenge including tools such as **Pathfinder** tool for landscape design and related targets in performance specifications.
- Rethink surfaces holistically using the **Smart Surfaces** tool. Limit hard, impervious dark surfaces additions/replacements.
- Make parking more sustainable and higher performing by incorporating the principles of **Parksmart**.



Forest Green Library, LEED Gold BD+C

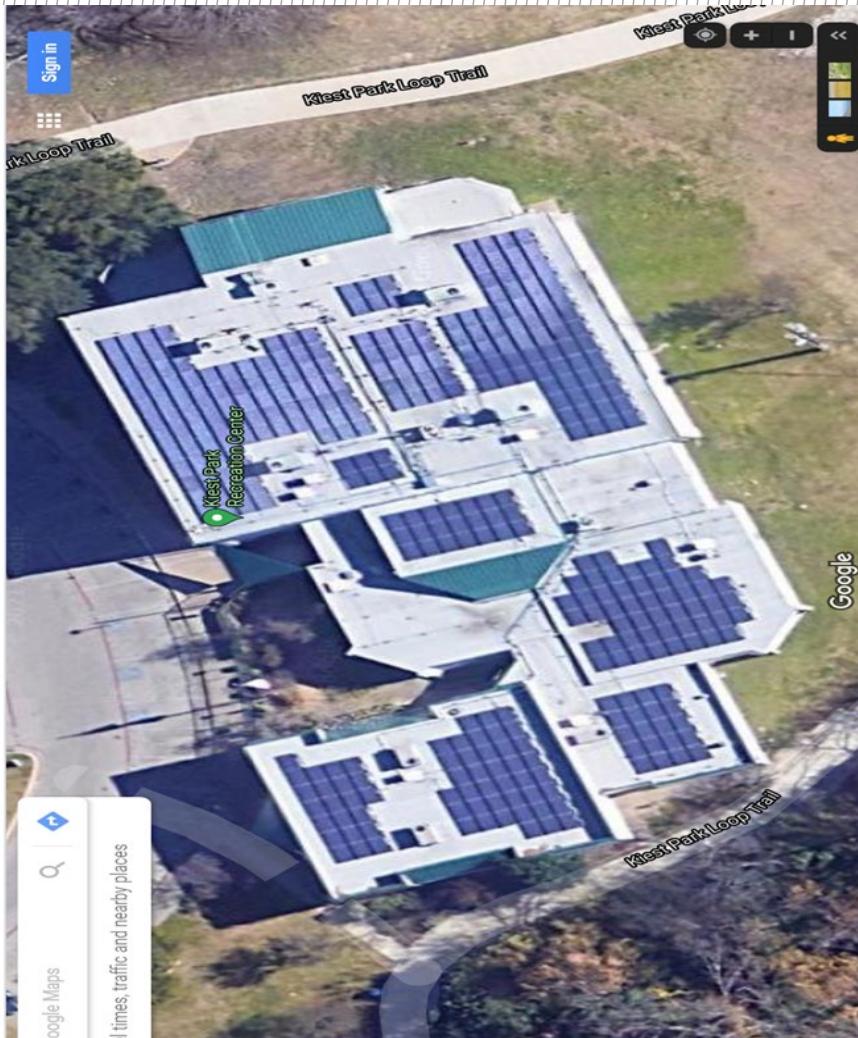


Overview

- Context
 - Existing “Green” Policy Precedents
 - Related CECAP Targets/Goals
- Recommendations
 - Baseline Requirements
 - Stretch Goals – Projects pick at least one
- **EVC Process**



EVC Strategic Partnerships Committee Efforts



Kiest Park Community Center

- Compiled foundational City Codes Policies & Ordinances
- Convened panel of national & international experts on energy efficiency, and sustainable design*
- **SPI requested expert guidance for the Bond Program on recommended pathways to Net Zero Carbon that are easy to explain, achievable and aspirational.**
- Presented recommendations in two 90-minute workshops for Senior Staff in Departments developing Bond Program
 - March 3, 2023: Buildings & Facility Design
 - March 10, 2023: Parks & Infrastructure

Next Steps



- Present to Environmental Commission – May 10, 2023
- Provide EVC recommendations to 2024 Bond Committees as part of Technical Specifications process May 11, 2023;
- Provide support as appropriate during Bond Program development and implementation
- Convene Stakeholder Working Group to explore related updates to City Policy



Questions?



Appendices



EVC-SPI & Expert Panel Members



EVC SPI Committee: Julie Hiromoto, FAIA, Living Future Accredited, WELL AP, LEED AP | Alan Hoffmann, CGB, CGP | David Marquis | Colleen Murray, DVM | Michael Martin | Dr. Barry Lachman

Expert Panel Members

- Vincent Martinez and Erin McDade ([Architecture 2030](#))
- Meghan C. Lewis, Jordan Palmeri and Megan Kalsman ([Carbon Leadership Forum, EC3](#))
- Stacy Smedley and Don Davies (Building Transparency, [EC3 calculator](#))
- [Lindsay Baker \(International Living Future Institute\)](#)
- Liz Beardsley, Jennifer Gundy and Wes Sullens ([US Green Building Council, LEED](#))
- [Anthony Kane \(Institute for Sustainable Infrastructure, Envision rating system\)](#)
- [Vivian Loftness \(National Academy of Sciences and Carnegie Mellon University\)](#)
- [Greg Katz \(Smart Surfaces Coalition\)](#)
- Paul Wessel, Danielle Pieranuzi (USGBC/ GBCI, Parksmart and Sites)
- Pamela Conrad (Climate Positive Design, [Pathfinder tool](#))
- Jennifer Goupil, Michael Gryniuk, (Structural Engineering Institute, [SE 2050](#))



Sustainable Procurement Policy



- Resolution # 21-0908 adopted by Dallas City Council in May 26, 2021
- Is a “comprehensive Sustainable Procurement Policy to guide procurement decisions to positively impact the City's social, economic, and environmental health”
- Implemented through a Sustainable Procurement Working Group of affected departments
- Sustainable Procurement Working Group is charged with maintaining environmentally preferred products lists, identifying sustainability labels and standards to use in writing specifications, analyzing citywide purchases for efficiency and waste reduction opportunities, and making other recommendations related to the social, economic, and environmental aspects of contracting; these recommendations shall be included in the City's Administrative Directive 4-05, as appropriate.



Building Opportunities Moving Forward:



- LEED Net Zero (2020)
- International Green Building Construction Code (2021)
- Building Industry Design Challenges:
 - AIA Architecture 2030 Challenge (2006)
 - Structural Engineers 2040 Challenge (2020)
 - Mechanical-Electrical-Plumbing 2040 Challenge (2021)
- Institute of Living Building Initiatives (2020)
- WELL Building / Fitwel (2020) focused on indoor health
- Building Decarbonization Code(NBI/ US DOE – National Renewable Energy Laboratory) (2021)



Other LEED™ Programs

- **LEED + Water Conservation and Energy Efficiency** – current version
- **LEED Retrofit or Existing Buildings** provides guidance for sustainable retrofit design
- **LEED for Operations and Maintenance (O+M)** offers existing buildings an opportunity to address building operations, by supporting buildings and interior spaces
- **LEED Zero Carbon** recognizes net zero carbon emissions from energy consumption through carbon emissions avoided or offset over a period of 12 months.
- **LEED Zero Energy** recognizes a source energy use balance of zero over a period of 12 months.
- **LEED Zero Water** recognizes a potable water use balance of zero over a period of 12 months.
- **LEED Zero Waste** recognizes buildings that achieve Green Business Certification Institute's TRUE certification at the Platinum level.



Bank of America Plaza, Dallas

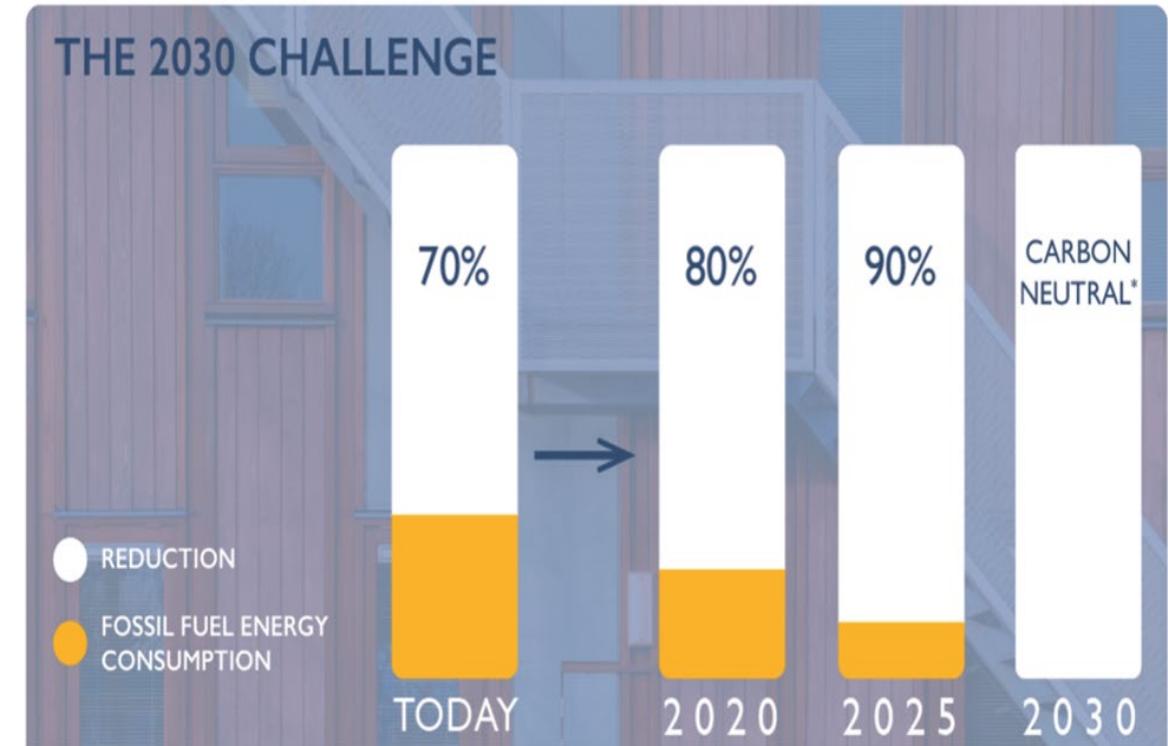


AIA Architecture 2030 Challenge



The American Institute of Architects created the 2030 Commitment Program in 2006, basically challenging architects to holistically respond to the climate crisis. Over 400 A/E/P firms have adopted this Commitment.

- **Establishing an Energy Use Intensity (EUI)** baseline and target.
- **Applying low/no cost passive design strategies** to maximize energy efficiency
- **Integrating energy efficient technologies** and systems.
- **Incorporating on-site and/or off-site renewable energy** to meet the remaining energy demands.
- **Performing iterative energy modeling** throughout the design to assess progress towards meeting the EUI target.

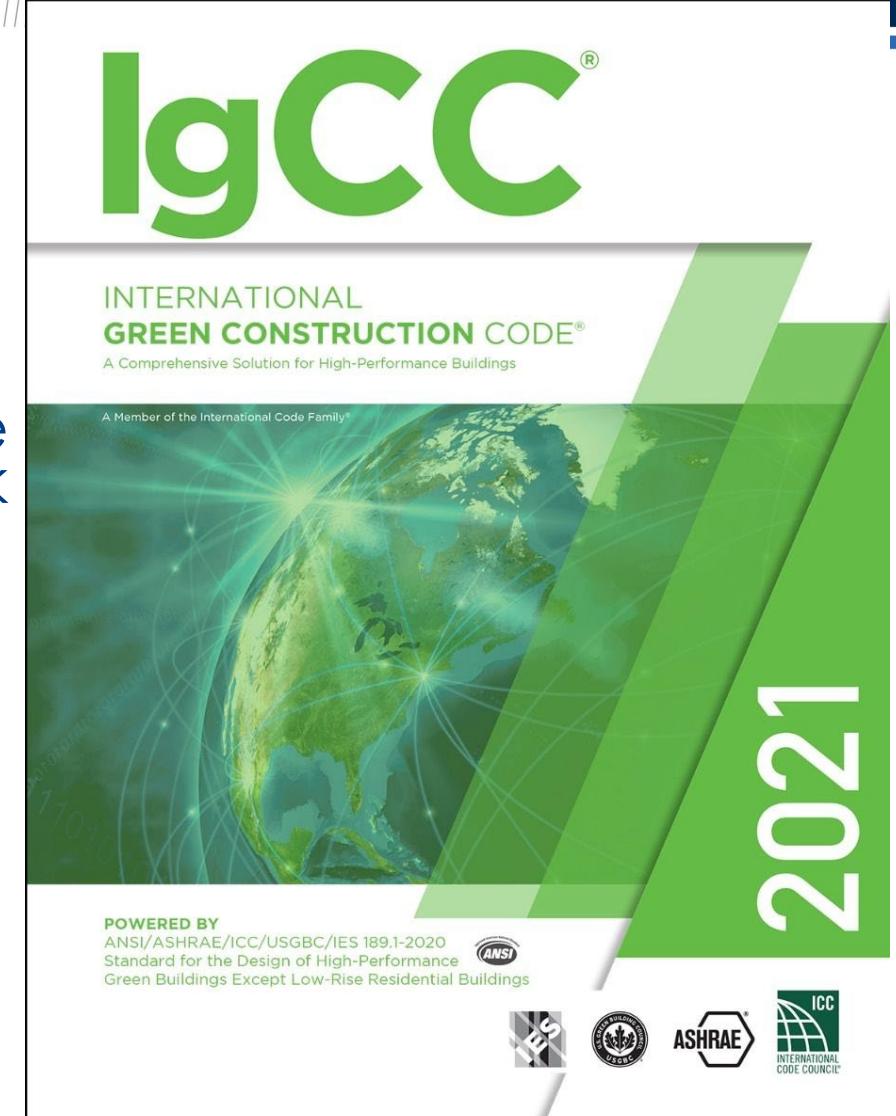


©2019 2030, Inc./Architecture 2030. All Rights Reserved



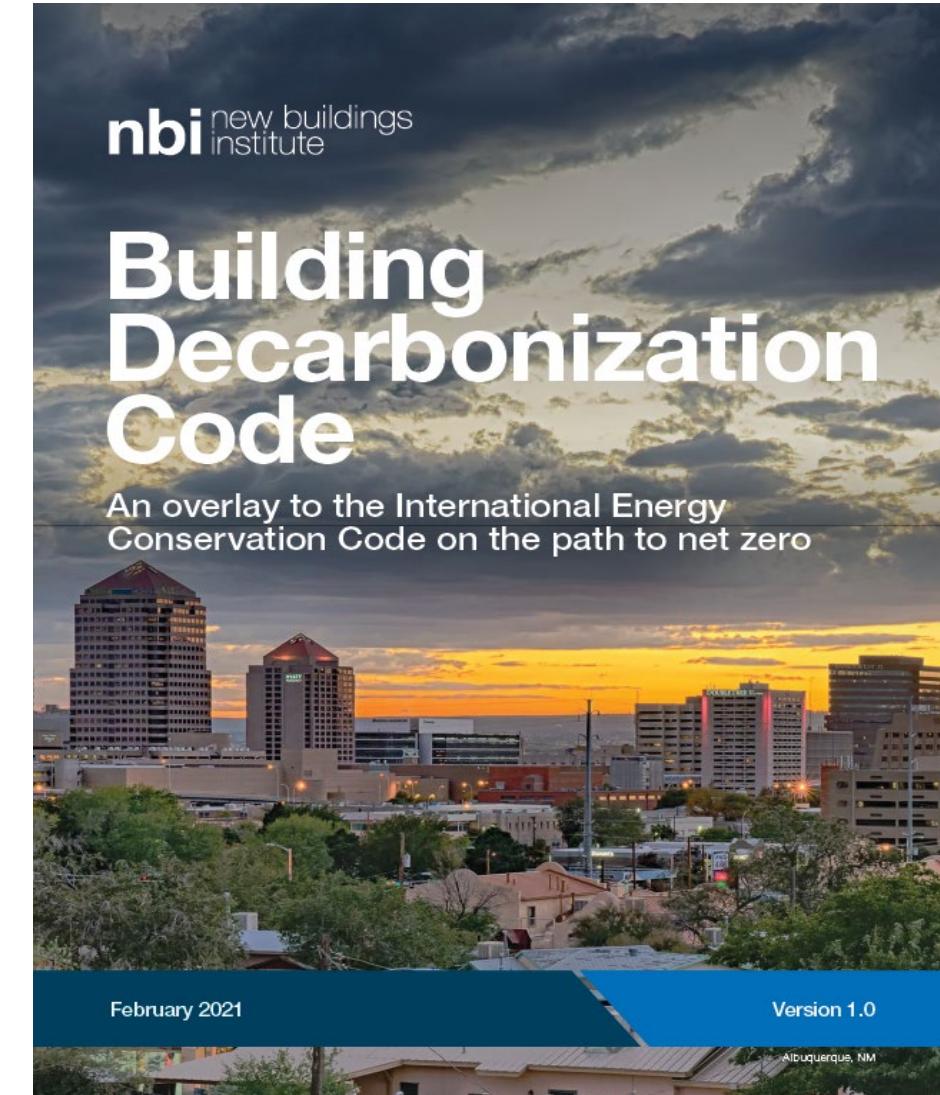
International Green Building Construction Code (IgCC)(2021)

- Released by the International Code Council, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the U.S. Green Building Council (USGBC) and the Illuminating Engineering Society (IES)
- Provides communities with model code language to assist in achieving sustainability in building stock
- Includes ANSI/ASHRAE/USGBC/IES 189.1-2020 Standard the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings
- Correlates with the International Energy Conservation Code, ASHRAE Standard 90.1 and other referenced standards.
- Streamlines code development and adoption saving the time and money needed to develop their own codes and creating uniformity among adopting jurisdictions.



Building Decarbonization Guide (NBI/RMI)

- Provides sample language to use as a Code Overlay to meet cities' goals for Net-Zero Emissions
- Based on International Code Council's 2021 International Energy Conservation Code
- Provides sample code amendments for commercial and residential buildings under all-electric and mixed-fuel energy
- Primary emphasis on solar energy, battery storage, electrical vehicles and demand-response systems



Institute of Living Building Initiatives: Living Building Challenge 4.0



SUMMARY MATRIX

The Living Building Challenge is composed of 20 Imperatives grouped into seven petals. Some Imperatives are not required for all Typologies.

PETAL	IMPERATIVE	TYPOLOGY			
		New Building	Existing Building	Interior	Landscape + Infrastructure
PLACE	1 Ecology of Place				
	2 Urban Agriculture				
	3 Habitat Exchange				
	4 Human Scaled Living				
WATER	5 Responsible Water Use				
	6 Net Positive Water				
ENERGY	7 Energy + Carbon Reduction				
	8 Net Positive Energy				
HEALTH + HAPPINESS	9 Healthy Interior Environment				
	10 Healthy Interior Performance				
	11 Access to Nature				
MATERIALS	12 Responsible Materials				
	13 Red List				
	14 Responsible Sourcing				
	15 Living Economy Sourcing				
	16 Net Positive Waste				
EQUITY	17 Universal Access				
	18 Inclusion				
BEAUTY	19 Beauty + Biophilia				
	20 Education + Inspiration				

- CORE IMPERATIVE
- SCALE JUMPING ALLOWED
- HANDPRINTING IMPERATIVE
- IMPERATIVE REQUIRED FOR TYPOLOGY
- REQUIREMENT DEPENDENT ON SCOPE
- NOT REQUIRED FOR TYPOLOGY



International WELL Building Standard



- People-first approach to buildings, organizations and communities.
- WELL Building Standard (WELL): a roadmap for creating/certifying spaces that advance human health and well-being.
- Aligned with UN Sustainable Development Goals (SDGs)
- “Sets pathways for accomplishing health-first factors that help us to do our best work and be our best selves by supporting our physical and mental health across 10 core concepts”



Fitwell Standards



The Fitwel Scorecards include 55+ evidence-based design and operational strategies that enhance buildings by addressing a broad range of health behaviors and risks:

- Impacts Surrounding Community Health
- Reduces Morbidity and Absenteeism
- Supports Social Equity for Vulnerable Population
- Instills Feelings of Well-Being
- Enhances Access to Healthy Foods
- Promotes Occupant Safety
- Increases Physical Activity





City of Dallas

Updated CECAP Considerations for 2024 Bond Program

**Environment & Sustainability
Committee
May 1, 2023**

Susan Alvarez, PE, CFM
Assistant Director
Office of Environmental Quality & Sustainability

Memorandum



DATE May 1, 2023

CITY OF DALLAS

TO Honorable Mayor and Members of the City Council
SUBJECT **88th Texas Legislature – Legislation relating to Environment and Sustainability**

On October 26, 2022, the Dallas City Council adopted the 88th Texas Session Legislative Program (Resolution 22-1637). The legislative priorities include supporting legislation that focuses on resource sustainability, conservation, climate change, and environmental equity to build a more resilient city.

The purpose of this memorandum is to provide the Environment and Sustainability Committee with a high-level overview of proposed state legislation that may have an impact on the City. This list includes bill updates through Thursday, April 27, 2023. Prior bill summaries that have been briefed to the committee via memorandum can be found [here](#).

Environment-related bills include, but are not limited to the following:

H.J.R. 27 (Craddick) – Grow Texas Fund: would amend the Texas Constitution to, among other things: (1) create the Grow Texas Fund (Fund) within the state treasury; (2) authorize the legislature to appropriate money from the Fund for use in areas of the state from which oil and gas are produced and then only to address infrastructure needs in areas of the state determined by the legislature to be significantly affected by oil and gas production; and (3) authorize the grant of money from the Fund to state agencies and other political subdivisions for an authorized purpose. **Committee report sent to calendars on April 25, 2023.**

H.B. 1158 (Darby) – Clean Energy Projects: would: (1) remove the requirement that an application for a permit for an advanced clean energy project under the Clean Air Act had to be received by the commission before January 1, 2020; (2) add to the list of programs that may be considered for a new technology implementation grant: (a) the installation of a system to reduce or eliminate carbon dioxide emissions; and (b) projects that utilize technology to capture, use, reuse, store, or sequester carbon dioxide emissions for the principal purpose of preventing carbon dioxide from entering the atmosphere and are constructed integral or adjacent to a petrochemical plant or an electric generation facility, including a facility powered by coal, natural gas, hydrogen, or ammonia; and (3) exempt from the sales tax components of tangible personal property used in connection with the capture, use, reuse, storage, or sequestration of carbon dioxide emissions for the principal purpose of preventing carbon dioxide from entering the atmosphere. **Passed the House on April 26, 2023.**

- Companion: [S.B. 2243 \(Johnson\)](#)

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

H.B. 26 (Ordaz Perez) – Medical Waste Facilities: would require applicants for a facility to store, process, or dispose of medical waste to provide notice of the application to state, county, city, and tribal government officials. **Passed out of House; referred to Senate committee on April 24, 2023.**

- Companion: [S.B. 173 \(Blanco\)](#)

S.B. 471 (Springer) – Complaint Fees: Would impose fees on citizens who file more than 3 complaints before TCEQ in a calendar year, charging them a fee for filing any additional complaints. **Voted out of committee; placed on Senate calendar on April 27, 2023.**

Concrete Plant & Related Environmental Permitting Bills:

H.B. 1505 (Bell) – TCEQ Sunset Bill with Concrete Considerations: would create additional mandates for TCEQ concrete plant permits, public meetings for permit applications, and electronic postings of permit applications. Creates an enforcement diversion program for small businesses and local governments. **Heard in committee on March 23, 2023.**

- Companion: [S.B. 1397 \(Schwertner\)](#) **Passed Senate and referred to House committee on April 21, 2023.**

Climate Bills:

H.B. 2211 (Landgraf) – Greenhouse Gasses: would disallow cities from creating an ordinance that directly regulates greenhouse gas emissions. **Passed committee on April 14, 2023.**

- Companion: [S.B. 784 \(Birdwell\)](#) **Passed the Senate on April 11, 2023.**

S.B. 179 (Miles) – Emissions Permitting: would mandate TCEQ to consider the cumulative effects of contaminant emissions when determining whether and under which conditions a preconstruction permit should be renewed. **Left pending in committee on April 26, 2023.**

H.B. 2374 (Landgraf) – Restricting a Fuel Source: would disallow cities from creating an ordinance or regulation that limits access to an energy source. This includes a wholesaler, retailer, energy producer, or even a service station. A city may not adopt an ordinance or regulation that restricts the use, sale, or lease of an engine based on a fuel source. **Committee substitute issued on April 24, 2023.**

- Companion: [S.B. 1017 \(Birdwell\)](#) **Passed the Senate on April 5, 2023, passed the House on April 25, 2023.**

S.B. 1114 (Hancock) – Restricting a Fuel Source: would disallow cities from passing an ordinance or regulation that restricts the use of a fuel source to aid in the reduction of greenhouse gases or conservation of natural resources. This includes entering into a contract that would directly or indirectly the use or sale of a product otherwise permitted

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

by law. **Passed the Senate on April 6, 2023; referred to House committee on April 12, 2023.**

Urban Agriculture Bill + Solar / Wind (Local Control) Bills:

H.B. 92 (Landgraf) – Residential Food Production: would, among other things, (1) prohibit a municipality and a property owners' association from adopting or enforcing an ordinance or restrictive covenant that prohibits any of the following activities on a residence homestead property: (a) the growing of fruits and vegetables; (b) the raising or keeping of: (i) six or fewer domestic fowl; or (ii) six or fewer adult rabbits; or (c) installing for on-site use: (i) a solar or wind- powered energy device; (ii) an underground shelter; (iii) rain barrels or a rainwater harvesting system; or (iv) a standby electric generator; (2) allow a municipality and a property owners' association to impose: (a) reasonable regulations on the growing of fruits and vegetables on a residence homestead that do not have the effect of prohibiting growing those plants, including a requirement that the growing area be maintained in good condition if visible from the street or adjoining property and for the trimming or removal of a tree for the maintenance of a utility easement; and (b) reasonable regulations on the raising and keeping of rabbits and fowl on a residence homestead to control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of these animals, including: (i) limitations on the number of animals that is more than the minimum number allowed by this law or a total combined number of eight fowl and rabbits; (ii) a prohibition on raising or keeping of a rooster; (iii) defining the minimum distance between an animal shelter and a residential structure; (iv) requiring fencing or shelter sufficient to contain the animals; (v) defining the minimum requirements for combined housing and outdoor space as provided by this law; (vi) adopting requirements to address sanitary conditions to prevent offensive odors or pests; or (vii) requiring that the animals be kept in the side or rear yard; and (3) provide that an adopted ordinance or restrictive covenant that violates this law is void. Enabling legislation for HJR 9. **Passed the House on April 18, 2023, referred to Senate committee on April 20, 2023.**

H.B. 692 (Rogers) – Land Applications: would mandate the Texas Commission on Environmental Quality to issue an authorization by rule for land application of dairy waste and to allow the disposal of dairy waste from a concentrated animal feeding operation into a control or retention facility. **Passed House committee on April 14, 2023; placed on House calendar on April 28, 2023.**

- Companion: [S.B. 872 \(Springer\)](#) **Left pending in committee on April 13, 2023.**

Wildland-Urban Interface Bills:

H.B. 260 (Murr) – Appraisal of Open Space Land: would require the chief appraiser to take into consideration the effect that the presence of a disease or pest, or the designation of an area as a wildlife or livestock disease or pest area, has on the net income from the land when calculating net to land of open-space land located in or adjacent to an area

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

designated as a wildlife or livestock disease or pest area. **Passed out of the House on April 14, 2023; referred to Senate committee on April 19, 2023.**

Waste:

H.B. 1503 (M. Gonzalez) – Scrap Tires: would create a scrap tire remediation grant program for the elimination of unsightly scrap tires for both inland and along coastal areas and public rights-of-ways. **Passed out of committee on April 19, 2023; placed on House calendars on April 28, 2023.**

Disaster Related Bills:

H.B. 558 (Raymond) – Executive Orders: would provide that an executive order, proclamation, or regulation issued by the governor during a declared state of disaster that restricts the operation of or the hours of operation for a business that sells alcoholic beverages may not include a federal tax-exempt organization that benefits veterans of the United States armed forces. **Passed out of House committee and sent to House calendars on April 25, 2023.**

H.B. 911 (Harrison) – Disaster Orders: would, among other things, provide that: (1) a state or local official may issue recommendations and nonbinding guidelines to assist with a state of disaster and may coordinate public and private resources to prevent or respond to the disaster; (2) notwithstanding any other law, an order issued by the governor or a state or local official that regulates or infringes on the rights of any private person must be: (a) narrowly tailored to serve a compelling public health or safety purpose; and (b) limited in duration, applicability, and scope to reduce any infringement on individual liberty; (3) district and appellate courts have jurisdiction to hear cases challenging a state or local disaster order and shall expedite hearings for the cases; (4) a court may invalidate or enjoin a disaster order or the application of a disaster order that is not narrowly tailored to serve a compelling public health or safety purpose because of the order's inequality in application to or impact on groups, situations, or circumstances; (5) only the governor may issue an order that infringes on a protected constitutional right in a non-trivial manner, including but not limited to: (a) the rights to travel, work, assemble, and speak; (b) the freedom of religious exercise; (c) the right to contract without state interference; (d) property rights; (e) the freedom from unreasonable searches and seizures; and (f) the freedom to purchase lawfully acquired firearms and ammunition; (6) an order in (5), above, expires on the 30th day after the date the governor issues the order unless the governor or legislature terminates the order on an earlier date or the legislature extends the order on or before the expiration date; and (7) the governor may only suspend state agency orders and rules (not statutory requirements) during a state of disaster.

H.B. 1023 (Harrison) – Disaster Declarations: would provide that during a federally declared public health emergency, a clinical laboratory is considered a state agency for purposes of regulation by the United States Food and Drug Administration when the laboratory is performing a laboratory developed test on a pathogen or agent that is the basis for the emergency declaration.

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

H.B. 1078 (Martinez) – Disaster Identification System: would, among other things, provide that: (1) the Texas Division of Emergency Management may include in its state emergency plan provisions for the use of a disaster identification system; (2) in an area subject to a state of disaster declaration, a person may elect to participate in a disaster identification system activated for that area; (3) the disaster identification system shall authorize the use of a device that is capable of displaying a flashing light and continuous light in either the color white or the colors blue, green, red, and yellow to communicate with disaster relief personnel; and (4) an executive order or proclamation declaring a state of disaster activates for the area subject to the declaration the disaster identification system described above. **Left pending in committee on April 25, 2023.**

Power/Electrical Grid Bills:

H.B. 2502 (Reynolds) – Energy Efficiency: would allow for the creation of a fund administered by SECO to issue loans for energy audits, upgrades or retrofits, etc. for commercial and residential buildings to make them more energy efficient. **Left pending in committee on April 13, 2023.**

H.B. 2263 (Darby) – Energy Conservation: would give the Texas Railroad Commission exclusive jurisdiction over any energy conservation program and would disallow preventing a customer from participating in such a program based on the type of energy used. **Passed House committee on April 24, 2023.**

- Companion: **S.B. 1050 (Hughes) Passed the Senate on April 26, 2023.**

S.B. 114 (Menendez) – Electricity: would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of planned outages and the length of time the outages are expected to last; and (2) require the Public Utility Commission to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2024; (b) two percent of peak summer and winter demand by December 31, 2025; (c) three percent of peak summer and winter demand by December 31, 2026; and (d) five percent of peak summer and winter demand by December 31, 2027. **Vote taken in committee on April 25, 2023.**

S.B. 330 (Hall) – Electric Grid Resilience: would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities. **Passed the Senate on April 25, 2023.**

DATE **May 1, 2023**
SUBJECT **88th Texas Legislature – Legislation relating to Environment and Sustainability**

- Companion: [**H.B. 1412 \(Schaefer\)**](#)

Transportation & EV-Related Bills:

H.B. 2214 (Johnson) – Electric Vehicle Funding: would increase funds allocated from the Texas Emissions Reduction Plan for battery storage related to renewables and clean fleets while decreasing the allocation of funds toward natural gas vehicles. **Left pending in committee on March 30, 2023.**

H.B. 108 (Cortez) – Classroom Teachers Park Free: would: (1) require the Texas Department of Transportation to issue specialty license plates to: (a) classroom teachers with at least 15 years of service teaching public school students; and (b) retired classroom teachers with at least 20 years of service teaching public school students; and (2) prohibit a governmental authority from collecting a parking fee through a parking meter for a vehicle displaying these licensees. **Passed House committee and sent to calendars on April 25, 2023.**

H.B. 167 (Cortez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

- Companion: [**S.B. 446 \(Menendez\)**](#), **Left pending in committee on March 29, 2023.**
- [**H.B. 177 \(Cortez\)**](#)

H.B. 820 (King) – Additional Hybrid Vehicle Registration Fee: provides that applicants for registration or renewal of registration for a hybrid or electric vehicle shall pay an additional fee of \$200 if the vehicle is an electric vehicle and \$100 if the vehicle is a hybrid vehicle with 90% of the fees to be deposited into the state highway fund and 10% to be deposited into a new electric vehicle battery disposal account administered by the Texas Commission on Environmental Quality. **Left pending in committee on April 5, 2023.**

H.B. 1156 (Rogers) – Surplus Traffic Safety Equipment: would provide, among other things, that the Texas Department of Transportation and Texas Department of Public Safety may directly donate or sell at a discounted rate surplus traffic and roadwork safety equipment to Texas cities. **Left pending in committee on March 22, 2023.**

H.B. 820 (King) – Additional Hybrid Vehicle Registration Fee: provides that applicants for registration or renewal of registration for a hybrid or electric vehicle shall pay an additional fee of \$200 if the vehicle is an electric vehicle and \$100 if the vehicle is a hybrid vehicle with 90% of the fees to be deposited into the state highway fund and 10% to be deposited into a new electric vehicle battery disposal account administered by the Texas Commission on Environmental Quality. **Left pending in committee on April 5, 2023.**

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

S.B. 1001 (Schwertner) – EV Charging Vendors: would establish a framework for the licensing of EV charging and supply equipment. **Voted out of the Senate on March 29, 2023. House committee substitute reported favorably on April 24, 2023.**

- Companion: [H.B. 3343](#) (K. King) **Reported favorably without amendments on March 29, 2023.**

Water Related Bills:

[H.B. 40 \(Zwiener\) – Property Tax Exemption:](#) would exempt property taxes the portion of appraised value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. Enabling legislation for HJR 25. **Left pending in committee on April 10, 2023.**

[H.J.R. 25 \(Zwiener\) – Property Tax Exemption:](#) would amend the Texas Constitution to authorize the legislature to exempt from property taxation the portion of the appraised value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. Enabling legislation is HB 40. **Left pending in committee on April 10, 2023.**

[H.B. 640 \(Julie Johnson\) – Street Maintenance Sales Tax:](#) would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater system located in the width of a way of a city street. **Left pending in committee on March 27, 2023.**

- Companion: [S.B. 612](#) (Johnson) **Passed out of Senate on April 12, 2023.**
Referred to House committee on April 14, 2023.

[H.B. 583 \(Raymond\) – Drinking Water Report:](#) would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year. **Left pending in committee on April 18, 2023.**

- Companion: [S.B. 382](#) (Zaffirini)

[H.B. 585 \(Raymond\) – Water Treatment Facilities Reporting:](#) would: (1) require the Texas Commission on Environmental Quality (TCEQ) to create a plan to protect water treatment facilities from: (a) electrical outages; (b) catastrophic weather events; (c) terrorist attacks; (d) the projected effects of climate change; and (e) other potential disruptions to providing water service; and (2) require TCEQ to submit the plan to the governor and the legislature by September 1, 2024. **Committee substitute reported favorably on April 19, 2023.**

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

H.B. 874 (Bowers) – Water Rights: would provide that a water right is not cancelled for nonuse if the nonuse resulted from an executed temporary or permanent forbearance agreement that: (1) promotes restoration, preservation, or enhancement of instream flows; (2) was entered into by the holder of the permit, certified filing, or certificate of adjudication; and (3) was filed with the Texas Commission on Environmental Quality not later than the 180th day after the date the agreement was executed. **Left pending in committee on April 18, 2023.**

- Companion: [S.B. 894 \(Zaffirini\)](#)

S.B. 40 (Zaffirini) – Water Utilities: would require the Texas Commission on Environmental Quality to develop and implement an alert system that must include the ability to provide notifications through electronic instant messaging to be activated in the event of a boil water notice and any related information, including any recission or expiration of the boil water notice.

S.B. 53 (Zaffirini) –Texas Water Development Board Financing: would provide that: (1) a political subdivision may use financial assistance from the Texas Water Development Board (TWDB) to pay for the installation, maintenance, operation, and fueling of a backup power generator for a facility of a public water supply and sanitary sewer system; (2) assistance under the bill shall only be provided to political subdivisions that demonstrate an inability to pay for the installation, maintenance, operation, and fueling of a backup power generator described by (1), above, in accordance with TWDB rules; (3) if the TWDB determines that a political subdivision to which assistance has been provided under (1), above, is ineligible to receive the assistance, the TWDB may seek reimbursement from the political subdivision; and (4) the TWDB shall adopt rules to implement the bill.

S.B. 223 (Campbell) – Wastewater Permitting: would require the Texas Commission on Environmental Quality to hold at least one public meeting on an application for an initial permit for a wastewater treatment facility in the county in which the facility is proposed to be located.

S.B. 382 (Zaffirini) – Drinking Water Report: would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year.

- Companion: [H.B. 583 \(Raymond\)](#) **Left pending in committee on April 18, 2023.**

S.B. 469 (Springer) – Water Infrastructure: would: (1) for purposes of the Texas Water Assistance Program and other funding initiatives by the Texas Water Development Board (TWDB), define “rural political subdivision” as: (a) a nonprofit water supply or sewer service corporation, district, or municipality that has a service area with a population of 10,000 or less no part of which is located in an urban area as defined by the United States Bureau of the Census or otherwise qualifies for funding from a federal agency; or (b) a

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

county in which no urban area has a population of more than 50,000; and (2) provide that the TWDB may direct the comptroller to transfer amounts from the financial assistance account to the rural water assistance fund to provide financial assistance to rural political subdivisions for the purpose of providing low-interest loans for water or water-related projects. **Passed Senate and received from the house on April 27, 2023.**

Local Regulation of Commercial Activity:

S.B. 149 (Springer) – Restricting Commercial Activity: would disallow a city to adopt or enforce an ordinance that imposes a restriction, regulation, or condition on commercial activity. This would apply to the proposed gas-powered landscape equipment and concrete batch plant ordinance of Dallas and perhaps other commercial activity affected by climate plan measures. **Left pending in committee on March 14, 2023.**

S.B. 814 (Creighton) – Restricting Commercial Activity: is a preemption bill that would allow a taxpayer to take action against a municipality or county if adversely affected by an ordinance or regulation. Specific state administrative codes applicable to this bill include agriculture, finance, insurance, labor, occupational, and the natural resource code. A claimant is entitled to declaratory and injunctive relief plus attorney fees. Again, this could apply to the gas-powered landscape ordinance of Dallas, perhaps the concrete ordinance, and more. **Left pending in committee on March 4, 2023.**

- Companion: [H.B. 2127 \(Burrows\)](#) **Passed House on April 19, 2023. Received from the Senate on April 20, 2023.**

S.B. 1860 (Hughes) – Relating to the adoption of a climate policy in a municipal charter: Would require that city climate plans be voted on by city constituents and would require approval by the appropriate state agency. **Left pending in committee on April 24, 2023.**

- Companion: [H.B. 4930 \(Craddick\)](#) **Left pending in committee on April 19, 2023.**

DATE
SUBJECT

May 1, 2023

88th Texas Legislature – Legislation relating to Environment and Sustainability

Should you have any questions, please contact me or Clifford Sparks, State Legislative Director, at Clifford.Sparks@dallas.gov.

Sincerely,



Carrie Rogers
Director
Office of Government Affairs

c: Members of the Ad Hoc Legislative Committee
T.C. Broadnax, City Manager
Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors
Clifford Sparks, State Legislative Director

Memorandum



DATE May 1, 2023

CITY OF DALLAS

TO Honorable Chair Blackmon and Members of the Environment & Sustainability Committee

SUBJECT **Landscape Equipment Transition (LET) Implementation**

The Office of Environmental Quality & Sustainability (OEQS) briefed the Environmental Commission (EVC) on April 12th, 2023, and the Environment & Sustainability Committee (ENVS) on April 3rd, 2023, respectively, providing status updates on the plan for landscape equipment transition (LET) implementation. OEQS plans to brief the ENVS Committee and the full Council next month. The following provides a summary of steps taken over the previous month towards advancing this City Council goal:

Technical Support Contract:

Contract with Modern Geosciences continues for technical support services including but not limited to; research of other communities' implementation, including related codes and ordinances; creation of the community survey; and development of the detailed internal and external transition plans. A draft plan has been developed and under review. Staff continue to meet with the technical consultant on a bi-weekly basis to coordinate efforts towards this project. Residential and Commercial Surveys are in circulation and distribution to public. Surveys continue to be distributed at events in the month of April.

Stakeholder Engagement Efforts:

Staff have continued internal and external stakeholder meetings.

- Internal: OEQS continues to hold bi-monthly meetings with City departments that use landscape equipment to attain feedback on meeting City transition goals. Departments have started working towards the conversion goals. Vendor equipment allowed for trial use to monitor battery life in use.
- External: OEQS continues to engage members of the public, including homeowners, landscape companies, landscape associations, the Dallas Independent School District (DISD), and Dallas County Community Colleges (DCCC). At EarthX and other Earth Day events in communities, staff have distributed surveys of equipment use to gauge awareness and inventory.
- The technical consultant has developed a community survey that has been deployed for community feedback on the program (available in English and Spanish). This survey has been provided to the public in several different ways, including through the OEQS media campaign, other departments (e.g., DWU bill inserts), Council and EVC newsletters, libraries and community centers, and other entities.

Physical Equipment Inventory:

Staff developed and distributed a template for use by departments when identifying equipment inventory. These were compiled into a comprehensive inventory of the City's current equipment. Inventory has been compiled into a centralized list and each department is working towards the 2023 incremental goal for transition.

DATE May 1, 2023
SUBJECT **Landscape Equipment Transition (LET) Implementation**
PAGE 2 of 2

Program Media Campaign:

OEQS has implemented the LET media campaign with multi-lingual outreach and continued engagement to reach affected business and residents.

Regulatory Engagement:

Staff continues to monitor and engage regulatory bodies on the status of state bills and are coordinating with the City Attorney's Office to clarify the legal implications of those bills. Staff are also facilitating letters of support for NCTCOG initiatives to reduce ground level ozone in the city and region.

Should you have any questions, please reach out to Carlos Evans, Director, Office of Environmental Quality & Sustainability at 469-617-1925 or carlos.evans@dallas.gov.



M. Elizabeth (Liz) Cedillo-Pereira
Assistant City Manager

c: T.C. Broadnax, City Manager
Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors

Memorandum



DATE May 1, 2023

CITY OF DALLAS

TO Honorable Chair Blackmon and Members of the Environment & Sustainability Committee

SUBJECT Lane Plating Superfund Site Update

This memorandum will serve as a status update on Lane Plating, U.S. Environmental Protection Agency (EPA) Superfund Site.

Lane Plating, U.S. Environmental Protection Agency (EPA) Superfund Site

Lane Plating Works, Inc. is the site of a former electroplating facility located in south Dallas that operated for more than 90 years. Due to violations, investigations, and a bankruptcy filing, the facility shut down in 2015 and large volumes of liquid plating wastes were left at the site. Since the site was added to the National Priorities List (NPL) in 2018, EPA has removed 66,000 pounds of asbestos containing material and 715,000 pounds of scrap metal during the associated removal action.

The EPA is conducting a removal action that involves the demolition of the former electroplating facility and excavation of contaminated soil from the Lane Plating Works Inc. Superfund site. On February 13, 2023, EPA completed demolition of the electroplating facility and is now moving into the excavation phase. The EPA will remove the building foundation so that soils can be accessed and excavated. Following excavation, EPA will backfill the excavated area with clean fill and finish the removal action phase by planting native seed. The EPA will dispose of the contaminated soil and building material at an appropriate landfill.

Anticipated completion of the removal action is July 2023. After the removal action is complete, the EPA will continue the long-term site remediation process.

The EPA continues to work with the Lane Plating Community Advisory Group (LP CAG), community leaders, and the City of Dallas to keep the community near the Lane Plating site informed about issues related to the site

Contacts

If you have questions or need additional information, please contact OEQS staff:

Carlos Evans, Director, 214-670-1642

Paul White II, Superintendent – Air, Soil, and Groundwater Division, 214- 948-4189

Lori Frauli Trulson, Senior Environmental Coordinator, 214-671-8967

DATE May 1, 2023
SUBJECT **Lane Plating Superfund Site Update**
PAGE **2 of 2**



M. Elizabeth (Liz) Cedillo-Pereira
Assistant City Manager

c: T.C. Broadnax, City Manager
Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors