MINUTES OF THE CITY COUNCIL COMMITTEE
MONDAY, MARCH 6, 2023

23-0016

ENVIRONMENT AND SUSTAINABILITY COMMITTEE
CITY COUNCIL CHAMBER, CITY HALL/VIDEO CONFERENCE
COUNCILMEMBER PAUL RIDLEY, PRESIDING

PRESENT: [4] Ridley, Arnold, *Resendez, Schultz

ABSENT: [3] Blackmon, West, Bazaldua

The meeting was called to order at 9:11 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 10:25 a.m.

_____
Chair

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.**

DRAFT

E X H I B I T A

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2023 MAR -2 PM 2:52
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

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

Public Notice

230213

POSTED CITY SECRETARY
DALLAS, TX

Environment and Sustainability Committee

March 6, 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

Note: A quorum of the Dallas City Council may attend this Council Committee meeting.

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on bit.ly/cityofdallastv and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

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.

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.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de bit.ly/cityofdallastv y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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 *(pagers)* 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.

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 pistol 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 propriedad."

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./lycityofdallastv.

https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m1c0608a48dfad7757bf013262ea0f8ee

Call to Order

MINUTES

1. 23-657 Approval of the February 6, 2023 Committee Minutes

Attachments: Minutes

BRIEFING ITEMS

A. 23-659 City of Dallas Forestry Update
[Sarah Standifer, Assistant Director, Dallas Water Utilities; Eduardo Valerio, Assistant Director, Dallas Water Utilities; Renee Johnson, Assistant Director, Park & Recreation Department; Tina Richardson, Assistant Director, Public Works; Sam Eskander, Assistant Director, Development Services]

Attachments: Presentation

B. 23-658 Texas Trees Foundation: Dallas Tree Equity Planting Map
[Norm Daley, Chief Operations & Communications Officer, Texas Trees Foundation]

Attachments: Presentation

BRIEFING MEMOS

C. 23-667 88th Legislature - Legislation relating to Environment & Sustainability
[Carrie Rogers, Director, Office of Government Affairs]

Attachments: Memorandum

D. 23-668 Landscape Equipment Transition Implementation
[M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager]

Attachments: Memorandum

E. 23-669 City of Dallas Neighborhood Air Monitoring Program Update
[M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager]

Attachments: Memorandum

F. 23-666 Environmental Commission Update
[Kathryn Bazan, Chair, Environmental Commission]

Attachments: Memorandum

UPCOMING AGENDA ITEMS

G. 23-743 March 8, 2023: A resolution authorizing the adoption of the Comprehensive Urban Agriculture Plan (CUAP) for the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)

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]

E X H I B I T B

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MARCH 6, 2023

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

Councilmember Schultz moved to adopt the minutes as presented.

Motion seconded by Councilmember Arnold and unanimously adopted. (West, Blackmon, Bazaldua absent)

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MARCH 6, 2023

BRIEFING ITEMS

Item A: City of Dallas Forestry Update

The following individual briefed the committee on the item:

- Sarah Standifer, Assistant Director, Dallas Water Utilities

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MARCH 6, 2023

BRIEFINGS ITEMS

Item B: Texas Trees Foundation: Dallas Tree Equity Planting Map

The following individuals briefed the committee on the item:

- Norm Daley, Chief Operations & Communications Officer, Texas Trees Foundation;
- Susan Alvarez, Assistant Director, Office of Environmental Quality;
- Rachel McGregor, Urban Forestry Manager, Texas Trees Foundation; and
- Liz Cedillo-Pereira, Assistant City Manager, City Manager's Office

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MARCH 6, 2023

BRIEFING MEMOS

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

Item D: Landscape Equipment Transition Implementation

Item E: City of Dallas Neighborhood Air Monitoring Program Update

Item F: Environmental Commission Update

The committee discussed the items.

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MARCH 6, 2023

UPCOMING AGENDA ITEMS

Item G: March 8, 2023: A resolution authorizing the adoption of the Comprehensive Urban Agriculture Plan (CUAP) for the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)

The committee discussed the item.

E X H I B I T C

City of Dallas

Dallas Forestry Update

Environment & Sustainability Committee
March 6, 2023

City of Dallas Forestry Executive Team
Sarah Standifer, DWU
Eduardo Valerio, DWU
Renee Johnson, PKR
Tina Richardson, PBW
Sam Eskander, DEV
City of Dallas

Presentation Overview

- Emerald Ash Borer (EAB) Status Update
- City Code
- Tree Planting
- Historic Tree Designation
- Outreach
- Next Steps

Emerald Ash Borer (EAB) Status Update

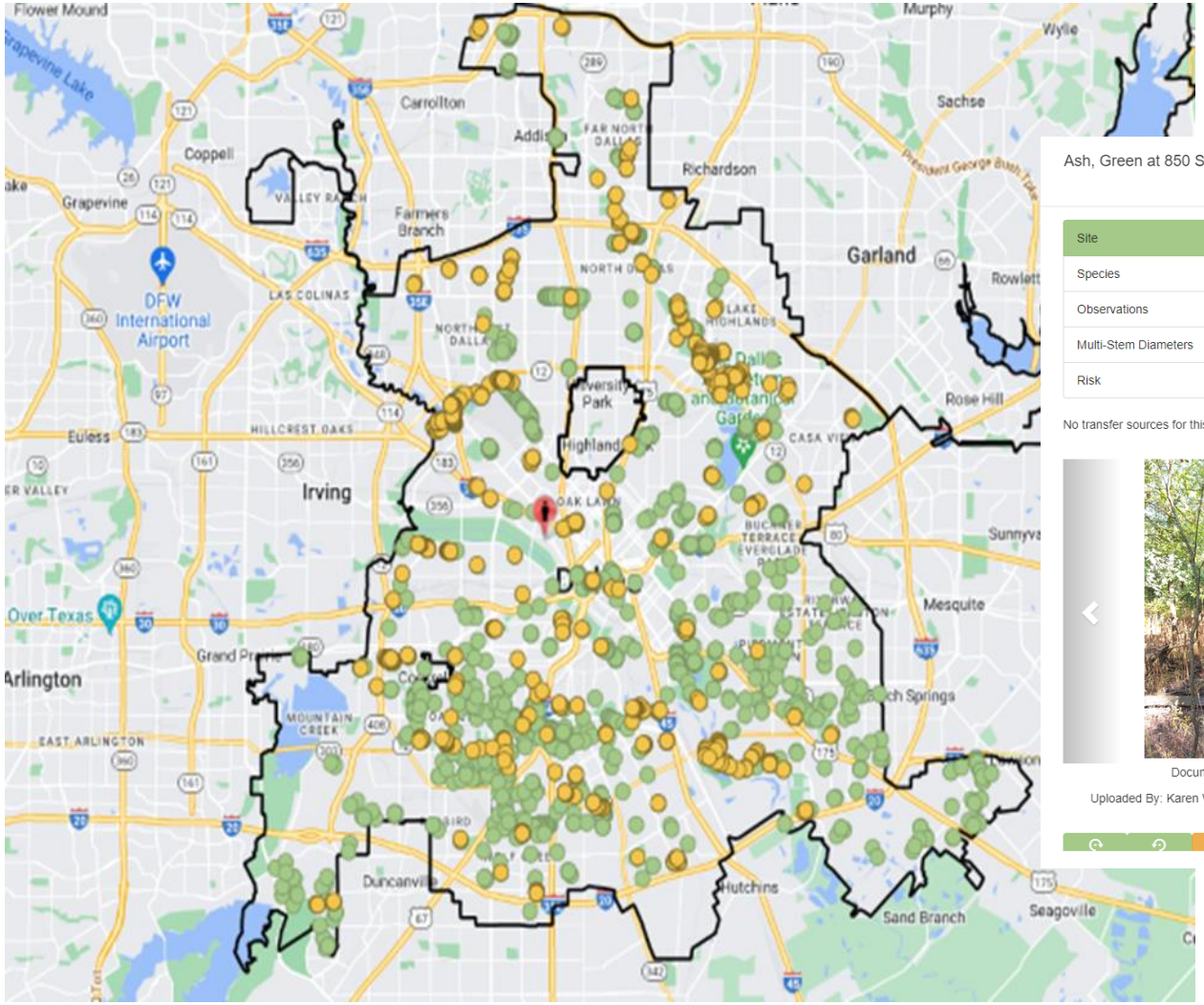
- The emerald ash borer is a destructive, non-native, wood-boring, pest of ash trees. Native to Asia, EAB was unknown in North America until 2002 in southeast Michigan. All native ash species are susceptible to attack.
- First identified by Texas A&M Forest Service (TFS) May 2022 within Dallas city limits and western Dallas County
- TFS, Texas Department of Agriculture (TDA) and the City activated the EAB Action Plan

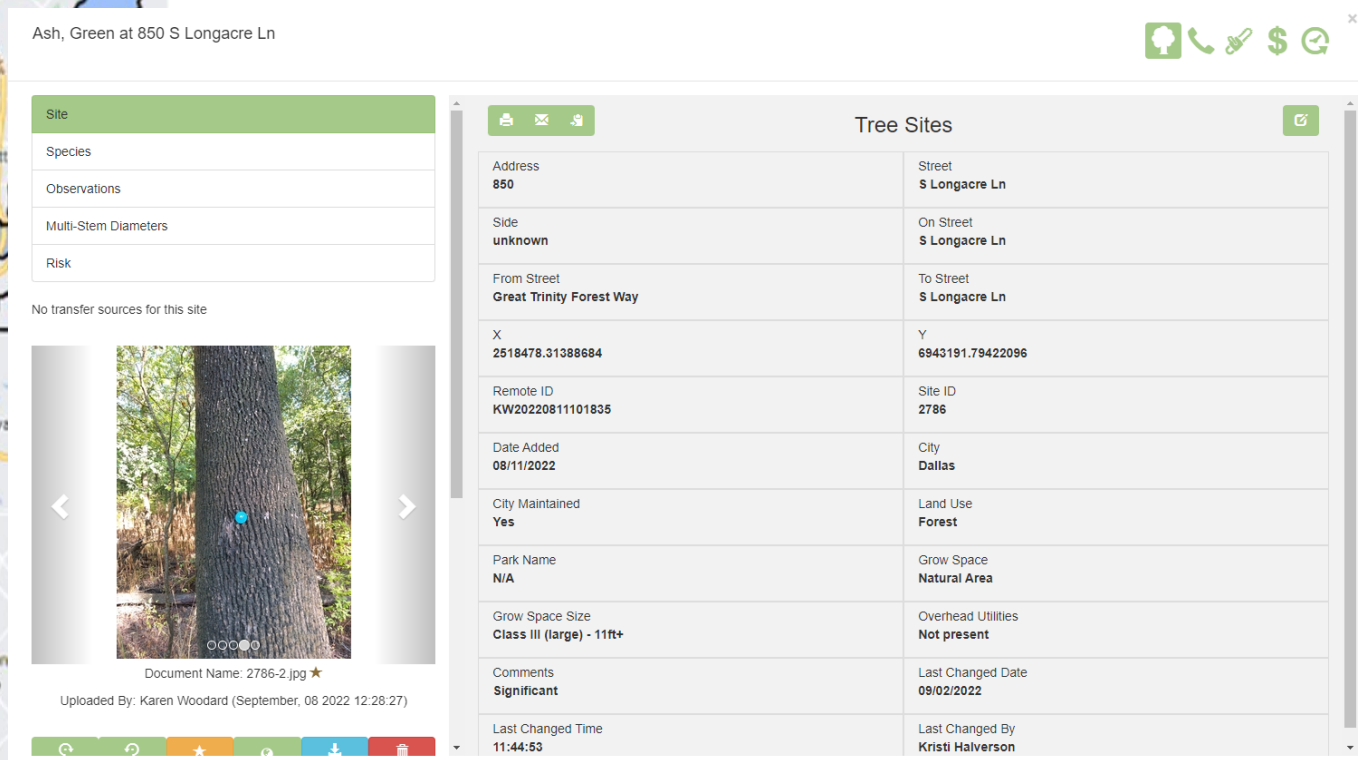
Emerald Ash Borer (EAB)

- 1,068 ash trees inventoried and assessed at X sites
  - Inventory includes: size, age, condition assessment, geolocation, photography
- 116 significant ash trees tagged and treated
  - Treatment selected based on condition and accessibility, and border of protection "fix wording"

Note: Ash tree treatment will re-start mid-March – active growth required to move treatments throughout the tree

Treekeeper – Ash Trees Inventoried





Treatment Tags

Treatment tags on significant ash trees

City Code/Landscape and Tree Manual

- On October 26, 2022, City Council Approved code amendments NO.32340
  - SEC 51A-10.101 Arizona ash moved from Class 3 designation to Unprotected
  - Sec. 10.103 Ash tree species prohibited in required landscaping or new plantings on City property
  - Sec. 10.135 Natural Deforestation Event designation for planting on single-family and duplex residential property
  - Sec. 10.140(b) Defense to Prosecution for removal of threatened tree species
- Landscape and Tree Manual (updates underway)
  - Amending Sections 1 and 2 and updates and improve its presentation.
  - Target Fall 2023 for completion and publication online.

2022-2023 Tree Planting

- Fall total 3470 new trees at homes, parks and schools
- By April 1st, approximately 4500 new trees

Historic Tree Designation

- Texas Historic Tree Coalition nominated 7 trees
- On public properties
- Committee/Council Briefings

West Dallas Historic Pecan Tree Dedication
2/22/2023 City Council approval of FT. Worth Ave. Development Group PW Beautification Agreement

Outreach

- Volunteers
- Training and Presentations
- Marketing

Volunteers

- Branch Out Dallas
- Branching Out Dallas
- Saluting Branches
- Community Forester Academy
- Tree Inventory

Trainings & Presentations

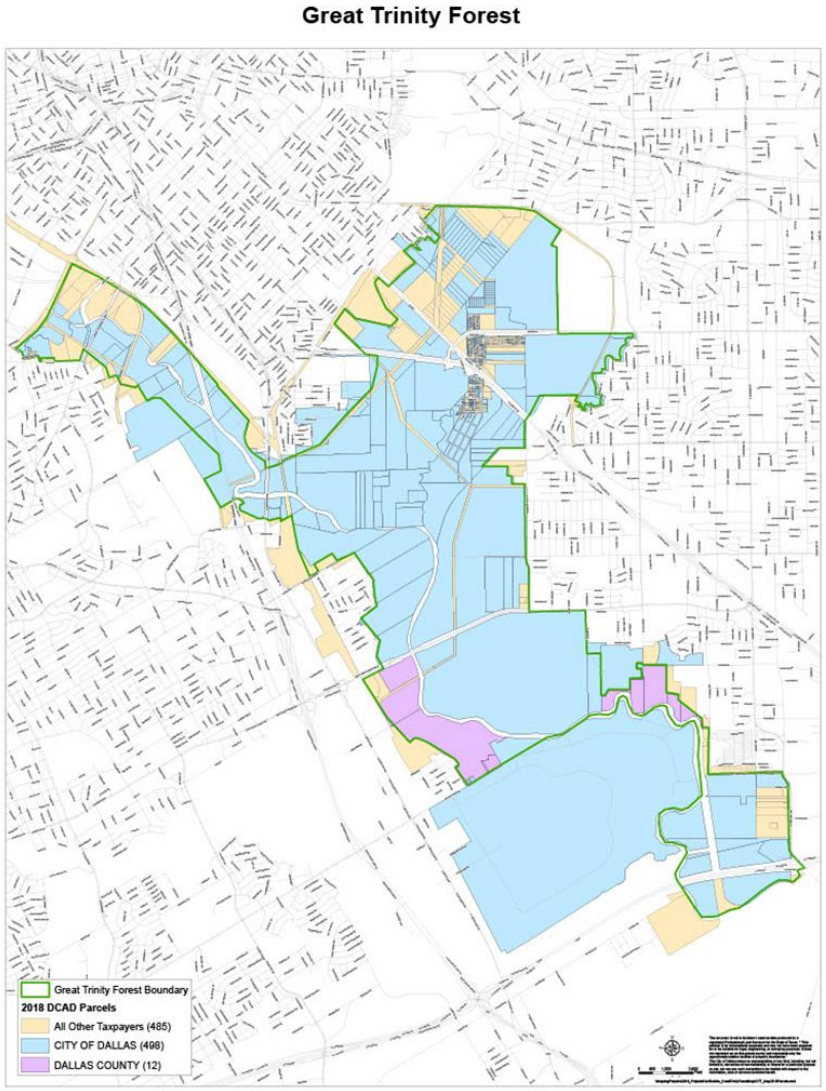
- 2022
  - 41 presentations
  - Over 1500 community members and staff reached
- 2023
  - 7 events completed for January and February; Southwest Park and Recreation Training Institue, Garden Clubs and Master Naturalists
  - Community EAB presentations working with Council leading into springtime
  - 4 workshops targeting local private tree companies to prepare them for managing EAB

Marketing

- Ramp up outreach/marketing for EAB-March 2023
- New Save a Tree-Water campaign
- New seasonal tree maintenance campaign
- Forestry/EAB Panel Video
- Updated Forestry webpage

Great Trinity Forest Boundary

- Dec 2022: Council approved survey work in coordination of DFE efforts
- Winter 2023: Data research and packaging of existing surveys to develop proposed Boundary survey
- Summer - Fall 2023: Community engagement
- 2024: Efforts include but not limited to internal/external stakeholders, recommendation of subdivision or other tool to City Council

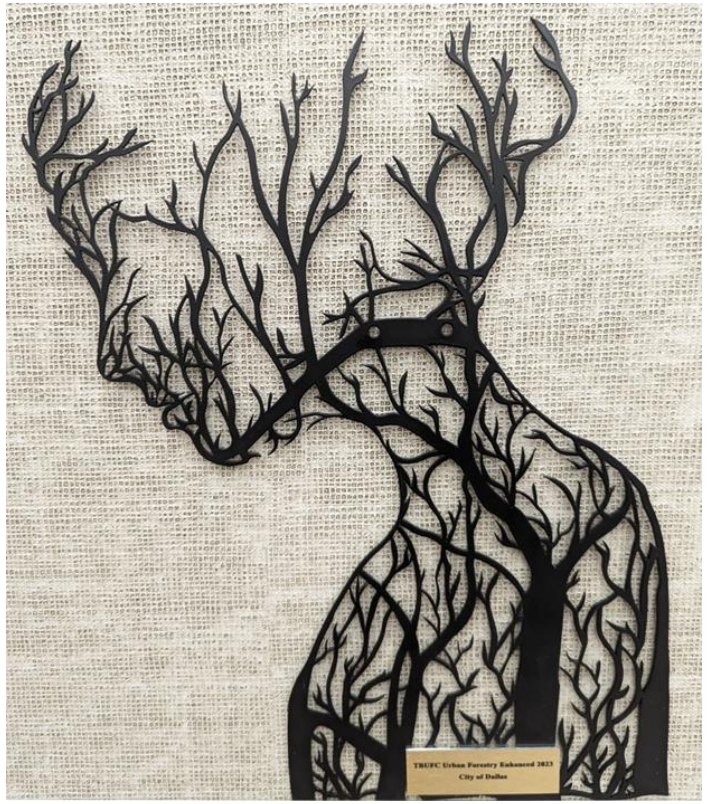


TOMA Innovative Program Award

Park & Recreation Forestry Modernization Program: Wood Waste, Branching Out, Equipment enhancement, etc...

City of Dallas Forestry Award

- Enhancing the Urban Forest
  - Presented by the Trinity Blacklands Urban Forestry Council



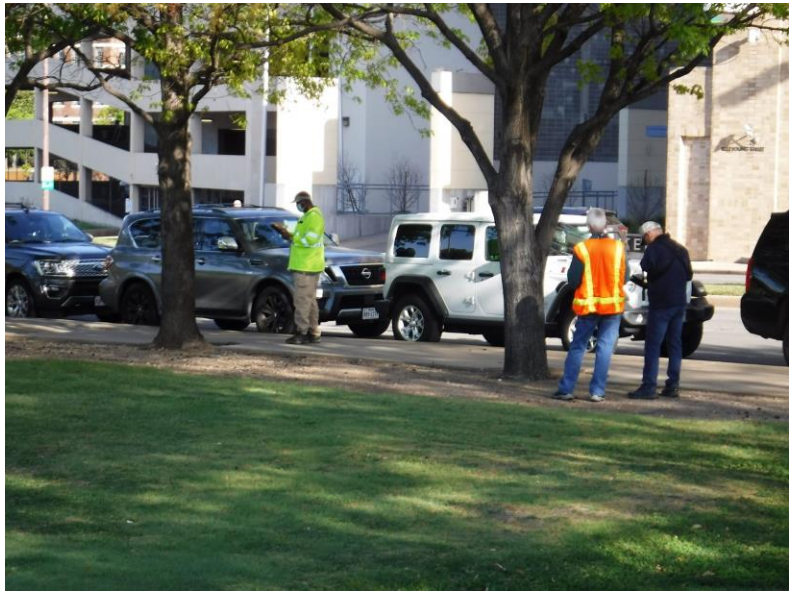
Contact Us

City of Dallas Forestry Website

Urban Forest Task Force-Technical Team
CODForestry@dallascityhall.com

Next Steps

- Spring 2023 Article X Briefing
- City-Wide Tree Inventory
  - RFP-tentative advertisement, Spring 2023
  - City staff and Community Foresters continue full inventory Spring 2023



Staff Tree Inventory (4,508 to date)

City of Dallas

Dallas Forestry Update

Environment & Sustainability Committee
March 6, 2023

City of Dallas Forestry Executive Team
Sarah Standifer, DWU
Eduardo Valerio, DWU
Renee Johnson, PKR
Tina Richardson, PBW
Sam Eskander, DEV
City of Dallas

Appendice's

- Dallas Urban Forest Master Plan Actions Update
- Marketing Materials

Dallas Urban Forest Master Plan Actions Update

RECOMMENDATION 1. Complete a comprehensive tree inventory of all right-of-way and park trees

Short-Term Target 1: Inventory 1/5 of Dallas's streets and parks.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Identify which City department(s) will manage and oversee collection of tree inventory data.	Immediate (1-5 years)	1
1.A	Conduct a small pilot tree inventory in a neighborhood identified as having low canopy cover and high need based on the social equity and health data.		
1.B	Create a work plan and budget to complete tree inventory.		
1.C	Secure funding to complete tree inventory.		
1.D	Develop and release tree inventory bid; select consultant (if applicable).		
1.E	Prepare and implement plan to regularly update inventory as maintenance and tree planting occurs by ALL City departments.		

EAB/Ash tree inventory implemented Fall 2022. 3rd party vendor RFP's 2023

RECOMMENDATION 2. Centralize the City of Dallas's urban forestry programs and activities.

Short-Term Target 2: Establish the urban forest working group.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Form an urban forestry working group with forestry staff from Park and Recreation, Public Works, Water Utilities, Sustainable Development, and department leadership.	Immediate (1-3 years)	2
2.	Explore options for centralizing City urban forestry program and activities.		

Complete

RECOMMENDATION 3. Develop a Storm Response and Recovery Plan.

Short-Term Target 3: Develop a storm response plan team.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Create a team of City of Dallas staff that are involved in tree maintenance and representatives from the City and County waste management and emergency response departments to develop plan.	Immediate (3-5 years)	3
3.A	Identify team lead and department that will oversee plan development.		
3.B	Utilize resources and planning guides to assist in developing the storm response and recovery plan.		

RECOMMENDATION 4. Strengthen and support existing relationships and partnerships.

Short-Term Target 4: Host the first Dallas Tree Summit.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Identify all public, private, and non-profit organizations involved in urban forestry, natural resources, environmental justice, and equity efforts in Dallas.	Immediate/ Ongoing (1-3 years)	4
4.A	Build momentum around Dallas's urban forest and the UFMP by planning and hosting a "Dallas Tree Summit."		
4.B	Use the Dallas Tree Summit to identify ways to continue to engage, strengthen, and support existing relationships throughout the year.		

Established Task Force Quarterly Meeting, partnership training, marketing with multiple civic groups and non-profits

Dallas Urban Forest Master Plan Actions Update

RECOMMENDATION 5. Work towards development of a City Urban Forest Management Plan

Short-Term Target 5: Develop the first annual work plan for fiscal year 2023.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Develop an annual urban forestry work plan, coordinated among the different City departments that conduct tree work, detailing the tree maintenance and planting activities.	Short-Mid Term (3-5 years)	5
5.A	Identify City of Dallas department responsible for leading the development of the urban forest management plan and whether the plan will be written by City staff or an outside consultant.		
5.B	Utilize date from tree inventory to develop Urban Forest Management Plan.		

RECOMMENDATION 6. Ensure Dallas regulations, best management practices, and guidelines are in place to support tree canopy growth, protection, and preservation.

Short-Term Target 6: Initiate the Tree and Landscape Manual revisions.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Provide resources to support completion of revisions/updates to Tree and Landscape Manual.	Short-Mid Term (1-7 years)	6
6.A	Build a new City urban forestry webpage to serve as a "one-stop-shop" for tree-related information in Dallas.		
6.B	Compile a revised list of management activities in Article X that the existing Reforestation Fund can support.		
6.C	Review existing landscaping and tree planting policies and requirements for alignment with best management practices and current City operations.		
6.D	Engage the development community in revising Article X to build support for trees and identify solutions where healthy, mature trees and development can co-exist.		
6.E	Develop best management practices for tree planting and maintenance to support the proper care.		
6.F	Explore development of a heritage tree program that could recognize and provide protection for significant, historic, and/or large trees in Dallas.		
6.G	Train and educate City of Dallas design/engineering staff and consultants on the benefits and value of the urban forest and their role in supporting the UFMP goals, targets, and recommendations.		

RECOMMENDATION 7. Develop and implement a strategy to maximize investment and resources to meet Dallas's desired level of service for urban forestry programs and management

Short-Term Target 7: Develop an action plan and funding strategy for one UFMP recommendation.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Identify one UFMP recommendation that is a priority for implementation and develop an action plan and funding strategy for its implementation.	Mid-Term (3-10 years)	7
7.A	Conduct an analysis to determine the level of funding needed to perform urban forestry activities that will improve and grow Dallas's urban forest, and develop an action plan and funding strategy.		
7.B	Create messaging about the value of Dallas urban forest and its benefits to the community.		
7.C	Foster, nurture, and grow relationships with potential funders by inviting them to attend the Dallas Tree Summit. Utilize messaging to demonstrate value of urban forest.		

Landscape and Tree Manual review and updates
Ash tree/EAB code amendments

EAB Action Plan
FY2023 Budget enhancement/additional positions

Dallas Urban Forest Master Plan Actions Update

RECOMMENDATION 8. Create a plan to strategically plant and care for trees to ensure equitable access to tree canopy across Dallas.

Short-Term Target 8: Develop a one-year tree planting plan for fiscal year 2023.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Utilize the prioritized planting maps to develop a one-year planting plan, with a goal of developing multi-year planting plans in the future.	Short-Term (3-7 years)	8
8.A	Identify health and socio-economic issues that are a priority in Dallas and develop plans to direct tree planting and maintenance activities in neighborhoods of highest need.		
8.B	Cultivate relationships with neighborhood residents to implement plans and build community support about the important role that trees play in their neighborhood.		

RECOMMENDATION 9. Create and implement a management program to monitor and address environmental threats to Dallas' urban forest.

Short-Term Target 9: Develop and implement an emerald ash borer monitoring program in 2021.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Use information from the UFMP to understand current pests and diseases that are a threat to Dallas's urban forest and develop a program to begin to scout and monitor for these threats.	Short-Term (1-10 years)	9
9.A	Develop an urban tree health program to conduct field assessments and scout/monitor for threats.		
9.B	Support and encourage City of Dallas staffs' attendance at urban forestry conferences, webinars, and other education events to stay up to date on new threats to Texas' trees and the urban forest.		

RECOMMENDATION 10. Develop and implement a public engagement, outreach, and education plan.

Short-Term Target 10: Develop and implement an outreach campaign for one key urban forestry message by June 2022.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Utilize the results of the UFMP community input activities to identify which messages should be the first priority in an outreach and education campaign.	Immediate/ Ongoing (1 year)	10
10.A	Conduct focus groups or other engagement activities with urban forestry, environmental, and equity partners to identify key messages for the outreach campaign.		
10.B	Identify advertising/marketing agency to help with the urban forestry branding and messaging and develop budget for campaign.		
10.C	Seek funding for outreach and education campaign.		

RECOMMENDATION 11. Formulate a strategy to manage wood waste and identify the highest and best use of wood from trees removed by the City.

Short-Term Target 11: Create an initial list of companies and organizations that may be able to utilize City-generated wood waste.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Determine how much wood waste is generated from City forestry operations.	Mid-Long Term (5-10 years)	11
11.A	Research local wood workers, tree care companies, and resource recovery operations that may be able to use wood waste generated by the City.		
11.B	Establish evaluation criteria for different wood markets.		
11.C	Create partnerships with companies and individuals who can use City-generated wood waste.		
11.D	Identify wood waste strategies and develop pilot program(s) to test feasibility and identify challenges/ opportunities for implementation.		

EAB Action Plan
Ash tree inventory and treatments
Public and Private trainings and presentations

Forestry webpage
EAB Awareness campaign
Community and private EAB presentations
Seasonal tree care marketing (coming 2023)

Dallas Urban Forest Master Plan Actions Update

RECOMMENDATION 12. Strengthen working relationships and partnerships with private utilities, organizations, and contractors whose activities impact trees by instituting regular dialogue and project coordination.

Short-Term Target 12: Compile list of utilities, organizations, and contractors.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Assemble a list of utilities, organizations, and contractors, including contact information, that work within the City; identify City staff to contact and create working relationships.	Long-Term (5-10 years)	12
12.A	Educate businesses, organizations, and contractors on City's best management practices and tree related policies.		
12.B	Identify opportunities for partnership and collaboration on projects that can preserve and save trees.		

RECOMMENDATION 13. Enhance and develop programs that encourage and support active participation by residents and volunteers in the planting and care of Dallas's urban forest.

Short-Term Target 13: Develop list of existing urban forestry volunteer programs.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Identify appropriate activities that volunteers can participate in and develop a list of existing programs that can best utilize volunteer assistance.	Long-Term (5-10 years)	13
13.A	Evaluate, improve, and expand upon current volunteer programs.		
13.B	Identify ways to engage vulnerable populations in the planting and care of trees.		
13.C	Establish volunteer programs that utilize groups from local corporations/businesses.		

RECOMMENDATION 14. Review and update the Great Trinity Forest Management Plan.

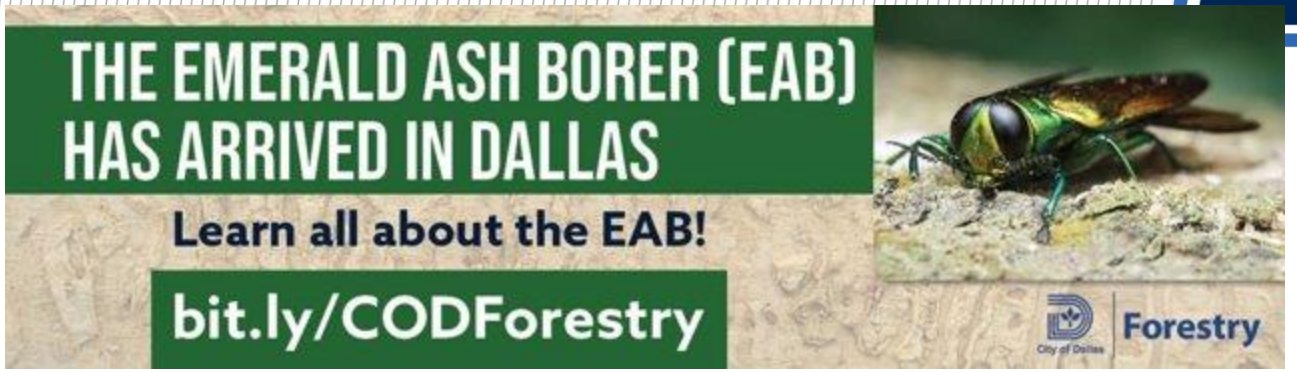
Short-Term Target 14: Create Great Trinity Forest Management Plan update team.

Recommended Action Steps		Timeframe	Priority for Implementation
First Step	Develop a team of City of Dallas staff and outside partners to undertake the Great Trinity Forest review and update.	Long-Term (5-10 years)	14
14.A	Identify the most immediate opportunities and challenges facing the Great Trinity Forest.		
14.B	Develop management and maintenance recommendations to address opportunities and threats, and revise plan.		
14.C	Identify the next sections of the plan to revise and update.		
14.D	Develop a schedule to review, measure progress, and update the management plan.		

Community Foresters
Branching Out
MowMentum
Branch Out Dallas

Marketing

CITY OF DALLAS FORESTRY
BIG DALLAS, BIG TREES
HAVE A QUESTION? WE'RE HERE TO HELP!
PHONE:
214-670-3111
EMAIL:
CODForestry@dallascityhall.com
WEBSITE:
dallascityhall.com/projects/forestry/Pages/home.aspx
SILVICULTURA DE LA CIUDAD DE DALLAS
GRAN DALLAS, GRANDES ÁRBOLES
¿TIENES UNA PREGUNTA? ¡ESTAMOS AQUÍ PARA AYUDARTE!
TELÉFONO:
214-670-3111
CORREO ELECTRÓNICO:
CODForestry@dallascityhall.com
PÁGINA WEB:
dallascityhall.com/projects/forestry/Pages/home.aspx


THE EMERALD ASH BORER (EAB)
HAS ARRIVED IN DALLAS
Learn all about the EAB!
bit.ly/CODForestry
Forestry

DID YOU KNOW?
Trees need to be watered during the winter months.
Winter weather conditions can leave lasting impacts on a tree's health.
Visit www.arborday.org for tips on caring for your trees.

Marketing

DALLAS ROOTS RUN DEEP
ALL THROUGH THE CITY!
TREE PLANTING PROGRAMS OFFERED IN THE CITY:
• Dallas Reforestation Program
• Branching Out Dallas
• Park and Recreation chooses a minimum of twelve parks per year to plant new trees.
• Branch Out Dallas
• Annually provides a free tree to Dallas homeowners to be planted in the front, back or side yards.
PHONE: 214-670-3111
EMAIL: CODForestry@dallascityhall.com
WEBSITE: dallascityhall.com/projects/forestry/Pages/home.aspx
City of Dallas

LAS RAÍCES DE DALLAS SON PROFUNDAS
¡POR TODA LA CIUDAD!
SERVICIOS DE LA CIUDAD DE PLANIFICACIÓN DE ÁRBOLES QUE OFRECEMOS:
• Programa de Reforestación de Dallas
• Branching Out Dallas
• Parques y Recreación elige un mínimo de doce parques al año para plantar nuevos árboles.
• Branch Out Dallas
• Anualmente proporciona un árbol gratuito a los propietarios de viviendas de Dallas para que lo planten en el patio delantero, trasero o lateral.
TELÉFONO: 214-670-3111
CORREO ELECTRÓNICO: CODForestry@dallascityhall.com
PÁGINA WEB: dallascityhall.com/projects/forestry/Pages/home.aspx
City of Dallas

CUARENTENA DEBIDO AL BARRENADOR ESMERALDA DEL FRESNO
El Servicio Forestal de Texas A&M (TFS) ha notificado al Grupo de Trabajo Forestal de la Ciudad sobre la presencia confirmada del Barrenador Esmeralda del Fresno (EAB) dentro de los límites de la ciudad de Dallas y el oeste del Condado de Dallas. El EAB es un insecto xilófago no nativo que destruye los fresnos. Los fresnos constituyen el 5% del bosque urbano de Dallas/Fort Worth, según TFS.
El Departamento de Agricultura de Texas (TDA), la agencia reguladora del EAB, ha implementado una cuarentena para el Condado de Dallas. Como parte de la cuarentena, no se puede trasladar madera sin tratar, restos de madera o leña de madera dura fuera de las áreas en cuarentena. El Condado de Dallas se une a los Condados de Parker, Tarrant, Wise y Denton en cuarentena.
¿QUÉ SIGNIFICA ESTO?
LEÑA: No se puede trasladar leña de ninguna especie de madera dura fuera del área en cuarentena.
ESTA ES LA CAUSA PRINCIPAL DE LA MIGRACIÓN DEL EAB A NUEVAS ÁREAS.
RESTOS DE MADERA: Toda la madera grande o pequeña sin tratar, incluyendo, entre otros, ramas, tocones, astillas de más de 1 pulgada y troncos de árboles secos o verdes.
STOCK EN LOS VIVEROS: No se puede trasladar ningún stock del vivero relacionado a los fresnos fuera de las áreas en cuarentena debido al EAB, a menos que se haya llegado a un acuerdo de conformidad con la TDA.
Los tratamientos aceptables para la madera se pueden encontrar en el sitio web del Departamento de Agricultura de Texas en: bit.ly/EABTreatment
Para más información y videos sobre el EAB o fresnos visítenos en: dallascityhall.com/projects/forestry/Pages/home.aspx
Para consultas o preguntas la comunidad puede comunicarse al 214-670-3111 o enviar un correo electrónico a: CODForestry@dallascityhall.com
Forestry ¡NUESTRAS RAÍCES SON PROFUNDAS!

EMERALD ASH BORER QUARANTINE
Texas A&M Forest Service (TFS) has notified the City Forestry Task Force of the confirmed presence of the Emerald Ash Borer (EAB) in the Dallas city limits and western Dallas County. EAB is a non-native, wood-boring insect destructive to ash trees. Ash trees are 5% of the Dallas/Fort Worth urban forest, according to TFS.
The Texas Department of Agriculture (TDA), the regulatory agency for EAB, has implemented a quarantine for Dallas County. As part of the quarantine, no untreated wood, wood debris, or hardwood firewood can be moved outside the quarantined area(s). Dallas County joins Parker, Tarrant, Wise, and Denton Counties in quarantine.
WHAT DOES THIS MEAN?
FIREWOOD: No firewood of any hardwood species can be moved outside of a quarantined area.
FIREWOOD IS THE PRIMARY CULPRIT IN THE MOVEMENT OF THE EAB INTO NEW AREAS.
WOODY DEBRIS: All large or small untreated wood including but not limited to branches, stumps, chips larger than 1 inch, and logs from dead or alive trees.
NURSERY STOCK: No ash nursery stock may be moved from EAB quarantined areas unless under a compliance agreement with TDA.
Acceptable wood treatments can be found on the Texas Department of Agriculture website at: bit.ly/EABTreatment
For more information and videos on EAB or ash trees visit us at: dallascityhall.com/projects/forestry/Pages/home.aspx
For inquiries or questions, call 214-670-3111 or email: CODForestry@dallascityhall.com
Forestry OUR ROOTS RUN DEEP!

WHAT IS THE EMERALD ASH BORER (EAB)?
The emerald ash borer (Agrilus planipennis) is a destructive non-native wood-boring pest of ash trees. Native to Asia, the emerald ash borer beetle (EAB) was unknown in North America until its discovery in southeast Michigan in 2002. All native ash species are susceptible to attack.
Ash trees with low population densities of EAB often have few or no external symptoms of infestation. EAB is a significant threat to urban, suburban, and rural forests as it kills both stressed and healthy trees.
WHAT DO I DO IF I SEE AN EAB?
1. Do you know what kind of tree you have? Visit the Trees of Texas website to help you identify your tree: texastreeid.tamu.edu/index.aspx
2. Have there been reports of the beetle nearby? The biggest signs of a beetle nearby are:
• Dead branches near the top of a tree
• Leafy shoots sprouting from the trunk
• Bark splitting exposing larval galleries
3. Call a professional certified forester to verify the presence of an EAB, then discuss ALL of your options!
Finally, if removal is needed, plant a new tree! Check out the Dallas Forestry website for alternate trees and more tree information.
Forestry
214-670-3111
CODForestry@dallascityhall.com
dallascityhall.com/projects/forestry/Pages/home.aspx

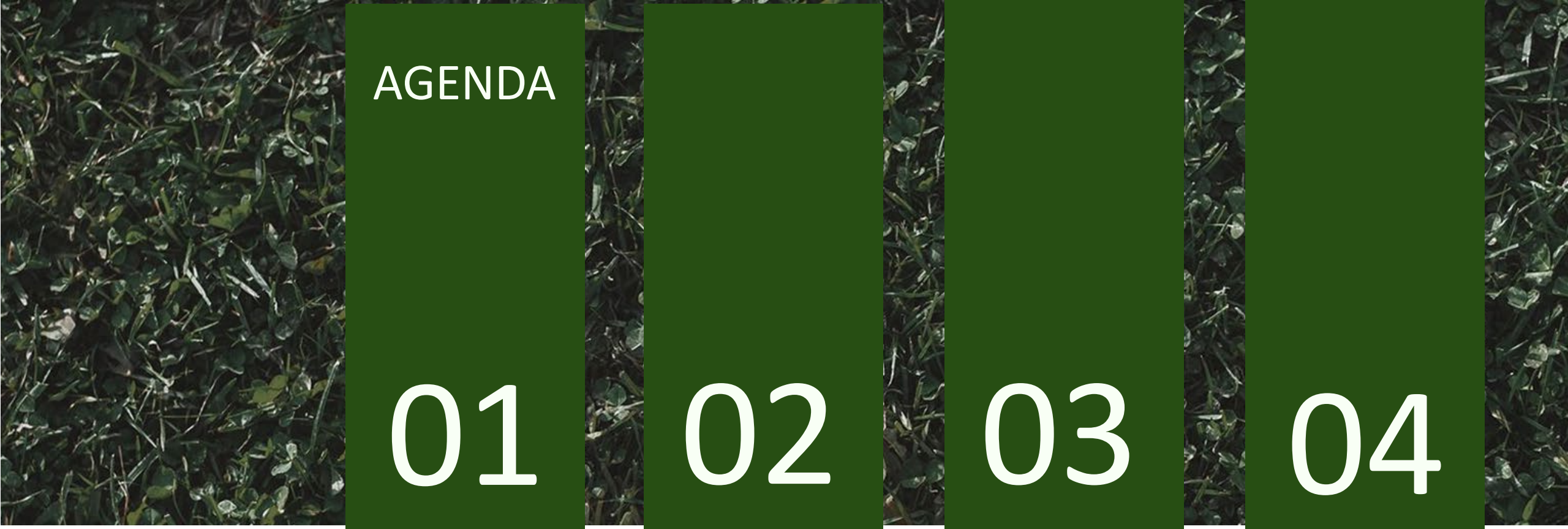
¿QUÉ ES EL BARRENADOR ESMERALDA DEL FRESNO (BEF)?
El barrenador esmeralda del fresno (Agrilus planipennis) es una plaga destructiva no autóctona que perfora la madera de los fresnos. Originario de Asia, el barrenador esmeralda del fresno (BEF) era desconocido en Norteamérica hasta su descubrimiento en el sureste de Michigan en 2002. Todas las especies nativas de fresnos son susceptibles de ser atacadas.
Los fresnos con bajas densidades de población del BEF suelen presentar pocos o ningún síntoma externo de infestación. El BEF es una amenaza importante para los bosques urbanos, suburbanos y rurales, ya que mata tanto a los árboles estresados como a los sanos.
¿QUÉ HAGO SI VEO UN BEF?
1. ¿Sabe qué tipo de árbol tiene? Visite el sitio web Trees of Texas para ayudarle a identificar su árbol: texastreeid.tamu.edu/index.aspx
2. ¿Ha habido informes sobre el escarabajo en las cercanías? Los mayores signos de un escarabajo cerca son:
• Ramas muertas cerca de la copa de un árbol
• Brotes de hojas que brotan del tronco
• Corteza partida que expone galerías de larvas
3. ¡Llame a un silvicultor profesional certificado para que verifique la presencia de un BEF y, a continuación, analice TODAS sus opciones!
Finalmente, si es necesaria la eliminación, ¡plante un nuevo árbol! Consulte el sitio web de Dallas Forestry para obtener árboles alternativos y más información sobre árboles.
Forestry
214-670-3111
CODForestry@dallascityhall.com
dallascityhall.com/projects/forestry/Pages/home.aspx

TEXAS TREES FOUNDATION

Texas Trees Foundation
Managing The Need To Be Treed

Dallas Tree Equity Planting Map, 2022

March 2023



AGENDA

01

Dallas Urban Forest Health and Equity

02

Dallas Tree Equity Planting Map 2022

03

Dallas Equity Engagement Process

04

Dallas Equity Indicators and Challenges

About Texas Trees Foundation

The Texas Trees Foundation (Texas Trees) serves as a catalyst in creating a new green legacy for North Texas through transformational, research-based plans that educate and mobilize the public to activate the social, economic, environmental, and health benefits that trees and urban forestry provide for a better quality of life.

How do we create cleaner, greener, cooler, and healthier cities?

Urban Forest Preservation & Expansion

Cool Schools Program™

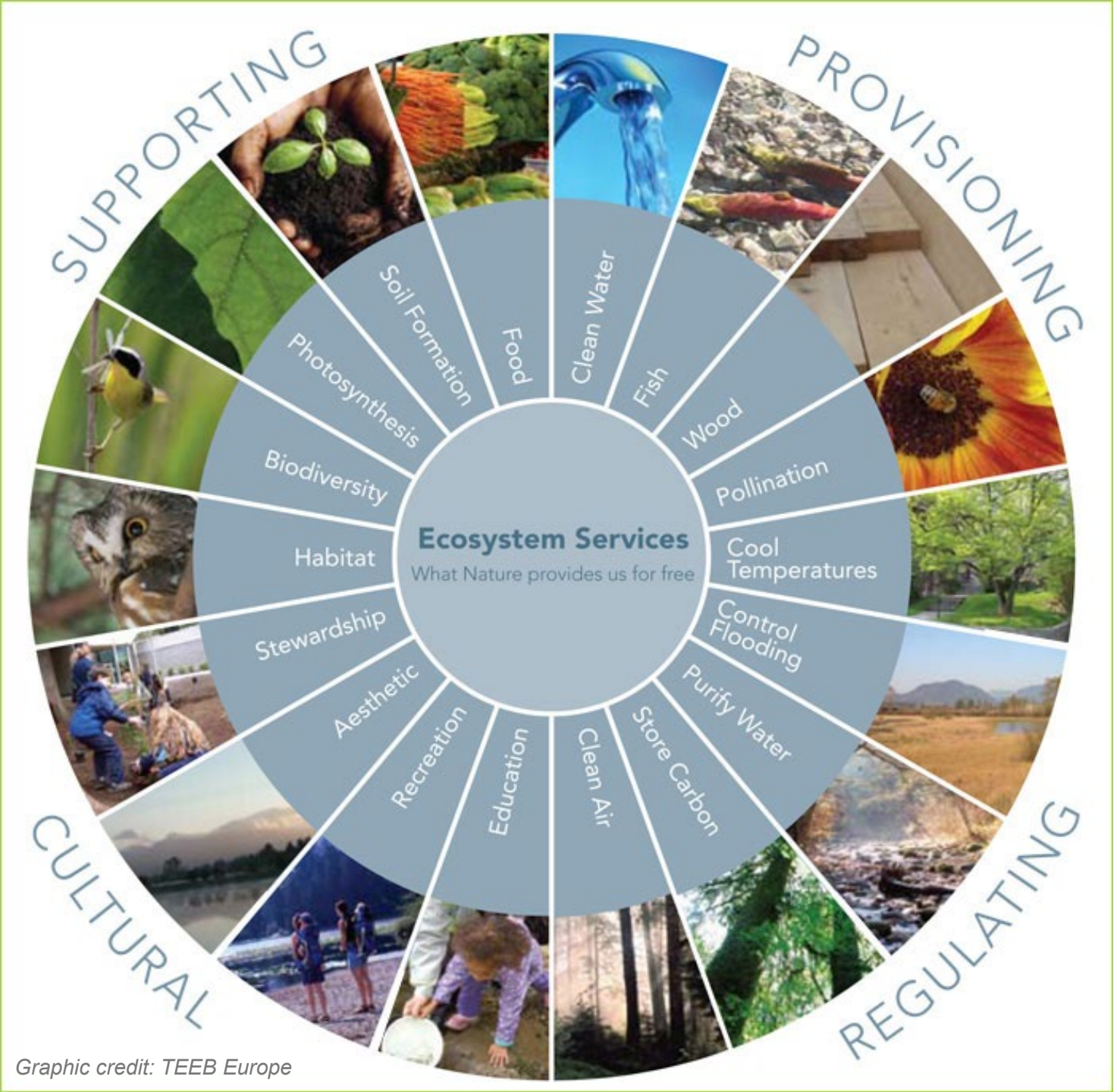
Southwestern Medical District Streetscape & Park Improvement

Connecting & Celebrating Trees and People

TEXAS TREES FOUNDATION

01

Dallas Urban Forest, Health, and Equity



Graphic credit: TEEB Europe

Urban Forestry

The art, science, and technology of **managing trees and forest resources** in and around **urban community** ecosystems for the physiological, sociological, economical, and aesthetic **benefits trees provide society** (Helms 1998).

Trees and Human Health and Wellbeing

- **Reducing the burden of chronic, lifestyle-related diseases;**
- **Improving mental and physical health and well-being;**
- **Promoting physical activity and reducing stress;**
- **Contributing to social cohesion in cities;**
- **Improving urban air and water quality for improved human health;**
- **Reducing heat- and noise-related diseases in cities;**
- **Improving children's opportunities for healthy development; and**
- **Providing environmental education.**

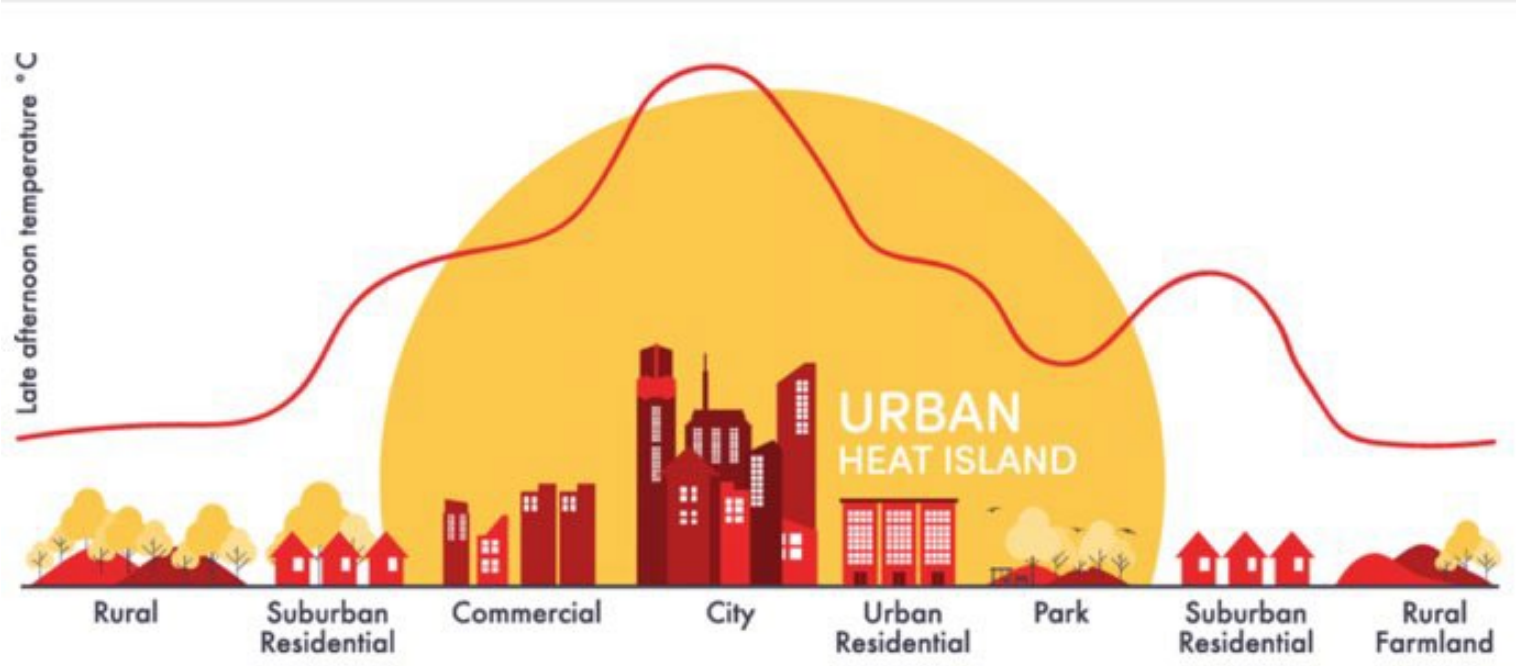
- See Routledge Handbook of Urban Forestry

Imagine a Green, Inclusive, Safe, Accessible, and Healthy District…

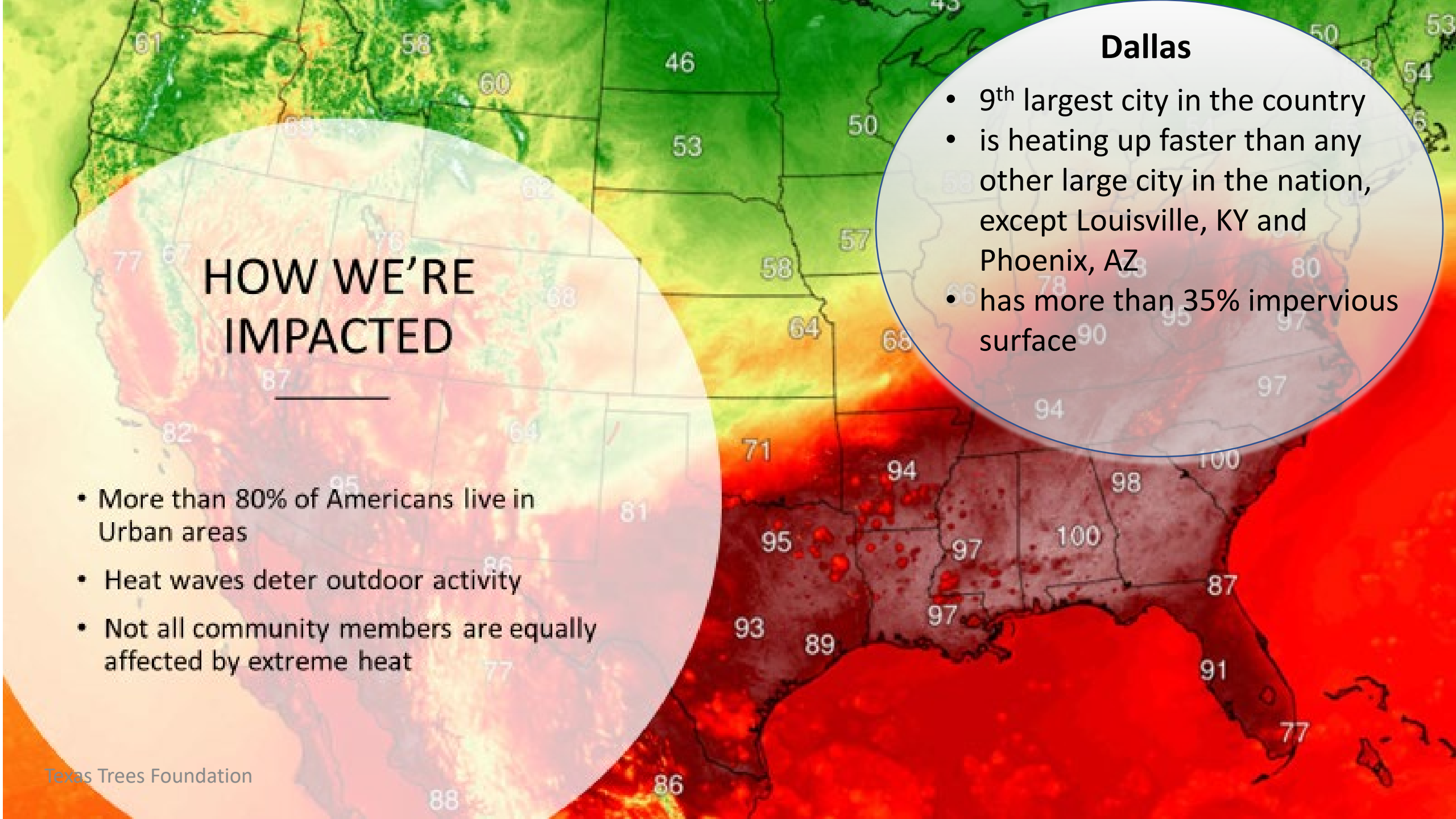
Urban Heat Island Effect
WHAT ARE HEAT ISLANDS?

- Structures such as buildings and roads absorb and re-emit sun's heat more than natural landscapes such as forests and water bodies

- This leads to hotter days and even hotter nights in our urban environment



Fuladlu, Kamyar & Riza, Müge & Ilkan, Mustafa. (2018). THE EFFECT OF RAPID URBANIZATION ON THE PHYSICAL MODIFICATION OF URBAN AREA.



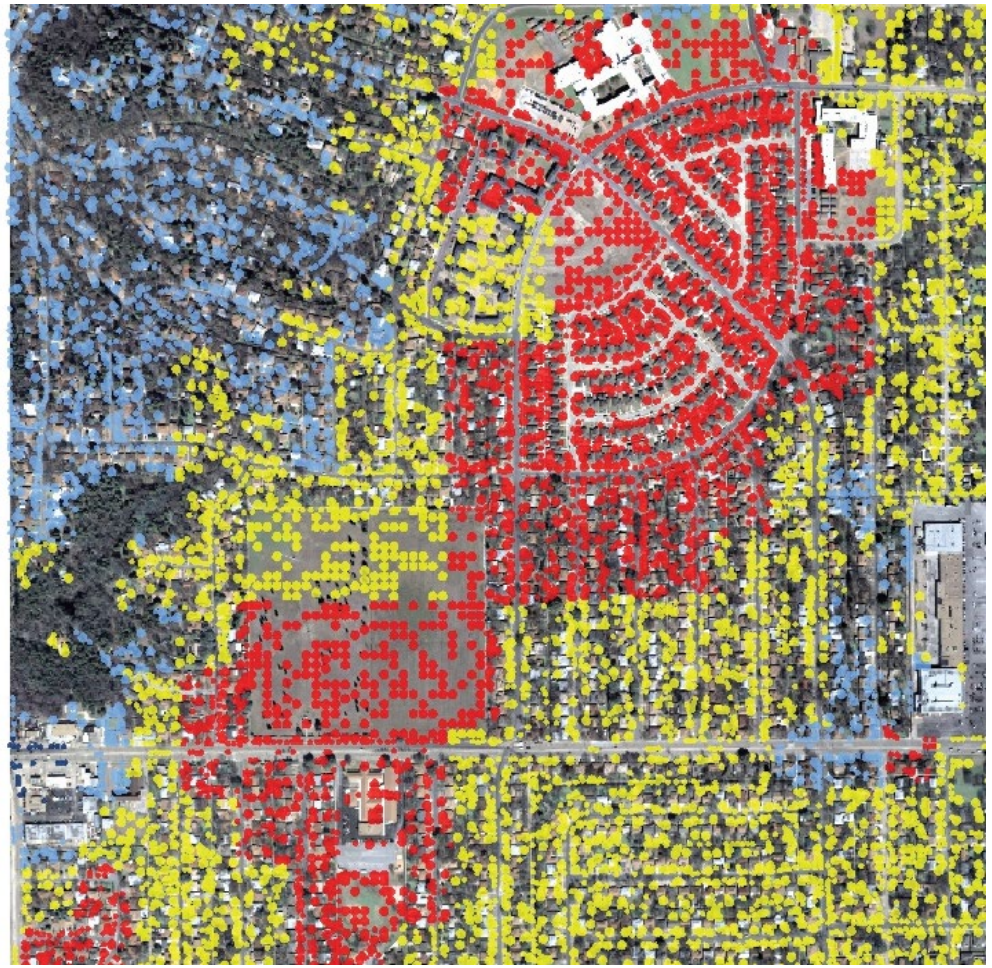
HOW WE'RE IMPACTED

- More than 80% of Americans live in Urban areas
- Heat waves deter outdoor activity
- Not all community members are equally affected by extreme heat

Dallas

- 9th largest city in the country
- is heating up faster than any other large city in the nation, except Louisville, KY and Phoenix, AZ
- has more than 35% impervious surface

Urban Heat and the Urban Forest



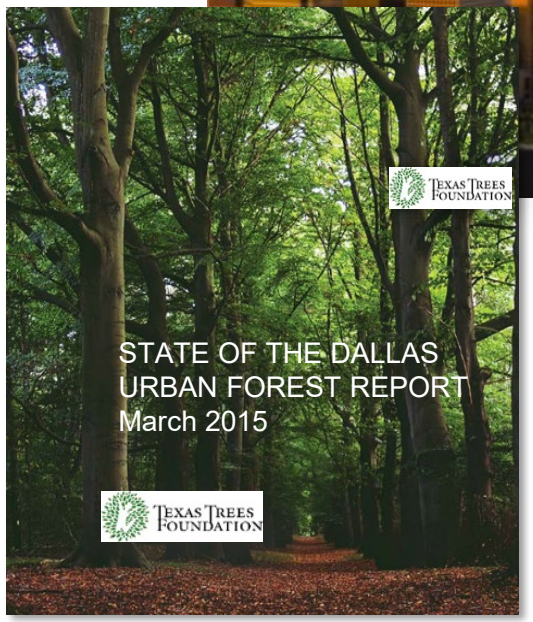
Surface Temperature Ranges (Degree F)

0-110	121-130	141 + N/A	
111-120	131-140		

Tree-planting locations color-coded by temperature range

US Forest Service recommends 40% tree canopy cover

Dallas has 32%
SWMD has 7%



Texas Trees Foundation

Microclimate Matters to Human Comfort

Effect of Shade on Surface Temperature

Select Heat Data Pegasus Park, Parking Lot

SITE	Surface Temp F Shade	Surface Temp F Sun
Grass	101.8	104.7
Light Color Concrete	109.9	122.1
Exterior White Car	114.2	134.6
Woodchip Mulch	107.0	146.1
Exterior Black Car	113.7	157.6

Thursday, July 21, 2022
Recorded Time: 4:15PM – 4:22PM
Recorded Air Temperature 100/95F
Weather Conditions: Sunny
Data captured by infrared thermometer

Pegasus Park Parking Lot

Sensor Locations

KEY

TH = Temperature and Humidity Sensor

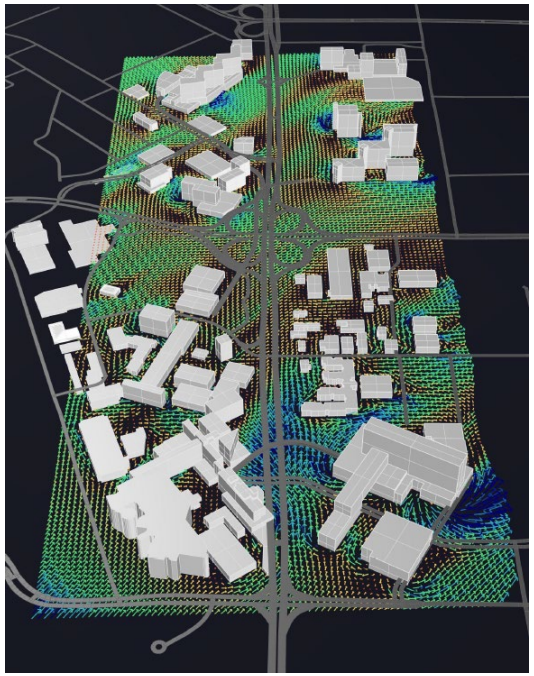
MRT = Mean Radiant Temperature Sensor Globe

Anon = Anemometer (wind flow/direction)

Evidence-Based Design Applied

Measure

Use high resolution satellite imaging and ground-based sensors for ongoing monitoring and analysis.

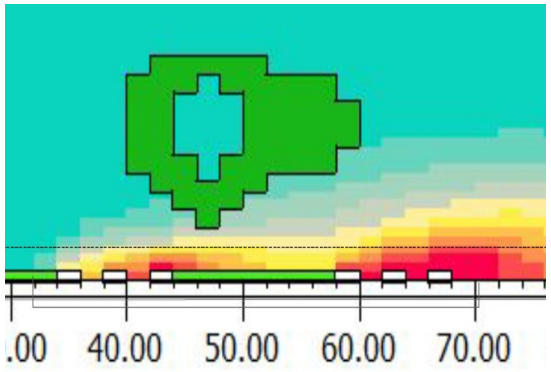


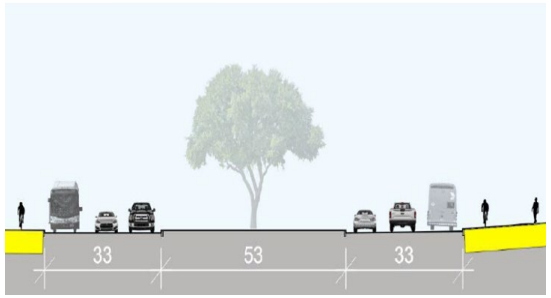
Model

Leverage real time data to create environmental simulations that will be used to predict design outcomes.

Modify

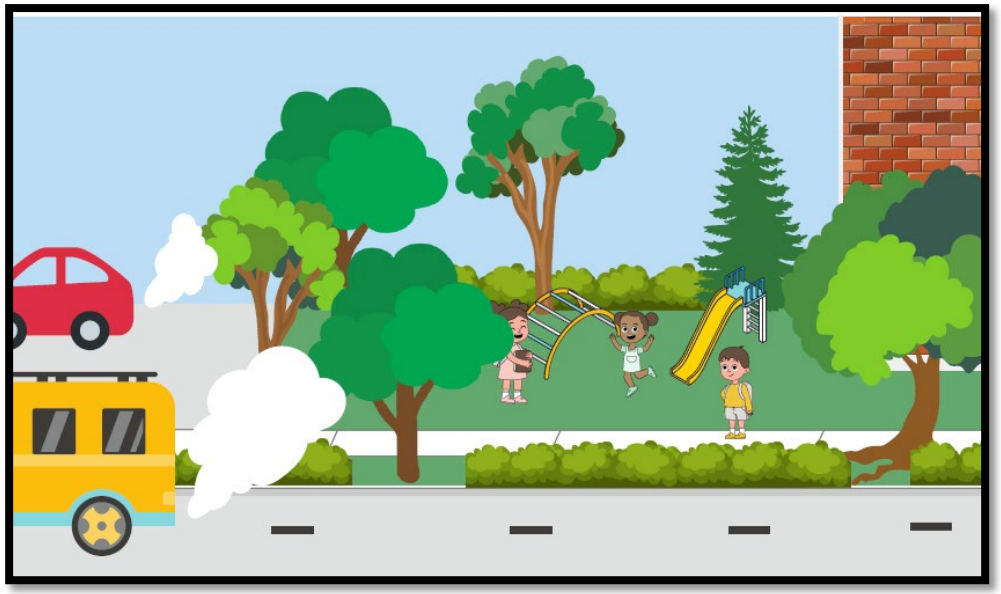
Optimize design scenarios to maximize health benefits through iterative modeling process.





Particulate Matter Study

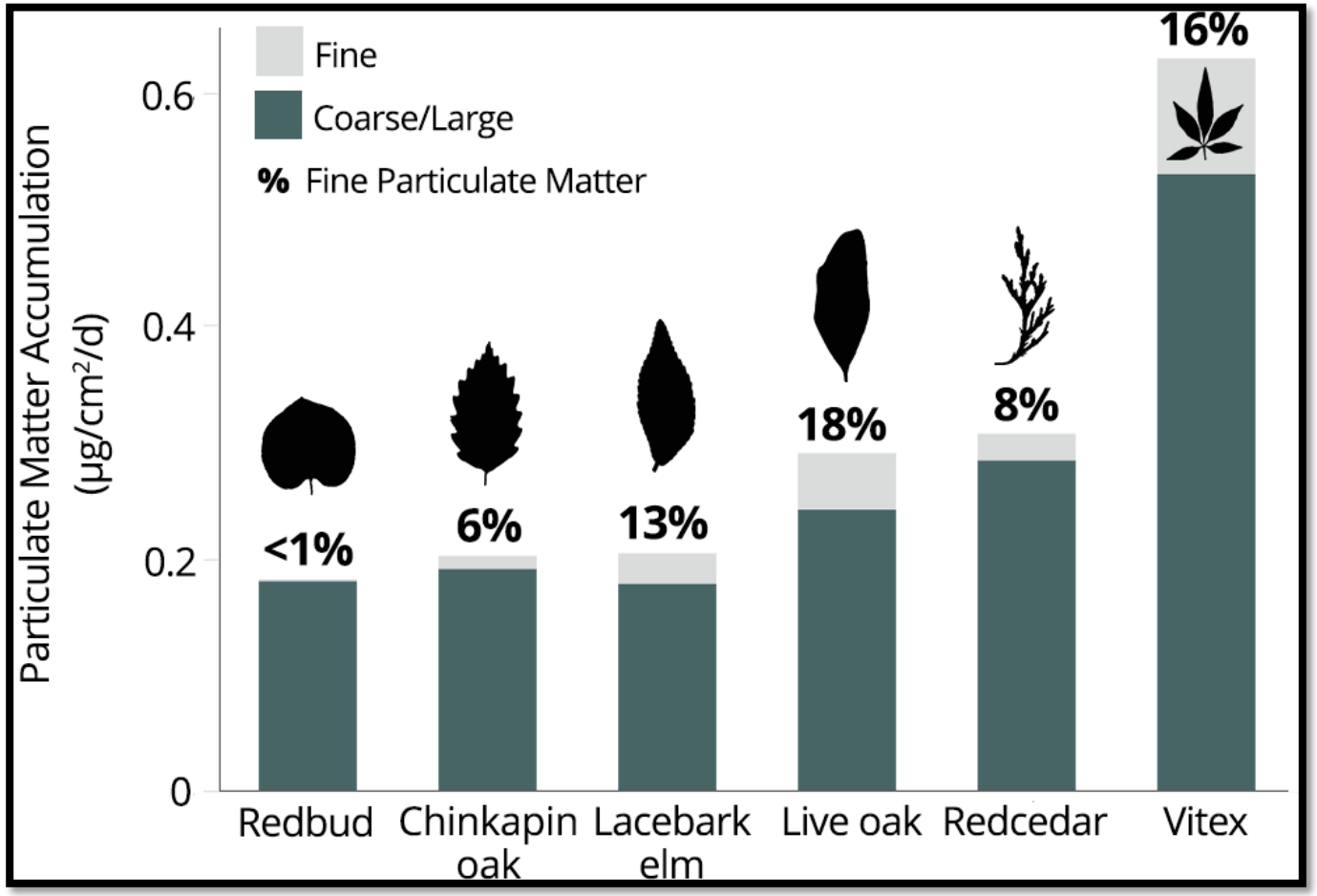
- Conducted around Charles Rice Learning Center in Dallas
- This study examined the efficiency of different tree/plant species in filtering airborne particulate matter (PM)
- Goal of the study is to inform plant species selection for vegetation barriers around urban schools



- Vegetation can serve as a barrier between air pollutants and school children and decrease pediatric asthma rates

Particulate Matter Study

- Findings indicate that **mixed-species vegetation barriers** are effective at filtering PM due to the seasonal and spatial complementarity of plants with different leaf characteristics, growth form (trees vs. shrubs) and habit (evergreen vs. deciduous)



02

Dallas Tree Equity Planting Map 2022

5 Planting Priority Categories

Demographic Population density People of color (% non-white) Educational attainment	**Health** Vulnerable populations Heart disease and obesity
Economic Development Home ownership rates Median income Median home value Poverty percentage	**Air Quality** Future traffic congestion
	Urban Heat Island Average maximum temperature

This report provides an action guide for decision-makers, city staff, developers, builders, and other stakeholders to better identify where trees should be strategically planted

- Various data sets were used in this analysis including tree canopy and vegetated surfaces from pervious projects, sociodemographic data from the U.S. Census Bureau's American Community Survey (ACS), health metrics from the Centers for Disease Control and Prevention (CDC), and future traffic congestion from the Texas Department of Transportation (TXDOT). (A full list of data sources can be found on page 26 of the report).

- 929 census block groups within the City of Dallas used. Block groups are used by the U.S. Census Bureau to assure statistical consistency when tracking populations across the US and can be valuable indicators of environmental justice as they are linked with sociodemographic data.

MANAGING THE NEED TO BE TREED

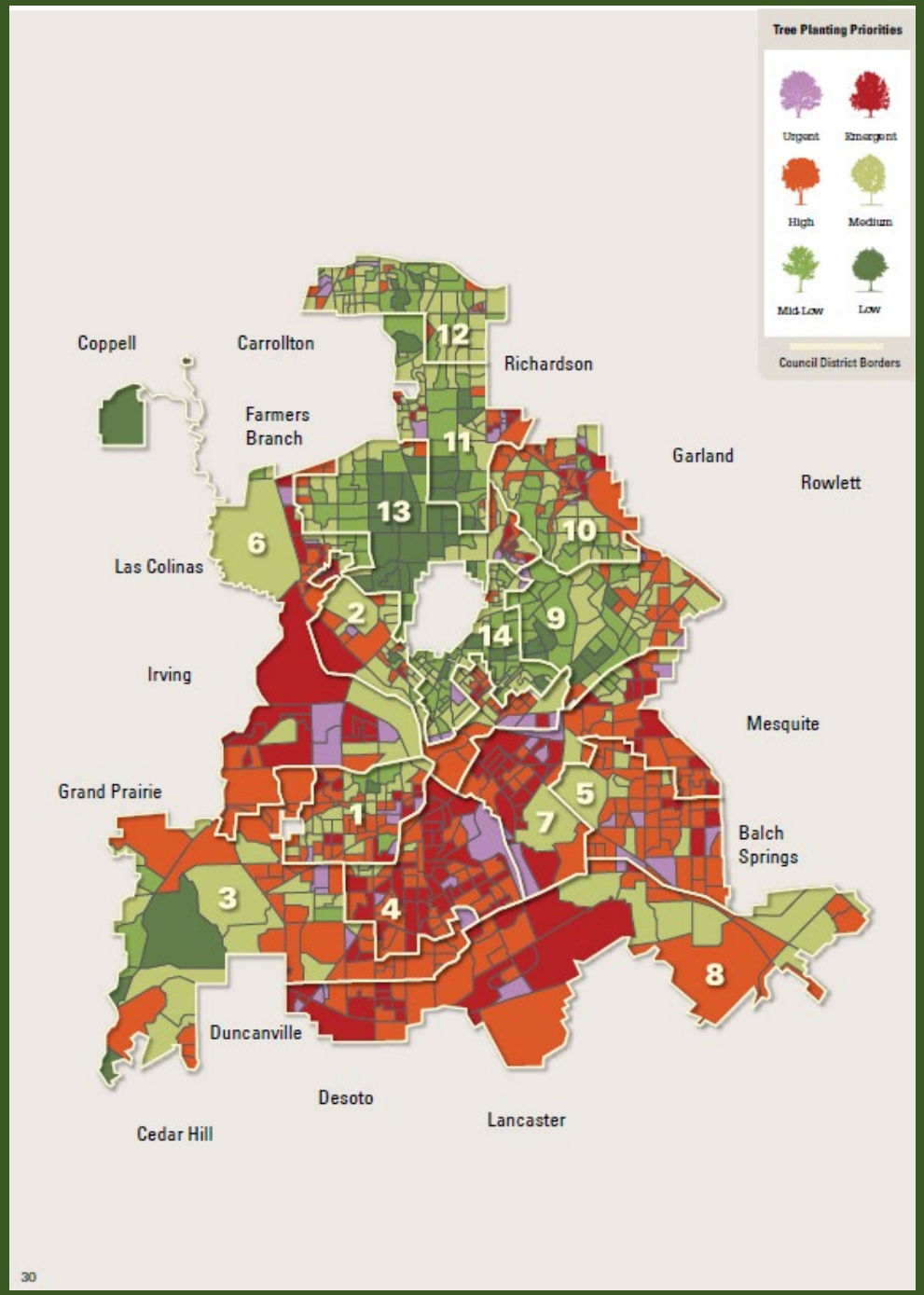
DALLAS TREE EQUITY PLANTING MAP

2022

Dallas Tree Equity Planting Map, 2022

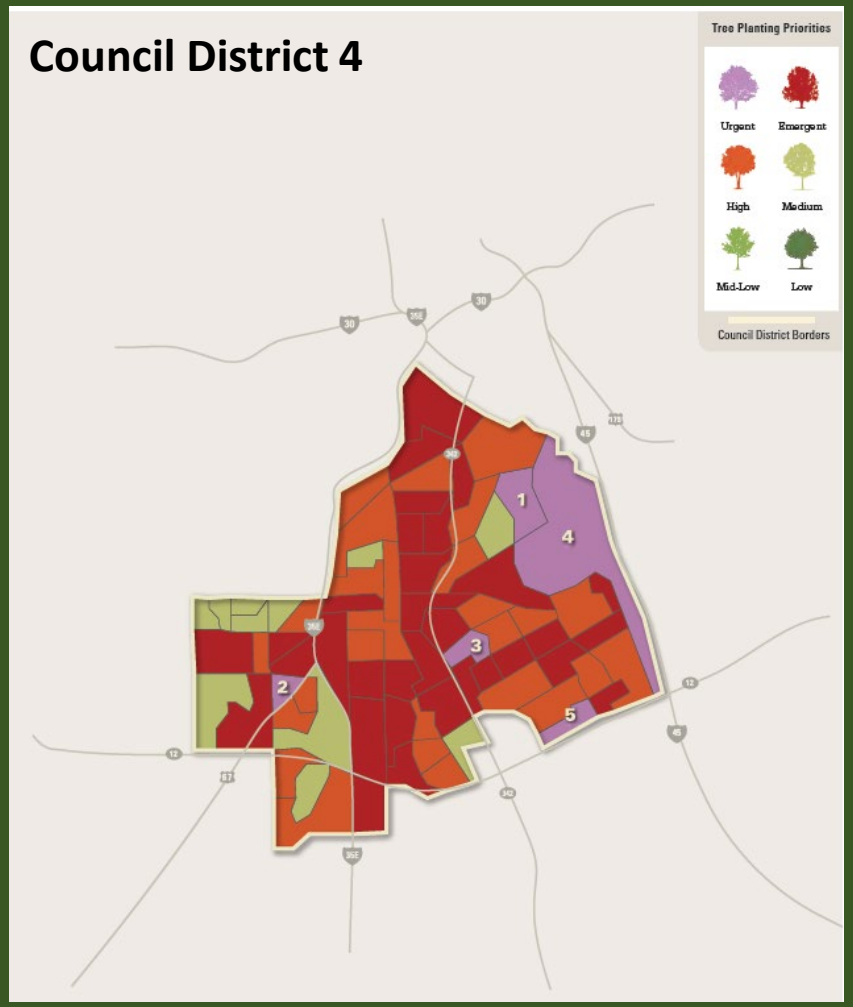
TABLE 4:
Results of planting prioritization analysis for Dallas City Council Districts

Council District	Overall Planting Priority	Tree Canopy (%)	Non-Tree Vegetation (%)	Average Maximum Temp (°F)
District 1	6	31%	21%	98.19°
District 2	7	21%	17%	98.76°
District 3	8	34%	25%	96.44°
District 4	1	36%	27%	98.34°
District 5	5	38%	26%	96.16°
District 6	2	22%	24%	99.04°
District 7	3	29%	26%	96.96°
District 8	4	32%	34%	96.26°
District 9	11	37%	22%	98.01°
District 10	9	26%	20%	96.47°
District 11	10	27%	16%	96.79°
District 12	12	25%	21%	96.66°
District 13	13	34%	17%	97.12°
District 14	14	25%	14%	98.49°

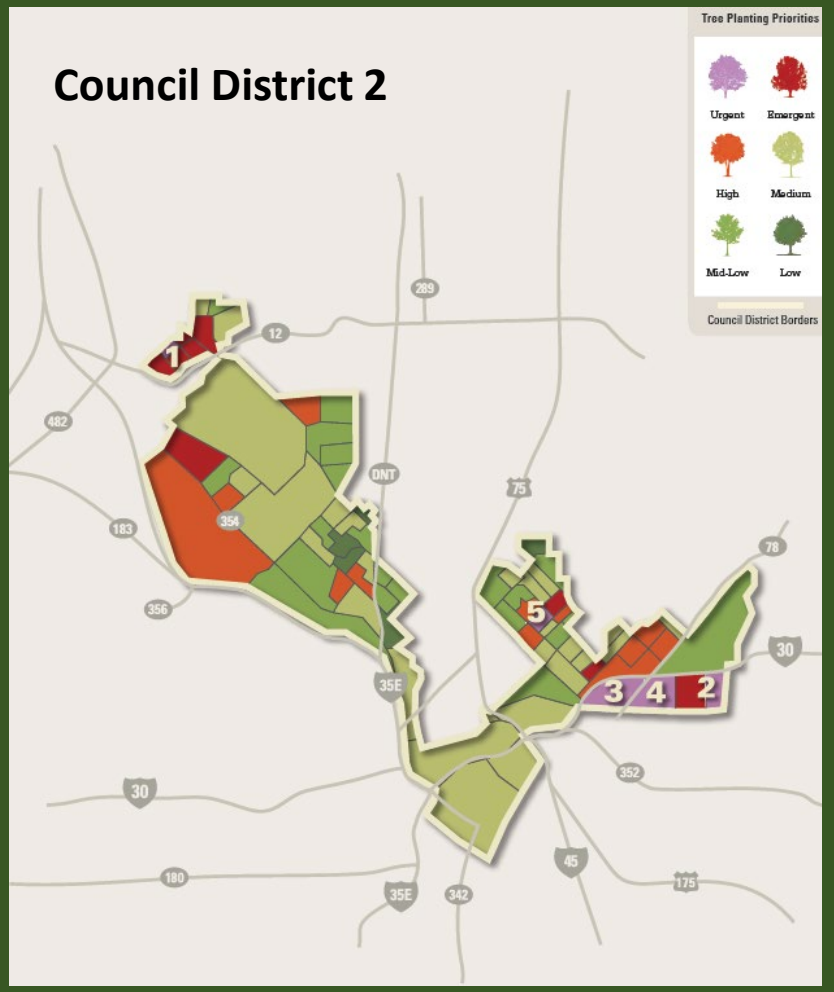


Need To Be Treed By Council District

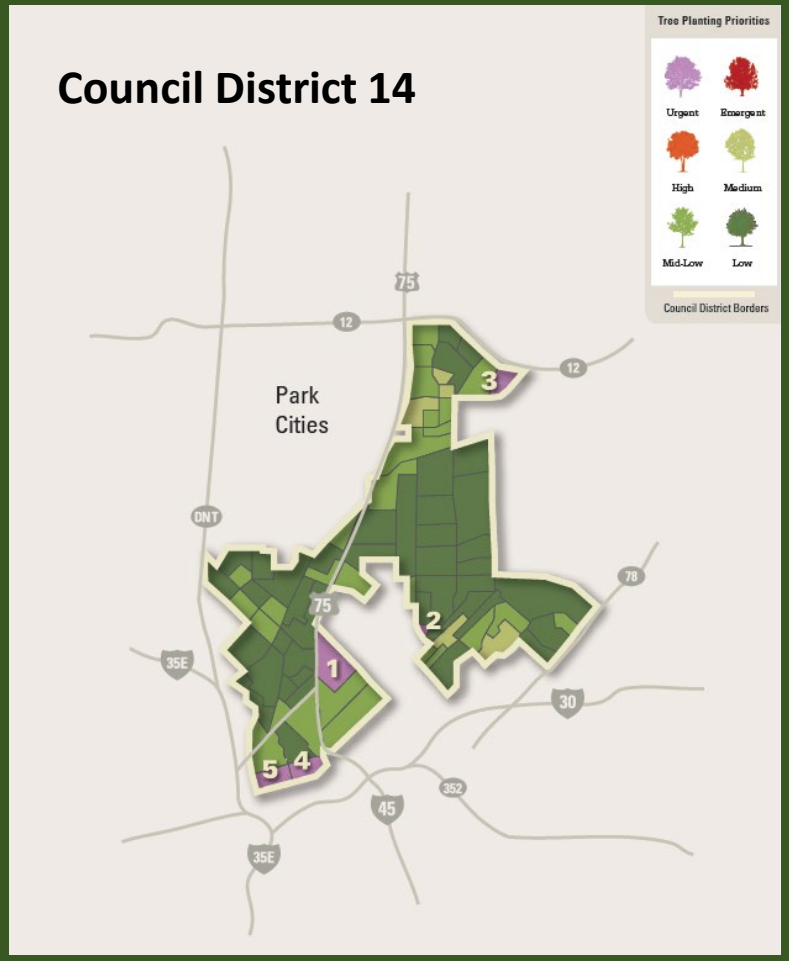
Council District 4



Council District 2



Council District 14



03

Dallas Equity Engagement Process

Community Engagement

- Partnering with Councilmembers* to:
  - Identify tree planting sites
  - Implementing tree planting & tree giveaway locations
  - Providing newsletter articles and announcements
  - Councilmember Neighborhood meetings for TTF presentations
  - Additional key contact information

*Environmental Commission, Park Board Members, Community Advocates, etc.

Community Engagement – Grassroot Driven

- Community survey:
  - Conduct a community needs assessment
  - Gage receptiveness to tree planting
  - Identify potential projects
  - Identify commitment from volunteers for planting day
  - In-person, on-line, bilingual

- TTF Neighborhood Coordinator will:
  - Provide Urban Forestry Education
  - Recruit and Train Volunteers
  - Identify planting projects on public & private lands
  - Coordinate & Implement planting projects
  - Plan for long-term maintenance

04

Dallas Equity Indicators

Dallas Equity Indicators

Health

- Monitor hospital admittance rate for prenatal care (low birth rate and preterm labor), chronic disease cases, and asthma cases
- Monitor Education/Academic quality through test scores

Green Infrastructure

- Monitor impervious surface, street quality and safety, pedestrian activity, bike lines, bus stop temperature and air quality, traffic speeds

Social

- Monitor crime rates, recreational use, and access to parks, house sales

Environmental (Regulating)

- Monitor urban heat, tree canopy cover, greenhouse gas emissions, water quality, stormwater runoff/flooding, utility expenses, water temperature, percentage of land use

All these indicators can be monitored to correlate the affects of increased tree canopy cover.

(Environmental and Sustainability Plan, EVC Recommendation on 2023 Environmental Equity Indicators, Racial Equity Plan, Complete Streets, Vision 0, Dallas Tree Equity Planting Map, 2022, Article X).

Partnering Opportunities with City of Dallas
One UF Contact
Joint Marketing for Planting Projects
Volunteer information sharing
Tree Plotter Sharing
Notification for Green Ribbon Funding
Water Meter Policy
Amend Article X for mitigation trees in urgent planting sites on both private/public lands
30-day Planting Project Approval

Thank you! Any Questions?

Memorandum

CITY OF DALLAS

DATE March 6, 2023

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 bills filed through Monday, February 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.B. 642 (Reynolds) – **Environmental Justice**: would establish a Texas Environmental Justice Advisory Council to work in correlation with the TC

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.

S.B. 254 (Eckhardt) – **Gas Tax**: would increase the rate of the state gasoline tax and diesel fuel tax from 20 to 40 cents per gallon.

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.

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.

- **Companion: S.B. 173 (Blanco)**

H.B. 441 (Lopez) – Administrative Penalties: would require the Texas Commission on Environmental Quality to notify state representatives and senators where the violation for which the penalty is being assessed occurred.

Concrete Plant & Related Environmental Permitting Bills:

H.B. 344 (Jarvis Johnson) – Notification: states that if a proposed permanent concrete batch plant is located in a municipality over 1.9 million population, all residents located within 440 yards of the site must be notified in writing by mail within a specified period of time after the application is filed (75 days) or technically completed (30 days), whichever is earlier.

H.B. 2391 (S. Thompson) – Hearing Request: would provide for a municipality to request a hearing on a concrete batch plant along with those persons who permanently reside within 440 yards of the proposed facility.

- **Companion: S.B. 0705 (Miles)**

H.B. 2905 (Goodwin) – Criteria for Permitting: would include the consideration of cumulative impacts regarding a concrete batch plant permit. The bill also establishes new criteria regarding notice, monitoring, noise, etc. surrounding an application.

H.B. 137 (Thompson) – Concrete Plants: would place restrictions on and create requirements for notification regarding issuance of air quality permits for large cities and counties.

H.B. 124 (Jarvis Johnson) – Concrete Plants: would limit the state law under which the Texas Commission on Environmental Quality may issue an air quality permit for a concrete plant located in an area of a city not subject to zoning regulations and require that such a plant comply with certain notice and hearing requirements.

H.B. 94 (Jarvis Johnson) – Concrete Plant: would provide that, in determining whether to approve an application for a standard permit for a concrete batch plant, the executive director of the Texas Commission on Environmental Quality must base the decision, in part, on a consideration of the potential harm to local property values and the location of the facility relative to homes, schools, churches, parks, and other community assets.

H.B. 372 (Jarvis Johnson) – Concrete Plants: would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards.

H.B. 406 (Collier) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

H.B. 407 (Collier) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

H.B. 758 (Walle) – Concrete Plants: would provide that the Texas Commission on Environmental Quality (TCEQ) must allow the filing of a request for a contested case hearing on an authorization to use a standard permit for a concrete plant that performs wet batching, dry batching, or central mixing at any time during the public comment period on the authorization, including during any extension of the public comment period for public meetings.

- **Companion: S.B. 817 (Alvarado)**

H.B. 759 (Walle) – Concrete Plants: would provide that a person may file with the Texas Commission on Environmental Quality (TCEQ) a motion to overturn as described by TCEQ rule to challenge an executive director's final decision on an authorization to use a standard permit for certain concrete plants.

H.B. 926 (Dutton) – Concrete Plant Permitting: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

S.B. 131 (Campbell) – Concrete Plant Permitting: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing in a permanent residence within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

Climate Bills:

H.B. 846 (Reynolds) – Climate Change Study: would establish a Climate Impact Council to study the impact of climate change on Texas residents.

H.B. 57 (Zwiener) – Climate Change Reporting: would require the Texas Commission on Environmental Quality to prepare a report on the potential impact of climate change in the state every four years, which would include, among other things, information regarding the impact of climate change on the economy, infrastructure, surface water and groundwater, and state and local finances.

H.B. 2211 (Landgraf) – Greenhouse Gasses: would disallow cities from creating an ordinance that directly regulates greenhouse gas emissions.

- **Companion: S.B. 784 (Birdwell)**

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.

- **Companion: S.B. 1017 (Birdwell)**

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 by law.

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.

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.

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 designated as a wildlife or livestock disease or pest area.

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.

S.B. 0519 (Campbell) – Landfill Expansion: would prevent the permitting or expansion of a landfill in a flood hazard area with only a few exceptions and caveats.

Disaster Related Bills:

H.B. 588 (Raymond) – Statewide Disaster Alarm System: would, among other things, provide that the Texas Division of Emergency Management with the cooperation of the office of the governor and appropriate state agencies shall develop and implement a statewide alert system to active in the event of a disaster affecting any location in Texas.

S.B. 310 (Hall) – Public Health Directives: would provide that: (1) during a state of disaster declared by the governor, if the governor issues a public health directive as the governor determines necessary to address the disaster, the directive must not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement; and (2) if the Department of State Health Services or a health authority issues a public health directive as the department or health authority determines necessary to address an outbreak of a communicable disease or

public health disaster, the directive may not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement.

H.B. 107 (Schaefer) – Violations of Emergency Management Plan: would repeal provisions of the Texas Disaster Act, which provide that a state, local, or interjurisdictional emergency management plan may: (1) provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense; and (2) prescribe a punishment for the offense but may not prescribe a fine that exceeds $1,000 or confinement in jail for a term that exceeds 180 days.

H.B. 119 (Schaefer) – Judicial Review of Disaster Orders: would provide: (1) a person has standing to file suit in a Texas court to challenge a provision of an order issued by: (a) the governor or the presiding officer of the governing body of a political subdivision, including a city, that relates to a declared state of disaster if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the federal constitution or by a state or federal law; and (b) by the governor, the Health and Human Services Commissioner, the Department of State Health Services, or a health authority that relates to a declared public health disaster or is imposed as a control measure to prevent the spread of a communicable disease if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the state or federal constitution or by a state or federal law; and (2) the issuer of the order described in (1), above, has the burden of proving that the challenged provision in the order: (a) mitigates a threat to the public caused by the disaster or communicable disease, as applicable; and (b) is the least restrictive means of mitigating the threat.

H.B. 448 (Schofield) – Disaster Order Compensation Damages: would provide, among other things, that: (1) a business owner is entitled to compensation from a governmental entity, including a city, for losses caused to the owner's business by an order, ordinance, or other regulation by a governmental entity, including an executive or local order issued during a declared state of disaster that: (a) closes a business permanently or temporarily; or (b) effectively closes a business by: (i) limiting the business's operations to the extent that the business owner cannot effectively maintain the business; or (ii) ordering customers not to patronize the business; (2) a business owner is not entitled to compensation under (1), above, if the governmental entity can demonstrate that the primary reason for the governmental action was: (a) a judicial finding that the business: (i) was a nuisance under the law; or (ii) violated other law; or (b) a finding that the business or owner failed to: (i) acquire or maintain a license required by the governmental entity for the business; (ii) file or maintain records required by the secretary of state; or (iii) pay taxes; and (3) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability under (1), above.

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.

H.B. 860 (Gates) – **Emergency Repairs to Residential Buildings**: provides, among other things that: (1) a city shall allow an owner of a damaged residential building to immediately begin to repair to the building if: (a) the owner applies for an emergency permit; and (b) the repairs are necessary to protect public safety, prevent further damage to the building, or protect the overall structural integrity of the building; (2) an owner of a residential building may apply for an emergency permit to conduct repairs by filing an application not later than the third business day after the later of the date the repairs commence or the date the city is able to accept the application;
(3) the governor may not exempt a city from (1), above, by an executive order related to a declared disaster; (4) an owner of a residential building who is prohibited from conducting repairs by a city in violation of (1), above, may bring an action against the city for damages, including litigation costs and reasonable attorney's fees; and (5) governmental immunity to suit and from liability is waived.

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.

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.

S.B. 97 (Johnson) – Emergency Executive Orders: would provide that: (1) the governor shall limit an executive order, proclamation, or regulation that is issued, amended, or rescinded to address only the specific conditions or requirements of the disaster that is the subject of the executive order, proclamation, or regulation under a state of disaster; and (2) not later than Monday of each week during a declared disaster, the governor and the Texas Department of Emergency Management (TDEM) shall publish on the governor's website and TDEM's disaster web portal a list of all executive orders, proclamations, and regulations issued by the governor during the previous seven-day period in chronological order.

S.B. 98 (Johnson) – Disaster Declaration: would, among other things, provide that if the Texas legislature is convened in a regular or special session during a state of disaster, only the legislature by law may renew the state of disaster, and not the governor.

S.B. 99 (Johnson) – Disaster Declaration: would, among other things: (1) require the legislature to appoint a joint disaster oversight committee; and (2) provide that if the governor determines a state of disaster requires renewal for more than 90 days from the date of the initial disaster declaration, the governor may renew the state of disaster only if: (a) the joint disaster oversight committee conducts a public hearing on renewal of the state of disaster; (b) the legislature convened in a regular or special session approves the renewal by a law that states the maximum number of days the state of disaster may continue following renewal; and (c) the governor's renewal of the state of disaster expires not later than the date set by the legislature under (b), above.

S.B. 100 (Johnson) – Disaster Declaration: would eliminate the governor's responsibility as commander in chief of state agencies, boards, and commissions having emergency responsibilities during the recovery period following a state of disaster.

S.B. 306 (Hall) – Quarantine Measures: would, among other things, provide that: (1) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, a health authority must: (a) provide notice of the control measures to the individual or group of individuals; and (b) provide to the individual or group of individuals an opportunity to demonstrate that implementing the control measures is unnecessary; (2) a health authority may not order an individual or a group of individuals to implement control measures described by (1), above, for a period that

exceeds five days unless the health authority obtains from a district court of the county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing the health authority to order the individual or group of individuals to implement the control measures; and (3) in ordering an individual or group of individuals to implement control measures described by (1), above, a health authority to the greatest extent possible must: (a) use the least restrictive means available; (b) allow an individual to isolate or quarantine with other individuals subject to the same court order under (2), above; (c) if the individual subject to the control measure is a minor, allow the individual to isolate or quarantine with the individual's parent, legal guardian, or managing conservator; and (d) allow an individual to isolate or quarantine in the individual's home or with another family member or a friend.

S.B. 307 (Hall) – Federally Declared Public Health Emergencies: would provide that: (1) a city or its employees may not enforce or provide assistance to a federal agency or official with respect to enforcing a federal statute, order, rule, or regulation that: (a) is enacted or issued in response to a federally declared public health emergency; and (b) imposes a prohibition, restriction, or other regulation that does not exist under state law; (2) a city is ineligible to receive state money from the general revenue fund or a grant program if it through consistent actions or a contract adopts a rule, order, ordinance, or policy under which the city enforces or assists with the enforcement of a federal statute, order, rule or regulation described in (1), above; (3) an individual residing in the city may file a complaint with the attorney general if the individual offers evidence to support an allegation in (1), above; (4) if the attorney general determines that a complaint filed under (3), above, is valid, the attorney general may file a petition for a writ of mandamus or apply for other equitable relief (including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs) in a district court in Travis County or in a county in which the city is located; (5) an appeal of an action brought under (4), above, shall be accelerated and an appellate court shall render its final order or judgment with the least possible delay; and (6) the attorney general shall defend a city in an action by the federal government for an act or omission consistent with this law.

Gas-Powered Appliance Bills:

S.B. 104 (Johnson) – Gas Powered Appliance Funding: would create a small non road engine purchase incentive program under the Texas Emissions Reduction Plan.

H.B. 743 (Dean) – Gas Powered Appliance Regulation: would provide, among other things, that a city may not adopt or enforce a regulation that prohibits or restricts, directly or indirectly, the use of an appliance, system, or component that is fueled by natural gas or propane in the construction, renovation, maintenance, or alteration of a residential or commercial building.

- **Companion: H.B. 1414 (Toth)**

H.B. 744 (Dean) – Gasoline Powered Tool Regulation: would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

- **Companion: H.B. 764 (Cain)**

H.B. 764 (Cain) – Gasoline Powered Tool Regulation: would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping
equipment.

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.

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.

H.B. 1146 (Reynolds) – ERCOT Grid: would, among other things, provide that, so long as the interconnection does not pose a significant and imminent risk to public health and safety, a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region, may construct, own, and operate facilities as necessary to: (1) access transmission service from outside of the ERCOT power region; and (2) purchase power at wholesale from outside of the ERCOT power region.

S.B. 31 (Zaffirini) – Electricity: would, among other things, provide that: (1) a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (a) access transmission service from outside the ERCOT power region; and (b) purchase power at wholesale from outside the ERCOT power region; and (2) unless otherwise provided by federal law, the Public Utility Commission (PUC) shall require ERCOT to approve the interconnection of a facility in (1), above, unless the PUC or ERCOT determines that the interconnection poses a significant and imminent risk to public health and safety.

H.B. 973 (Zwiener) – Critical Infrastructure: would, among other things: (1) create a critical infrastructure resiliency fund that may be used by the Texas Division of Emergency Management to make a grant to an eligible entity; (2) establish the electric grid improvement account as an account within the critical infrastructure resiliency fund that may be used to make grants to municipally owned electric utilities, among others, for projects related to hardening and weatherizing the electric grid; (3) establish the hospital

infrastructure resiliency account within the critical infrastructure resiliency fund that may be used to make grants to a city-owned hospital, among others, for projects relating to the purchase of reserve power supply that is reliable during an extreme weather event; and (4) authorize the use of funding under the water loan assistance fund for projects to harden and weatherize water and wastewater systems in the state.

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.

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.

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.

H.B. 2236 (Schaefer) – Electric Vehicle Funding: would prohibit TxDOT from using any federal or state funds to implement the Texas Electric Vehicle Infrastructure Plan.

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.

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

H.B. 177 (Cortez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

H.B. 366 (Bell) – **High Speed Rail Bond**: would provide that before a private entity begins operation of new high-speed rail service the entity must file a bond in an amount sufficient to restore real property used for the service to its original condition if the service ceases operation.

H.B. 805 (Toth) – High Occupancy Vehicle Lanes: would provide that regardless of the number of occupants in a motor vehicle, an operator of a motor vehicle is entitled to use any high occupancy vehicle lane for the purpose of passing another vehicle that is being operated at a speed that is less than the posted speed limit for the roadway if the operator enters and exits the high occupancy vehicle lane at designated entry and exit points.

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.

H.B. 960 (Jetton) – **Electric Vehicle Registration Fee**: would provide that at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay an additional $100 road maintenance fee, which must be deposited to the credit of the state highway fund.

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.

S.B. 41 (Zaffirini) – **Cell Phone Ban**: would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; and (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction with a hands-free device; (b) to contact emergency services; or (c) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle.

S.B. 254 (Eckhardt) - Gas Tax: would increase the rate of the state gasoline tax and diesel fuel tax from 20 to 40 cents per gallon.

H.B. 2191 (Canales) – Electrification Statewide: would establish a Texas Transportation Electrification Council that would prepare an assessment of existing and

planned electric vehicle infrastructure and its associated technologies in the state. This is comprehensive plan that looks at all facets of EV infrastructure, both urban and rural, including policies, mapping, and the installation surrounding EV infrastructure.

S.B. 1001 (Schwertner) – EV Charging Vendors: would establish a framework for the licensing of EV charging and supply equipment.

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.

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.

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.

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.

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.

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.

- **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 bill is **H.B. 582** by **Raymond**.)

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 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.

DATE **March 6, 2023**

SUBJECT **88th Texas Legislature – Legislation relating to Environment and Sustainability**

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.

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.

- **Companion: H.B. 2127 (Burrows)**

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
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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 March 6, 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 February 1st, 2023, and the Environment & Sustainability Committee (ENVS) on February 8th, 2023, respectively, providing status updates on the plan for landscape equipment transition (LET) implementation. OEQS will provide monthly status updates on program implementation. The following provides a summary of steps taken over the previous month towards advancing this City Council goal:

Technical Support Contract:
OEQS contracted with Modern Geosciences for technical support services including but not limited to; assistance in researching other community implementation, including related codes and ordinances; creating a community survey instrument; and developing the detailed internal and external transition plan. Staff are meeting with the technical consultant on a bi-weekly basis to coordinate efforts towards this project. Residential and Commercial Surveys have been created and are ready for distribution.

Stakeholder Engagement Efforts:
Staff are continuing 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 and identify equipment inventory being maintained by each department. Vendor demonstrations and talks on battery lifespans were held
- External: OEQS continues to engage members of the public, including homeowners, landscape companies, landscape associations, and the Dallas Independent School District (DISD). While working City Events, staff has distributed surveys of equipment use to gauge interest and inventory.
- The technical consultant has developed a community survey and has been deployed for community feedback on the program. This survey will be 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 have developed and distributed a template for use by departments when identifying equipment inventory. These inventories are to be compiled into a comprehensive inventory of the City's current inventory. OEQS is continuing to inquire for inventories from teams not reached. After compilation, each department will then work towards the 2023 incremental goal for transition.

Program Media Campaign:
OEQS is developing an LET media campaign as a part of a larger comprehensive multi-issue, multi-platform, and multi-lingual outreach and engagement plan to reach affected business and residents. With a desire to implement this campaign as soon as practicable, staff plans to brief the CMO by March to attain necessary program approvals, prior to related media contracting.

Regulatory Engagement:
Given the regions' current severe non-attainment status related to ozone, City staff have held related conversations with staff from the Texas Commission on Environmental Quality and the North Central Texas Council of Governments to discuss including the LET Plan as a part of the TCEQ's Clean Air Act State Implementation Plan (SIP). Next meeting is March 10th.

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
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Directors and Assistant Directors

Memorandum

DATE March 6, 2023

CITY OF DALLAS

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

SUBJECT **City of Dallas Neighborhood Air Monitoring Program Update**

Initial Purchase and Delivery: On April 13, 2022 the City Council approved a master agreement for the purchase of 24 AQMesh air quality sensors from Ambilabs, LLC (U.S. distributor for AQMesh). OEQS staff arranged for delivery of an initial order of eight sensors from Ambilabs. The original estimate was for delivery in mid-June 2022. However, AQMesh experienced a series of production and quality control issues that took substantially longer than anticipated. OEQS took delivery of the initial eight sensors between October 13 to October 17, 2022. The installation of all eight units at the Hinton Continuous Air Monitoring Station (CAMS) was completed on October 18, 2022.

Installation and Co-Location: The installation of the sensors at the Hinton CAMS provided an opportunity to compare the data from the AQMesh sensors with the data from the calibrated reference monitors at Hinton that are used by the TCEQ and EPA to measure air quality for comparison to the National Ambient Air Quality Standards. The AQMesh sensors were placed at Hinton to be in close proximity to the reference monitors. The sensors were allowed to go through a long period of co-location and shake down at Hinton. During the period from initial installation and late January, staff worked with the manufacturer to calibrate the monitors and to troubleshoot several apparent technical challenges to local installation.

All of technical issues were resolved by early January. The co-location data from the AQMesh sensors and the reference monitors has been shared with the AQMesh technical support staff in the United Kingdom. Technical support is providing a detail comparison of the data for each sensor and the reference monitors. They will use this information to provide correction factors specific to each pollutant measured and each sensor unit. This analysis in is in progress and the results are expected soon.

Field Installation: Installation of the sensors has begun. The first two sensors were installed along the Singleton corridor in West Dallas on January 13, 2022. One sensor was installed at the West Dallas Multipurpose Center and a second sensor at the North end of Fish Trap Lake in a park owned and operated by the Dallas Housing Authority. The sensor at the West Dallas Multipurpose Center provides a location that is upwind of Singleton Boulevard. The location at the North end of Fish Trap location is generally downwind (North) of Singleton Boulevard.

A third sensor has been deployed at the Larry Johnson Recreation Center at 3700 Dixon Ave. This sensor is the first of two sensors planned for this neighborhood. The second sensor will be on the fence line of the cement batch plant being installed at 5000 Scyene Road. The intent in these two locations is to focus on the emissions from the batch plant

when operating. The second sensor for the Dixon Circle neighborhood is scheduled for installation on March 3, 2023. Photograph 1 below shows the sensor installation at the Larry Johnson Recreation Center.

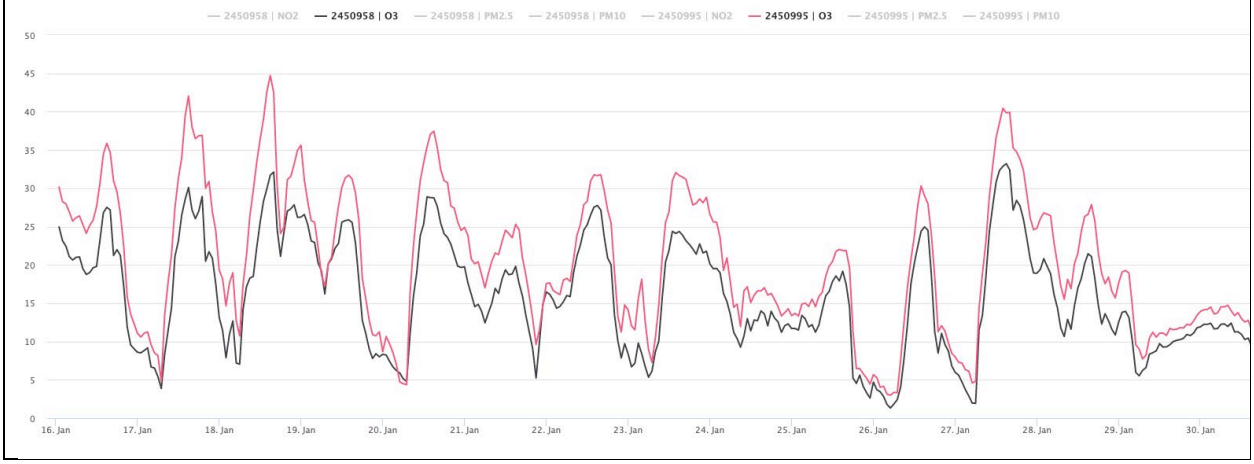
Photograph 1: AQMesh Sensor Unit Being Installed at Larry Johnson Recreation Center

OEQS will install three additional sensors in West Dallas and two additional sensors in the Floral Farms community as soon as suitable sites are determined and permission is obtained. At least one sensor is also planned for Carbondale Street on the West side of the Joppa community.

Monitor Performance: Initial data from the monitors in the field is very promising. The two monitors in West Dallas are providing data that are very similar to each other. As more data is accumulated, a detailed analysis of the data from each sensor should provide insights about the local air quality in the communities where installed. This analysis will be more detailed as more sensors are added to the surrounding community.

In Figure 1 below, 14 days of ozone data from the sensors in West Dallas is provided.

Figure 1: West Dallas Ozone Data (14 Days)



The ozone data in this example shows how close the two sensors in West Dallas are reading. There are some periods when the two sensors deviate, but overall the sensors are operating within the margin of error provided by the manufacturer. Figure 2 provides a similar comparison of the $PM_{2.5}$ data for the two sensors.

Figure 2: West Dallas $PM_{2.5}$ Data (14 Days)

This $PM_{2.5}$ data is similar to the ozone data, and the two sensors are reading consistently. This will provide more confidence in the detailed analysis that will be carried out on the data in the future. NO_2 and PM_{10} data is consistent with these results. Overall, the sensors are performing as expected. Over time, more details will emerge from the data and allow more in-depth analysis.

Data from the sensor placed at the Larry Johnson Recreation Center is just starting to come in and will be evaluated consistent with the analyses for the West Dallas monitors.

Future Plans: OEQS is ordering 16 more sensors from Ambilabs. These sensors will have enhanced capabilities. In this group of 16, eight sensor units will include sulfur dioxide (SO_2) measurement capabilities. Also, eight units will include the ability to detect and measure both volatile organic compounds (VOC) and carbon monoxide (CO). These capabilities will be helpful in some areas of the City where high emissions of sulfur compounds and VOC are suspected.

OEQS is working with the Department of Data Analytics and Business Intelligence on a web-based dashboard that will display a graphical representation of the data and allow interested parties to download detailed information for their analysis. This portal will be open to all interested parties. The data portal will be similar to the data portal that was used for the air monitoring at the Blue Star site. Once construction is complete, the portal will be made available to everyone.

Please contact Carlos Evans, Director, OEQS: carlos.evans@dallas.gov; (469) 617-1925, or Susan Alvarez, Assistant Director, OEQS: susan.alvarez@dallas.gov; (214) 671-9505, if you have questions or desire additional information.

M. Elizabeth (Liz) Cedillo-Pereira
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Directors and Assistant Directors

Memorandum

DATE March 6, 2023

CITY OF DALLAS

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

SUBJECT **Environmental Commission Recommendations on 2024 Bond Performance Criteria**

On February 8, 2023, the Environmental Commission unanimously voted to approve the recommendation of the Strategic Partnerships and Innovation committee that 1) 2024 bond funding must support the goals and actions outlined in the Comprehensive Environmental & Climate Action Plan (CECAP) and earlier commitments made by the City of Dallas, prioritizing net zero carbon and social equity; and 2) performance specifications shall be easy to understand, aspirational and achievable.

This initiative is now underway, and the committee has invited expert third-party certification bodies and national and international real estate and construction industry policy NGOs to make performance specification recommendations. In early March, the committee will host two video conferences (one focused on buildings and another focused on parks and infrastructure) with city departments and offices to receive recommendations and guidance from the invited experts. The committee will then build consensus with local industry organizations and business leaders. The Office of Environmental Quality & Sustainability (OEQS) and the Environmental Commission look forward to working alongside the Environment & Sustainability Committee on this important initiative.

Strategic Partnerships and Innovation Committee Recommendations

The City of Dallas has demonstrated an **ongoing commitment to GHG reduction and comprehensive climate action for human health and equity since adopting its first Green Policy in 2003**. In 2006, through the U.S. Conference of Mayors Resolution #50,[1] Dallas pledged all new buildings to meet the 2030 Challenge targets: 70% below the regional (or country) average/ median GHG emissions for that building type, 80% reduction by 2020, 90% reduction by 2025 and carbon neutral in 2030. Significant renovations should achieve at least 70% reductions.[2]

In 2022, The City committed to the **U.S. Department of Energy's Better Building Challenge**[3] to reduce by 50% scopes 1 and 2 GHG emissions for all 140 buildings in the city portfolio within 10 years. In the most recent audit, our 2019 performance shows scope 1 and 2 building

[1] https://www.usmayors.org/the-conference/resolutions/?category=c1632&meeting=74th%20Annual%20Meeting

[2] https://architecture2030.org/2030_challenges/2030-challenge/

[3] https://betterbuildingssolutioncenter.energy.gov/partners/dallas-tx

performance GHG reductions at 33%[4] of the 2015 baseline, largely from converting to renewable energy.

Recommendation 1: 2024 bond funding must support the goals and actions outlined in CECAP and earlier commitments made by the City of Dallas, prioritizing net zero carbon and social equity.

In May 2020, City Council unanimously passed the Dallas CECAP after extensive stakeholder engagement and overwhelming support from diverse communities, businesses and policy organizations. Because climate change has the potential to **disrupt City operations** and **poses risk to infrastructure, built environment and public health**, our elected officials committed to:

- effectively and equitably protect the public health, safety and welfare of its residents
- lead the region in addressing climate change and environmental efforts
- reduce emissions, improve regional air quality and address the real consequences of climate change through coordinated local, state and federal action.

The 2024 Bond Program should demonstrate **fiscal responsibility** by integrating and holistically addressing the City's commitments, investments and opportunities for impact. The focus of the current (fiscal year 2022-23) budget is "Responsible, Equitable, Accountable and Legitimate (R.E.A.L) Impact." The City of Dallas is committed to deliver core programs and services, while also finding innovative ways to provide those things with greater efficiency, high effectiveness and increased transparency.[5]

Time is of the essence. If we are to reach our stated goals, City administration, City programs, industry and business leaders must collectively and urgently realize meaningful change to achieve CECAP goals, actions and other commitments the City of Dallas has made. This includes leading by example, demonstrating the market and business cases for high performance design and staying focused on fundamental and proven tactics of **urgent and sustained climate action**.

Recommendation 2: Performance specifications shall be easy to understand, aspirational and achievable.

In November 2022, OEQS requested the Environmental Commission recommend **building performance specifications** to achieve CECAP goals, with a priority on net zero carbon. The Strategic Partnership & Innovation subcommittee offered to solicit

[4] Does not include airports, transportation or waste water treatment facilities

[5] https://www.dallascitynews.net/city-of-dallas-releases-proposed-budget-for-fy-2022-23-and-fy-2023-24

DATE March 6, 2023

SUBJECT **Environmental Commission Recommendations on 2024 Bond Performance Criteria**

recommendations from national and international third-party certification bodies as well as policy NGOs. Then build consensus among local industry organizations and business leaders.

Kathryn Bazan

Kathryn Bazan
Chair, Environmental Commission

Attachment: *Climate Change 2022: Impacts, Adaptation, and Vulnerability. Summary for Policymakers*

CC:
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Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
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Climate Change 2022: Impacts, Adaptation and Vulnerability,[6] contributing to the Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment Report (AR6), presents the **cumulative risk resulting from rising greenhouse gas (GHG) emissions** layered atop "strong interactions of the natural, social and climate systems."

- The most vulnerable people and systems are disproportionately affected and climate extremes have led to irreversible impacts. Climate resilience development across sectors and regions is critical to achieve a fair, equitable and sustainable world. As such, this demands the urgent attention of both policymakers and the general public.[7]
- In urban settings, climate change has caused impacts on human health, livelihoods and key infrastructure. Multiple climate and non-climate hazards impact cities, settlements and infrastructure and sometimes coincide, magnifying damage. Hot extremes including heat waves have intensified in cities, where they have also aggravated air pollution and limited functioning of key infrastructure. Observed impacts are concentrated amongst the economically and socially marginalized urban residents. Infrastructure, including transportation, water, sanitation and energy systems have been compromised by extreme and slow-onset events, with resulting economic losses, disruptions of services and impacts to well-being.[8]
- Global warming, reaching 1.5°C in the near-term, would cause unavoidable increases in multiple climate hazards and present multiple risks to ecosystems and humans. Near-term actions that limit global warming to close to 1.5°C would substantially reduce projected losses and damages related to climate change in human systems and ecosystems, compared to higher warming levels, but cannot eliminate them all.[9]
- Climate resilient development is enabled when governments, civil society and the private sector make inclusive development choices that prioritize risk reduction, equity and justice, and when decision-making processes, finance and actions are integrated across governance levels, sectors and timeframes. Climate resilient development is facilitated by governments at all levels, working with communities, civil society, educational bodies, scientific and other institutions, media, investors and businesses; and by developing partnerships with traditionally marginalized groups. These partnerships are most effective when supported by enabling political leadership, institutions, resources, including finance, as well as climate services, information and decision support tools.[10]

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6 https://report.ipcc.ch/ar6/wg2/IPCC_AR6_WGII_FullReport.pdf

7 IPCC, 2022: Summary for Policymakers [H.-O. Pörtner, D.C. Roberts, E.S. Poloczanska, K. Mintenbeck, M. Tignor, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem (eds.)]. In: Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 3–33, doi:10.1017/9781009325844.001.

8 https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf (B.1.5)

9 https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf (B.3)

10 https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf (D.2)