



Due to technical difficulties, the video file for the December 13, 2022 regular meeting of the Scottsdale Environmental Advisory Commission does not consist of audio.



APPROVED 1/25/2023

MEETING MINUTES
City of Scottsdale
Scottsdale Environmental Advisory Commission (SEAC)
Regular Meeting

5:00 p.m. Tuesday, December 13, 2022
Community Design Studio Nave
7506 E. Indian School Road, Scottsdale, 85251

Call to Order 5:03 p.m

PRESENT: Chair Natalie Chrisman Lazarr; Commission Members: Tammy Bosse (arrived 5:23 p.m.), Ute Brady, Walter Cuculic, Ryan Johnson

ABSENT: Vice Chair Anthony Coletta, Commissioner Andrew Scheck

STAFF PRESENT: Lisa McNeilly, Sustainability Director; Tim Conner, Manager, Anthony Floyd and Sam Brown - Office of Environmental Initiatives; Caitlyn Gulsvig - Current Planning; Cindi Eberhardt, Acting Planning & Development Area Director

PUBLIC COMMENT: No members of the public were present.

1) Approve Regular Meeting Minutes for November 16, 2022

Commissioner Brady made a motion to approve the Summarized Meeting Minutes from November 16, 2022 with one text change to note information updated after the meeting, with Commissioner Johnson providing a Second for the motion, which carried 4-0. All members present voted for APPROVAL; Commissioners Bosse was not present at the time of the vote. Vice Chair Coletta and Commissioner Scheck were absent.

The sentence in question was changed to: "*Additional information shared after the meeting:* the area mentioned by Commissioner Brady is privately owned with repeated code-related issues for overgrown vegetation, volunteer trees impacting the flood walls, and overgrown weeds."

2) Development of the Scottsdale Sustainability Plan

Lisa McNeilly, Sustainability Director, shared slides regarding the status of the Scottsdale Sustainability Plan starting with a summary of recent community engagement. The October community meetings were attended by more than 40 individuals who shared 260 comments, while an online survey received almost 300 responses, with over 220 individual comments. Presentations were made to and/or input was received from the Transportation Commission, Mayor's Youth Council, Neighborhood Advisory Commission, Human Relations Commission, and the Parks & Recreation Commission. Individual meetings were also held with Commissioners and Councilmembers.

Director McNeilly also shared the changes being made to the Sustainability Plan text in response to

the community feedback. First, parts of the plan are being 'de-cluttered.' The "Related Actions" and "Connection to General Plan" sections are being deleted, and the "Existing Plans and Efforts" section will be moved to an appendix. There will be more visual focus on the strategies and actions, including a list of the former in the introduction.

Introductory sections – both the first few pages of the plan and the paragraphs at the beginning of each topic page – will be improved and more sharply focused on Scottsdale's leadership. Specific comments will be addressed, and new design elements will be added to make the plan more visually appealing. A summary will be developed after adoption of the plan, likely a four-page handout that includes highlights of the plan for a wide range of audiences.

Director McNeilly shared that much of the feedback received was related to implementation. In response, the final plan will discuss implementation in the introduction, include a table of priority actions, and share a draft of an implementation toolkit. The plan will also be more clear about the role of the city versus that of other stakeholders, through some text changes, an inclusion of 'responsible entities' in the implementation table, and by including "Community" in the title of the plan. Finally, the annual report will update the implementation table, track what others are doing, and include a specific section on city action.

During the discussion that followed, Chair Lazarr noted that Commissioners need to commit to reviewing the final version of the plan as soon as possible once it is received so that a vote can be held in January to recommend adoption of the plan by City Council in their February meeting. Commissioner Johnson said that he would rather get the plan done completely rather than quickly. Commissioner Brady asked if the Commission needed to draft a letter of recommendation, and Director McNeilly indicated that she will share a report (including the new version of the plan) in early January with a staff recommendation for a Commission vote and that a letter would not be required. Commissioner Johnson noted that if there have been substantive changes, he would want more time to review the new version. Director McNeilly shared that the new version would feel 'familiar,' since much of the text will not have changed from the public comment version. Commissioner Cuculic echoed Commissioner Johnson's comments. Commissioner Bosse questioned what input was incorporated.

Chair Lazarr asked whether the Commission wanted to draft a general letter of support before the January meeting so that it is ready to be considered at that time, but Commissioner Brady indicated she did not want to start drafting a letter before having seen the new version. Commissioner Cuculic was in favor of only voting for or against a recommendation of adoption. At this point, Commissioner Bosse made a motion to recommend moving the City Council adoption date to March, requesting additional time to review the new version. She also asked to make sure that green purchasing was included as a priority action. There was discussion before the vote on the motion. Director McNeilly reviewed the slides previously presented on changes being made to the plan. Commissioner Johnson shared that the process for the General Plan looked to the city to finalize and that not all community comments will be accepted. Chair Lazarr indicated that the commission should review the document before making an assessment of how much more time would be needed to provide further input and reiterated that SEAC only makes recommendations to City Council. Commissioner Brady noted that she appreciates the work that has been done but may need more time to review the new version of the plan.

Commissioner Bosse made a motion to recommend moving the City Council adoption date of the plan to March, with Commissioner Brady providing a Second for the motion, which FAILED 2-3. Commissioners Bosse and Brady voted for APPROVAL, and all other members present OPPOSING the motion.

3) Old Town Recycling and Alley Refresh Campaign

This item was tabled due to Commissioner Scheck’s absence.

4) Scottsdale’s Legislative Agenda

Chair Lazarr initiated the discussion on possible recommendations to the Mayor and City Council related to the city’s state legislative agenda by noting that the Commission has already discussed requiring commercial recycling. Commissioner Bosse asked about collaborating with other cities and towns to enact protections that serve our community better and protect health and safety. She shared a handout (Attachment 1) with suggestions from Alisa McMahon. Commissioner Brady had reviewed the 2022 Legislative Agenda and suggested the “Preservation and Environmental Planning” section include increased funding to the Arizona Department of Agriculture related to use of chemical pesticides. She also suggested increased funding for urban forests and a recommendation for federal funding to be used to improve public transit.

Anthony Floyd noted that it would be prudent to review bills before the legislative session begins, especially related to EV charging or the adoption of the IgCC as a mandatory code. He noted that Governor-elect Hobbs may re-establish a state energy office. Commissioner Bosse recommended the city engage more and increase involvement especially about pre-emptions of local authority. Chair Lazarr noted that SEAC first needs to position itself to make recommendations for next year, but also track this year and be prepared to act. Commissioner Bosse queried whether SEAC could make a general recommendation to Council about increasing involvement, but Chair Lazarr was concerned that making too many recommendations would dilute them. Commissioner Bosse added the topic of full electrification of buildings to the possible list of recommendations. Chair Lazarr asked commissioners to come prepared to discuss this topic further in January.

5) Draft 2022 SEAC Annual Report and 2023 Meeting Schedule

The Commission reviewed the draft 2022 SEAC Annual Report and suggested several text changes. Commissioner Bosse suggested multiple items be added as future work products: support of increased solar on city buildings/facilities, looking for opportunities to strengthen the solid waste plan, re-starting the Environmental Achievement awards, encouraging increased focus on organic pest management, and encouraging adoption of green purchasing practices. Commissioner Cuculic suggested reviewing how to expand the provisions of the IgCC code to residential buildings and also supporting installation of solar on city facilities. Commissioner Brady asked to include monitoring the Indian Bent Wash Master Plan update. The Annual Report will need to be finalized (by a vote of the Commission) at the January meeting.

The Commission also reviewed the 2023 Meeting Schedule and voted to approve the below dates:

January 18	July 19
February 15	August 16
March 22	September 20
(rescheduled from March 15)	October 18
April 19	November 15
May 17	December 13
June 21	(rescheduled from December 20)

Commissioner Bosse also suggesting moving the start time later, to either 5:15 or 5:30 pm.

Commissioner Bosse made a motion to approve the draft 2023 Meeting Schedule and rescheduling

one meeting from March 15 to March 22 and changing the start time of future meetings to 5:15 pm, with Commissioner Brady providing a Second for the motion, which carried 5-0. All members present voted for APPROVAL; Vice Chair Coletta and Commissioner Scheck were absent.

***5A) Pilot Tree Inventory Project**

Commissioner Brady and Chair Lazarr presented on the pilot tree inventory project to students at Saguaro High School on 12/7. There are four students participating in the inventory as part of a capstone project. They showed the students how to measure trees and will invite them to a Commission meeting to present their findings. Commissioner Brady will also try to connect to other high schools and possibly add the inventory to the curriculum at Saguaro if there is enough interest. She is working with the science and math coordinator there. Commissioner Bosse asked if ASU or the AZ Sustainability Alliance have been included, and Chair Lazarr said she had met with the latter and wants to tie the inventory to other projects the Alliance has in schools. Commissioner Bosse suggested talking to Valley Leadership as well, but Commissioner Brady said that the project is Scottsdale-focused so it might not be as interesting to Valley Leadership or ASU.

****5B) Energy and Green Construction Code Updates**

Chair Lazarr acknowledged Anthony Floyd's efforts on the code efforts, noting that he went above and beyond. She also thanked everyone involved, noting the others who worked behind the scenes and how happy the Commission is with the outcome. Anthony Floyd talked about how SEAC's persistence and diligence led to the success of the EV-ready and mandatory IgCC provisions. Mr. Floyd is now working on notices to the public and preparing for implementation. Chair Lazarr asked if there were other recommendations or help that SEAC could supply, and Commissioner Bosse asked about any publicity opportunities. Mr. Floyd will send the city press release to Commissioners.

6) Staff Updates

Lisa McNeilly, Sustainability Director, shared several updates and reminders. First, the planning for Earth and Arbor Day is just starting and more information will be shared with Commissioners in January. She also reminded Commissioners about the deadline for submitting the Training and Ethics Disclosure forms and that nominations are open for the Chair and Vice Chair positions. Voting will be at the January meeting. Tim Conner, Environmental Manager, shared about the progress on the scan of current city efforts related to heat mitigation. Anthony Floyd, Sr. Building Consultant, shared about an upcoming meeting with APS about new charging facilities at city buildings.

7) Identification of Future Agenda Items

Items discussed for the January meeting will include voting on recommendations to the City Council to adopt the Community Sustainability Plan, finalizing the 2022 Annual Report, revisiting recommendations for the legislative agenda, and election of 2023 Chair and Vice-Chair. Director McNeilly shared that the timeline has been adjusted for the development of the Net Zero Strategic Energy Plan, and she will consult with Director Worth about a possible date for an update to the Commission. Commissioner Johnson asked to include a discussion or presentation about installing solar in the public right-of-way (e.g., over canals). Director McNeilly will seek to identify a presenter for a future meeting. Commissioner Cuculic asked the topic not be narrowly focused on right-of-way and also include other under-utilized land managed or owned by the city.

Adjournment 6:58 p.m.

Attachments: Handout from Commissioner Bosse (Item #4)

Attachment 1: Handout from Commissioner Bosse (Item #4)

- Collaborate with other municipalities and the League of Arizona Cities and Towns to remove legislative barriers that preempt local authority and prevent municipalities from effectively addressing energy, waste management and other challenges. Examples:
 1. ARS §9-500.36. Prohibition on requirement of energy measuring and reporting; state preemption
In the recently-adopted 2021 IECC and 2021 IgCC, we removed energy monitoring provisions because of this state preemption.
 2. ARS §9-500.38. Prohibition on regulation of auxiliary containers; state preemption; definition
Among other things, this preemption statute prohibits cities from banning plastic bags. More broadly, it prohibits cities from imposing a tax, fee, assessment, charge or return deposit and otherwise regulating the sale, use or disposition of reusable bags, disposable bags, boxes, beverage cans, bottles, cups and containers that are made out of cloth, plastic, extruded polystyrene, glass, aluminum, cardboard or other similar materials and that are used for transporting merchandise or food to or from a business or multifamily housing property.
 3. ARS §9-810. State preemption; utilities; restrictions; prohibition; limitation; definition
ARS §9-467. Building permits; issuance; distribution of copies; state preemption; utilities; subsequent owner; limitation; definitions
Earlier this year, Southwest Gas cited ARS §9-467-D as the reason Scottsdale could not include electric readiness provisions in our building codes. ARS §9-810 could possibly be used in a similar fashion.
 4. ARS §3-377. Local regulation
This statute provides that the provisions of and rules which implement Article 6 Pesticide Control are of statewide concern and not subject to further local regulation.
- Collaborate with other municipalities and the League of Arizona Cities and Towns to advocate for statewide Extended Producer Responsibility (EPR) legislation.
The United States Conference of Mayors recognizes “Extended Producer Responsibility and Product Redesign” as the top tier in its Hierarchy of Material Management. Through EPR, municipalities are spared many of the materials management challenges of hazardous, non-recyclable and hard-to-recycle products and packaging (e.g., electronics, carpet, mattresses, paint, and pharmaceuticals).