

# MINUTES

## ENERGY AND RESOURCE MANAGEMENT COMMITTEE

OCTOBER 17, 2007

**CALL TO ORDER:** Chairman McNelly called the meeting to order at 7:35 a.m.

**MEMBERS PRESENT:** Adamson, Avera, Brassett, Lucero, McCormack, McNelly, Mitchell, Petrella, Roberts, Twineham

**MEMBERS ABSENT:** None

**PUBLIC PRESENT:** Dave Ault and Mark McGee, MG Disposal

**STAFF PRESENT:** Phyllis Garrova, City Treasurer

**APPROVAL OF MINUTES:** Minutes of September 19, 2007 approved as amended. Old Business: Discussion of forming Water Sub-Committee; a meeting time was undetermined. (see June 20 and August 15, 2007 minutes.

**INTRODUCTIONS/ROLL CALL:**

**ACTION ITEMS**

None

**DISCUSSION ITEMS:**

**Old Business:**

- a. Review of Proposed Revisions to Chapter 5.14 of the Fullerton Municipal Code regarding updates to the Solid Waste Ordinance.

Handouts at the meeting included a Summary of the Revisions to Chapter 5.14 and Material Waste Management Plan for Construction and Demolition Projects.

Phyllis Garrova, City Treasurer explained in detail the changes to the Municipal Code. She said she would e-mail a brief to Committee Members on Section 5.16 Material Waste Management Plan for Construction and Demolition Projects. However, later in the meeting she stated she would return to discuss Section 5.16 at the November meeting. This section was recently added at the suggestion of Dave Ault. The section addresses all future projects and mandates that a diversion percentage be met to comply with AB 939.

The changes made to the Municipal Code include: New chapters; new definitions (such as bulky items, medical waste, sharp waste, source separated universal waste and others); new sections; sections renumbered; sections deleted; sections expanded, and title updates.

Committee Member McCormack referred to Section 5.14.020 the City's and City Council's role in the removal and disposal of waste and enforcement asking for an explanation. There is a policy in place; public health and safety standards and a Public Resources Code that authorizes the City, Police and City Council to instruct Staff to manage and enforce the disposal and waste in the City.

Section 5.14.060 is a new section that addresses how complaints will be reported and handled. Committee Member Mitchell asked for clarification as to who receives the complaints the City or the contractor. Phyllis Garrova explained that it happens both ways. Each department within the City responds depending on the complaint. Many complaints go to Community Preservation (formerly Code Enforcement). Typical complaints are about the trash service or about putting trash out too early. The contractor keeps a log of the complaints they receive. The log can be reviewed by the City at any time.

Committee Member Petrella asked if there is a specific time when people can put their trash out for pick up. Committee Member Adamson replied the time is not before 1 a.m. the day before collection. The containers should be removed from the curb by midnight the day of collection. Committee Member Twineham asked what the penalty fees are. Phyllis Garrova said if the offense is a misdemeanor the fine is not more than \$1,000; if an infraction the fine does not exceed \$100, and if the problem continues the fine escalates to \$200 and \$500.

Committee Member Mitchell asked if churches are in violation of the Ordinance when they ask their members to drop off newspapers or aluminum cans. There is a ruling called Rancho Mirage that says any organization that does this for no cost is exempt from the Ordinance. There are other exemptions to the Ordinance such as a construction company that owns their trucks and containers. If a hauler's primary job is hauling waste that would violate the City's Contract with MG Disposal.

Committee Member Roberts talked about adding sharp objects (home medical waste) to the list of types of waste that would be picked up stating sharp objects must present a safety concern for MG. Dave Ault explained that MG has a lot of protective equipment. There is pending legislation that will require the sellers of sharps to provide a pre-paid return container.

Committee Member Mitchell said it seems to be the trend to encourage manufacturers to take more responsible. Mark McGee mentioned that a good example of taking responsible is tire sales. The customer is charged a fee for proper disposal if the customer does not want to personally dispose of the tires. Committee Member Twineham asked if going from a two-man truck to a one-man truck negatively affected the City. In response Mark McGee said the reason for the change was safety; and did not have a negative affect on the community.

With no further questions Chairman McNelly called for a motion.

MOTION made by Committee Member McCormack, SECONDED by Committee Member Mitchell and CARRIED by all present to APPROVE the revisions to Chapter 5.14 and recommend that the City Council adopt the Ordinance.

- b) Review of Proposed Revisions to the Agreement between the City of Fullerton and MG Disposal for Solid Waste Handling Services.

Mark McGee said this Committee has had tremendous involvement over the years in reviewing Ordinances and making recommendations on how waste collection is to take place. He gave a little history on the development of waste management. As cities grew and waste was determined to be a health hazard, the State asked cities to manage the collection and disposal of waste. The birth of Ordinances and a Committee began.

Chairman McNelly said this Committee became active in the early 70s as a Recycling Committee and later became known as the Energy and Resource Management Committee.

At last months meeting, Committee Members asked about new ways for collection. MG is proposing a Source Separation System to the City, a new concept in automation. Mark McGee stated another new concept, the E-waste Program with curbside pickup for single-family residents is moving forward. Fullerton is a very mature community with a lot of vegetation. To address the abundance of vegetation, MG has proposed an unlimited yard waste collection. The standard (3) 100-gallon containers will take care of most of the residents. Residents can still put out bundled green waste.

Committee Twineham asked if there would be any additional cost to the residents for these new programs. Dave Ault said that MG would absorb the cost for the source separator with no cost for bulky item pickups including Christmas trees.

MG would eventually replace both the truck and commercial fleets with clean burning vehicles. There are 10 or 11 clean burning trucks in service now. MG is a pioneer here. Chairman McNelly asked when MG thought the vehicles would be in service. Dave Alt said because the final details of purchase have not been completed; and that each vehicle must meet California's emission standards he is unable to give a specific time frame. In addition, MG has to survey each and every household.

Phyllis Garrova advised that she does have a meeting scheduled with the trash attorney at the beginning of November to go over the contract language. With the new Ordinance the City has to mirror some of the revisions into the contract. The proposed plan is to begin the new Automated Program July 2008. The Committees can help by supporting MG's effort to facilitate these programs.

Committee Member Petrella said if the City Council is so crucial, why is the City waiting to the very end to involve the Council. Phyllis Garrova advised that she needed the Committee's approval of the Ordinance and the contract proposals first before going before the Council.

Chairman McNelly stated that Glenn Steinbrink, Director of Administrative Services and City Council Member Don Bankhead are both aware of the proposed revisions to the contract and to

the Municipal Code.

Committee Member Roberts said he has noticed trash pickers going through his trash. Whether the scavengers recycle, or the trash is picked up by MG it is still diversion. 1) With separate containers, how will this affect the City's diversion rate; 2) Fullerton has always had an unlimited garbage policy will this change; 3) with this large of a capital investment what type of a burden would be placed on the residents to help pay for these new programs.

Dave Ault replied that the automated recycle container would be picked up first and there is an anti-scavenger Ordinance in place that makes it illegal to pick through the trash. As far as the unlimited garbage, there would be no change and no additional charge to the residents for the capital outlay; in fact part of the rate would be reduced and that includes the multi-units. There will be three rates – processed material, the green waste, and the trash. The actual rate would probably be between 50-60 cents per month. The loan would be paid over a 10-year amortization period.

Chairman McNelly asked if MG will be merging the trash part. If the State changes these laws it will give MG the ability to go back and double process the material. Chairman McNelly thought the public should be educated that trash is “really trash.”

Committee Member Mitchell asked what items would be accepted in the recyclable container. Any plastic, or aluminum, when in doubt put it in the recyclable. Chairman McNelly asked if bagged compost material would be available. Yes, compost would still be available.

Phyllis Garrova invited Committee Members to contact her with any questions.

Chairman McNelly stated that based on the discussion, it would be appropriate for the Committee to approve moving forward.

There was discussion regarding making a motion on an item that is not on the agenda. Chairman McNelly advised that Robert's Rules allows a motion to be made on a discussion item and that action may be taken.

MOTION made by Committee Member Brassett, SECONDED by Committee Member Petrella to recommend to Staff and to the City Council that they move forward with the revisions to the Agreement between the City of Fullerton and MG Disposal for solid waste services.

The details will be worked out by Staff.

Chairman McNelly stated that the Committee would be willing to further discuss if so requested by Staff or the City Council. Phyllis Garrova and Dave Ault said they would be glad to come back to next month's meeting to update and provide more details.

McNelly said the Committee would like to go on a tour of the facility. Mark McGee said he would be glad to schedule a tour for Committee Members just let him know when they would be available.

Acting Chief Planner Eastman arrived at 9:45 a.m.

**New Business:**

None

**PUBLIC COMMENTS:**

None

**COMMITTEE/STAFF COMMENTS:**

Chairman McNelly commented that our Water Sub-Committee needs to move forward. He would check with Staff next week for a schedule. There has been so much in the news lately about Metropolitan Water District; a 10% cutback and how that will affect us if at all, and other changes in the water situation in California. Some Committee Members are going on a water tour and would like to get a brief back for next month's meeting.

Committee Member Petrella requested that Jim Blake come back and brief the Committee. On the \$9 billion dollar bond Sacramento is talking about. He will be briefing those who go on the water tour but those who don't attend will not get this brief. Contact Staff to invite Jim to attend a meeting in 2008. Committee Member Petrella would like the meeting to take place before then.

Committee Member Adamson referred to a handout on Chapter 5.16 (Material Waste Management Plan for Construction and Demolition Projects) and asked if the Committee is supposed to review and discuss at the next meeting. He sees a problem with the Ordinance for small projects with the permit process. Phyllis Garrova said she briefly touched on this Chapter, but the Committee should review the handout for discussion at the next meeting. She said that there are exceptions for the small business.

Because of the Thanksgiving holiday, the Committee talked about rescheduling November's meeting to another date. No change was made at this meeting and remains November 21, 2007.

There is a forum on November 5<sup>th</sup> at the Library Meeting Room at 6:45 p.m. on Being Green in Fullerton -- what you can do in your own home.

A composting workshop is coming up on the November 2<sup>nd</sup> at the Arboretum at 10:00 a.m.

Committee Member Petrella asked whether there is any kind of an alert system on our City website if there is an emergency.

Acting Chief Planner Eastman said there should be an emergency contact number on the City's web page. Phyllis Garrova said in an emergency if the water is going to be off for an extended period of time usually there is a post in the affected areas.

Energy and Resource Management Committee  
October 17, 2007

Committee Member Mitchell inquired about the Green Pages. If the Green Pages are eliminated, the Committee needs to think about some kind of public interaction since it is one of the charges of this Committee. Acting Chief Planner Eastman stated he has no knowledge of eliminating the Green Pages. There are changes to the Grant Funding and staffing, he will check with Heather for clarification.

**ADJOURNMENT:**

With no further business the meeting was ADJOURNED AT: 9:00 a.m.