MINUTES

ENERGY AND RESOURCE MANAGEMENT COMMITTEE

NOVEMBER 21, 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

Bernard Lipman Chuck Buck Marion Sussman Robert Siebert

STAFF PRESENT: Phyllis Garrova, City Treasurer

Heather Allen, Senior Planner

Dave Schickling, Water Systems Manager

Beverly Norton, Clerical

APPROVAL OF MINUTES: Motion by McCormack, seconded by Roberts to approve

Minutes of October 17, 2007 as written.

INTRODUCTIONS/ROLL CALL:

Chairman McNelly thanked Committee Members and guests for meeting attendance during the holiday season. He asked that Old Business, Item b), Material Waste Management Plan for Construction and Demolition Projects be heard and discussed first. There are minor changes to the Ordinance.

DISCUSSION ITEM:

Old Business:

b) Material Waste Management Plan for Construction and Demolition Projects

Phyllis Garrova, City Treasurer began by saying Chapter 5.16 will be the final piece of the ordinance. This Chapter addresses solid waste, recycling, construction/demolition and the compliance by residential/commercial and developers to meet the 50% diversion. The appeal process section of the ordinance is still under review.

5.16.010 – Authority and Findings

Discusses the law and the City's requirement to prepare, adopt, and implement source reduction and recycling elements so that we can meet our 50% diversion. The goal is to reduce the waste that goes to the landfill.

5.16.020 - Definitions

The definitions are more relevant to construction and demolition and are self-explanatory.

5.16.030 – Applicability of Chapter

This Chapter discusses threshold requirements. At the last meeting, Committee Member Adamson expressed concern that the threshold requirements would hurt small projects. Garrova stated that the requirements have been increased from 500 to 1,000 square feet including all other areas that had previously been 500.

5.16.040 - Exemptions

This Chapter includes other exceptions.

5.16.050 - Diversion Requirements

States projects must divert 50%.

5.16.060 – Waste Reduction and Recycling Plan

Covers the role of compliance required by Planning/Building and discusses the 15-day period of approval or denial and what happens if an applicant is denied.

5.16.070 - Compliance with Diversion Requirements

This section discusses on-site visits by a Compliance Official and failure to comply resulting in a "stop work" order and/or issuance of administrative citations. It also addresses reporting requirements.

5.16.080 – Diversion Requirement Exemption

In the event the applicant cannot meet the diversion requirements, he or she would work with a compliance official to meet some portion of the diversion rate.

5.16.090 - Appeals

This section is in the process of completion.

5.16.100 – Severability

Discusses if any part is determined to be unconstitutional such decision shall not affect the validity of the remaining portions of the ordinance.

Chairman McNelly commented that Sections 5.16.030 and 5.16.040 are unclear regarding the

requirements and exemptions.

Dave Ault, MG disposal gave an example. If a property owner is doing a 1,200 square foot addition and tearing down 300 square feet that would be considered a project in excess of 1,000 square feet. The demolition would be part of that project that is where you would be primarily concerned with the reduction of waste. With a project, part of the plan is what are you going to do with the material you throw away. Even if the material is coming from 200-300 square feet it would be covered because the new addition exceeds the 1,000 square foot threshold of the construction. If a builder is not tearing down then there would be no demolition plan needed.

Committee Member Roberts said for small projects such as installing a pool he would like to see a recycling form that could be filled out at the Planning counter by the contractor and sent to MG Disposal for handling.

Chairman McNelly said he liked that idea and asked what MG thought of the suggestion. Dave Ault said MG has an authorized Construction & Demolition (C&C) facility and it makes sense to let MG do the reporting. He answered Committee Member Twineham's question saying that anyone doing construction and demolition has to have a diversion plan. C&D material is the easiest to mine for recovery.

City Treasurer Garrova stated that with this new plan the City's diversion rate would move higher.

Senior Planner Allen commented that it is likely that the diversion rate may increase to 75%. The City now has this plan in place in case the rate moves up. Chairman McNelly said he hopes the requirement doesn't become a negative drag on the overall 50% diversion.

Committee Member McCormack said he was in favor of setting the bar higher than 50%.

Committee Member Roberts asked how falling below 50% would affect the City. Dave Ault said the City has done an excellent job in diversion and falling below probably would not adversely affect the City. C&D will help. The City can keep the rate at 50% but word the ordinance to allow for change based upon current law and Waste Management Guidelines.

MOTION made by Committee Member Petrella SECONDED by Committee Member Adamson CARRIED by all present to direct staff to design a simplified recycling plan form for use by small projects that would include the option of meeting the diversion requirements through the use of an MG Disposal bin. The form, upon completion, should come back to the committee for final approval.

ACTION ITEMS

a) Recommend to City Council adoption of updated Emergency Water Conservation Plan

Water Systems Manager Schickling thanked the sub-committee members for their time spent in looking at the Plan and suggesting improvements.

The City already has a plan on the books; it was brought to the Committee about six years ago and modified but never presented to City Council, it is before this Committee today for a final review.

The Metropolitan Water District's base year will be used to determine Fullerton's allocation. The district is looking at a 3-year average. There is a general statement in the plan that states during an emergency the City would engage in a more active conservation campaign promoting water conservation. The plan lists the ways in which a person can conserve--such as don't water the sidewalk.

Water Systems Manager Schickling said there are five stages in the plan. The plan goes in stages from voluntary to a 25 percent reduction with more severe fines. The City has established a residential rate per month for a single-family resident. Any water used over the allocation the resident would pay a fine. The years 03/04 were used as the base. Fifteen billing units per month were determined to be average for residential users. Each single-family residential customer shall be billed a life line rate of the first seven billing units which is 1,000 gallons. The base rate would be the next eight billing units which is 8,000 an allocation of 15 billing units a month or 90% of the number of billing units used in their corresponding base year which ever is less.

Committee Member McCormack asked if the base year is fixed. The base year does move and people can still appeal whatever their base year amount is. Explain how the percentage changes for those on the 10% reduction plan. The percentage goes from 90, 85 80 and 75% for multi-family; commercial/industrial goes from 90, 80 70, 60%.

Committee Member Petrella had previously asked what triggers the plan to go into affect and the criteria seemed to be rather general is there anything more specific. Water Systems Manager Schickling said it would be very difficult to list all of the specifics. If an emergency is called too soon people would not participate and the City would lose their credibility. Chairman McNelly said we should wait until after the rainy season is over.

MOTION made by Committee Member Roberts, SECONDED by Committee Member Twineham, and CARRIED by all members present to recommend approval of the amended Emergency Water Conservation Plan.

Committee Member Mitchell entered the meeting at 8:10 a.m.

c) U.S. Mayor's Climate Protection Agreement

Chairman McNelly welcomed guests and stated that under the rules of this committee, guests are allowed to speak up to three minutes on issues that appear on the agenda and invited guests to speak to the question if they wished.

Committee Member Petrella said at a previous meeting the Committee discussed the U.S. Mayor's Climate Protection Agreement. Rather than waiting until the General Plan is completed, she would like to see the Committee move forward by forming a sub-committee to study the U.S. Mayor's Climate Protection Agreement and recommend that the City of Fullerton sign the Agreement. She pointed out the benefits of signing on.

As of the end of October, 710 U.S. cities have signed; 105 California cities (Anaheim, Long Beach, and Irvine to name a few. It is a pro-active program. The program began at the time that Kyoto was not signed by the United States. Mayor Greg Nickels challenged fellow mayors across the country to join with Seattle in pledging to increase energy efficiency; and to exceed the Kyoto Protocol's emissions-reduction goals on a local level to 7 percent below 1990 levels by 2012. Some cities signed on and said we are in sync with the program on a philosophical level but are not sure how the program should be implemented.

Committee Member Petrella said she would like to see Fullerton ahead of the curve on this issue. The City Council is interested. The program has been endorsed by the U.S. Council of Mayors and the League of California Cities who endorsed the platform having to do with energy sustainability issues. The League of Women Voters of North Orange County is also very interested in the program.

There is a booklet filled with actions that other cities have taken. Fullerton's action would not necessarily be the same as other cities.

Committee Member Adamson moved to form a sub-committee to study the issues.

Committee Member Twineham asked if the sub-committee is being formed to specifically study the Mayor's Agreement or other related issues. Committee Member Adamson clarified that the purpose of the sub-committee is to study the Agreement and recommend an action. Committee Member Mitchell stated that as a Committee, our job is to make recommendations and it is within the Committee's purview.

Committee Member Roberts believes the role of the Energy Committee is to study issues about lowering green houses gases, making Fullerton a better place to live. Whether there is global warming or not, cutting down on emissions, and saving money is a good thing. What I don't want us to get involved in is a political issue. A sub-committee could be formed just to look emissions and green house gas issues which would be equally as good.

Committee Member McCormack concurred with not becoming involved in a political issue, but

supports moving forward; looking at the bigger picture, and what the City can do at the local level to save energy, reduce emissions and make a positive change for Fullerton. The subcommittee should not be limited to the Agreement but look at the broader issues and the affects on the City of Fullerton.

Open for public comments (see public comments section)

Chairman McNelly said there is a motion on the floor is there a second. Committee Member Avera asked that the motion be restated. Committee Member Petrella repeated the motion that a sub-committee be formed to study the Mayor's Climate Protection Agreement.

Chairman McNelly stated there is a motion to study this Climate Protection Agreement and all the peripheral information that has been gathered around that and what they are describing as potential actions of things that have a further discussion.

Committee Member McCormack for purposes of discussion, I would second as long as the motion not be limited to just the agreement but the broader issues and the effects on the City of Fullerton.

Chairman McNelly emphasized the need to act within the limits of the charge of this particular committee's guidelines and direction based on the City's Charter.

Committee Member Roberts said he would vote for the sub-committee it pays to revisit these items especially when energy keeps going up and up. The Mayor's Climate Agreement study isn't a bad thing. A study would not be acting out of our Charter.

Committee Member Twineham said what we were talking about is this Climate Agreement and he does not support the motion because it is too political and not in the scope of the advisory body for our council.

Chairman McNelly supports the motion but objects to the words Climate Protection.

A MOTION made by Committee Member Adamson, SECONDED by Committee Member McCormack and CARRIED (9 to 1) (Committee Member Twineham voting no) to form a subcommittee to study the U.S. Mayor's Climate Protection Agreement.

Members of the Sub-committee are:

Petrella Mc Cormack Mitchell Avera Lucero

The sub-committee will report back to the Committee in February.

d) Green Pages

Senior Planner Allen stated that an issue of the Green Pages is planned in 2008 date uncertain depending on staffing.

The City will not be funding through the Used Oil grants but will use other grant money. The AB-939 funds are available along with the Beverage Container Recycling which the City is currently using. Committee Member McCormack thought staff could capture some of the money from Used Oil giving a portion to the County. Chairman McNelly asked whether the City could solicit donations from community groups or other interested parties in the form of advertising to support the Green Pages.

Committee Member Roberts said he would be in favor of letting the County take over providing the results were positive. Allen said that the City could ask the County if they would partner with us. The County has been running Used Oil Collection events and that is something the City was not able to do.

Committee Adamson suggested doing a "Blue Pages" version of the Green Pages with a focus on water conservation information.

New Business:

None

PUBLIC COMMENTS:

Bernard Libman (visitor) stated he would like to emphasize that there is a tremendous amount of movement among individuals in our society to "take responsibility" for their own effects on green house gas emissions and the whole process of global warming. People are individually concerned about it. It would be a shame if the next level up (a city government) did not recognize that and do the same thing. Lastly, I would just like to emphasize that all of the proposals in this agreement are economically positive for the City. Over an extended period of time when an economical analysis is done, the City would discover that the City would be able to save money.

Committee Member Avera - how would the City save money? Mr. Libman - by doing an economic analysis of the cost of the measures taken, and of the energy saved by taking those measures. Committee Member Avera - there are no hard facts that the City would save money. An analysis would cost money, and many, many times it turns out to be a wash--or no savings at all. Avera stated he disagreed with a prior statement made by Committee Member Petrella at a prior meeting that Global Warming is a fact.

Chairman McNelly stated that there is obviously a philosophical disagreement among the members and it not an appropriate time to debate the pros and cons of an issue that can be ironed out by a sub-committee.

Chuck Buck (visitor) supports the concept of studying this agreement. There may be philosophical differences but I sense a tide moving across. There are new issues on cars, new issues on energy savings. One hundred twenty people attended a forum who were interested in how they, as homeowners, could reduce their energy costs attended a recent forum. The City has taken steps to reduce energy by using compact florescent lamps, and energy-saving

vehicles. The City is saving a lot of money right there. The City's vehicle fleet is another way to save. Mr. Buck stated that he spoke with the City of Santa Ana's fleet manager. He explained that Santa Ana is saving money buying hybrids the cost is greater but are amortized over a year and will be saving money on fuel which will cover the initial cost of the purchase. They are going to compressed natural gas for the street sweepers. Mr. Buck urged the Committee to look at this agreement and to see what other cities are doing to save energy.

Committee Member Adamson pointed out that the City's Maintenance Department has done a great deal on conservation measures.

Robert Siebert (visitor) stated that his goal is to get a similar motion passed in the City of Orange. He appreciates that the Committee wants to stay away from becoming involved in politics. One of the biggest things a person does when one starts cutting down green house gases and saving money is to go for energy efficiency. If the Committee looks at that first, the City will save money within the 5-year time frame. We grew up with cheap energy that is not cheap any more and does not serve us well.

COMMITTEE/STAFF COMMENTS:

The majority of the members were in favor of attending December's meeting rather than going dark. In addition to the regular meeting in the morning, Senior Planner Allen noted that a subcommittee meeting would be scheduled.

There will be information going out in January about the Compost Giveaway scheduled for April 28. Committee Member requested more comprehensive signage this time in the Parks and Recreation mailing.

ADJOURNMENT:

With no further business the meeting was ADJOURNED AT: 8:55 a.m.