

MINUTES

ENERGY AND RESOURCE MANAGEMENT COMMITTEE

May 21, 2008

- CALL TO ORDER:** Chairman McNelly called the meeting to order at 7:35 a.m.
- MEMBERS PRESENT:** Committee Members Adamson, Avera, Brassett, McCormack, McNelly, Mitchell, Roberts, and Twineham
- MEMBERS ABSENT:** Buck, Lucero
- PUBLIC PRESENT:** Pete Saputo
- STAFF PRESENT:** Water Systems Manager Schickling, Senior Planner Allen, and Clerical Support Norton

1. CALL TO ORDER

2. INTRODUCTIONS/ROLL CALL:

Committee Member acknowledged guest Pete Saputo

3. APPROVAL OF MINUTES

Minutes of April 16, 2008 ERMC approved as amended
Minutes of April 23, 2008 Study Session moved to next agenda

3. ACTION ITEMS

- a) Recommend to City Council adoption of revised updated Emergency Water Conservation Plan, "Water Supply Shortage Conservation Plan"

Schickling – stated that this plan is the hybrid of the Water Conservation Plan. A sub-committee reviewed and recommended adoption of a similar version of the plan a few months ago. The main change is -- the base year for water usage comparison for future reduction was eliminated. The current plan has four phases and three tiers.

During a Phase I water supply shortage, the City Council may increase water rates (other than Tier 1 lifeline rates) by an amount necessary as determined by the City Council. In Tier 2 and 3 the rate can increase anywhere from 10-20 percent and can vary among the users. The incentive is to reduce water usage.

Prohibited uses of water at all times include the following:

- Loss of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such loss of water should have reasonably been discovered and corrected;
- No water runoff from landscaped areas into streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering;
- No water shall be used to clean, fill or maintain levels in fountains or other aesthetic structures unless water is part of a recycling system;
- Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held water container or hose equipped with a positive shutoff nozzle;

In addition:

- No hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces, except for health and safety;
- No restaurant , etc. shall serve water unless expressly requested;
- All leaks indoor/outdoor plumbing shall be repaired promptly;
- Watering of landscape or other turf area shall not be allowed between ten a.m. and four p.m. Exception – commercial nurseries, golf courses and other water-dependent industries. There will be no restriction on reclaimed water.

After adoption of this Resolution the following uses of water are prohibited:

- Installation of single pass cooling systems for new connections;
- Installation of non-recirculating systems in new conveyor car wash systems and commercial laundries.

Schickling added that if a person does not comply with the conditions set forth, the owner would receive three written warnings. After the third warning, a flow restrictor would be attached to the water meter preventing the sprinklers from coming on. The restrictor can be easily removed. The flow restrictor would not prevent a person from flushing the toilet or taking a shower. The Water Department does have a formula for determining fines but is not convinced that fining would work.

Avera – stated that he did not see how putting a flow restrictor on the water meter would change anything.

McNelly – thought the one way to stop a person who is gutter-flooding is to put a cap on the sprinkler line.

Adamson and McCormack - agreed that a flow restrictor would be a bigger incentive than a fee. Fees tend to be waived and to some people, paying a \$100 fine would not get their attention.

McNelly – The plan states no water runoff into adjoining streets, sidewalks or other paved areas as being prohibited at all times. The word no, is a powerful word, is there a threshold?

Schickling – The Water Department will be reasonable about enforcement. Excess use or the flooding of gutters would definitely be a violation. The rate increases would encumber the resident to reduce water usage.

McCormack – What about the manpower to enforce violations.

Schickling – replied that the work load is manageable unless it reaches Phase 4.

Twineham – referred to General Provisions. What are commercial and industrial customers doing to reduce water consumption?

Schickling – Some industrial customers have no peaks in their usage and a recommendation for reduction is based on that information.

Roberts – Kimberly Clark is a big water user. Is there anything in the plan that would encourage the company to move to another city?

Schickling – As far as industrial rates we are the lowest around. Kimberly Clark has cut back almost 25 percent over the last two years through a Metropolitan Water District Program. Their increase would not be a lot because they do have a base flow. They are not able to use reclaimed water. Water from the County's new recycling plant is not an option for them because of their location.

Most Committee Members were in favor of the changes with the exception of one member who opposed the flow restrictor.

MOTION MADE by Committee Member Adamson, SECONDED by Committee Member McCormack, and CARRIED by a 7-1 vote (Committee Member Avera opposed) to recommend that the City Council adopt the Water Supply Shortage Conservation Plan.

- b) Review report and recommendation by the U.S. Mayors Climate Protection Agreement Subcommittee and determine appropriate course of action.

McNelly commended the sub-committee members and, in particular, staff for time and effort for putting together the inventory of what the City is already doing to save energy and reduce greenhouse gases.

McNelly - reviewed the report and made amendments to the last paragraph, on the last page, of the Recommendation. He questioned using the words carbon footprint of the City.

McCormack – stated that the sub-committee discussed some of the language in the declarations WHEREAS' and how they could be interpreted as imposing some kind of politics or certain types of mandates on the City. The crux of the agreement does not impose anything; it is simply a statement of good faith to try to reduce green house emissions. In particular, the Agreement talked about doing an inventory of green house emissions in the City and community; set reduction targets and create an action plan. What is suggested in the Mayor's Agreement is what the City will have to do anyway because of AB32 which really does impose regulations upon the City.

Mitchell – stated that the only thing that is definite is the goal of the agreement.

Twineham – if the State of California has already signed into law AB32 why are we as a committee trying to encourage the City to sign onto the Mayor's Agreement. This agreement is based on the Kyoto Protocol which the government turned down. It is out of the scope of this committee.

McNelly – mentioned that historically you can look at several different things where this Committee had been proactive in the past. Where the City Council did not necessarily ask the Committee do a particular thing or take a particular position. A good example is the waterless urinals.

Roberts – The Members of the Committee had this discussion several months ago, and decided that we were going to take this on. We need to come to a decision about it.

Mc Cormack – said Committee Member Twineham raised good points – the sub-committee is not recommending that we sign on to the Kyoto Protocol Program; what the Mayor's Agreement says is what local cities should endeavor to do is begin working towards those goals. The Agreement mandates the City to do three things:

1. Urge the government to enact policies and programs that essentially strive to reduce greenhouse emissions by 2012.
2. Urge the Congress to pass greenhouse gas reduction legislation.
3. Strive to meet or exceed Kyoto Protocol targets for reducing global warming by taking actions in our operations and communities such asthe word such as, does not mean you will do this.

McCormack – said he can't speak for the government but the Mayor's Agreement is different; there are no penalties.

Avera – disagreed with that statement it is not totally true, the Agreement states that the communities that signed up are legally bound no matter what the cost. By signing the Agreement does this leave the City wide open by being forced into doing something we do not agree with? What happens a year from now if the cities were asked to eliminate diesel trucks and the City did not agree, and wanted to pull out of the Agreement? The wording in the Agreement is so loose and is cause for concern. If there are no legal binding requirements, then a recommendation to City Council would not be necessary. He does not support the recommendation.

McCormack – replied that what Committee Member Avera is referring to are those signatures' pledging to meet or exceed the Kyoto Protocol goals. There is vulnerability in signing the Mayor's Agreement; however, the cities that have signed do not feel that vulnerability is a serious risk. It is hard to find opposition to the Mayor's Agreement. The sub-committee felt that signing the Agreement would raise public awareness.

Mitchell – California has historically been a leader and often the Federal government has followed the things that have happened in California (air and water quality), which may happen with AB32. It is to their benefit that we are all cooperating with similar kinds of goals to be ahead of the game.

Adamson – In regard to Committee Member Avera's concern, if the City Council adopts a recommendation they can also reverse their decision. Most of the measures are reasonable, as long as the economic value is sound.

Roberts – suggested that the City attorney review the agreement before signing on.

Adamson – suggested that the recommendation include emphasize on the past actions that have already been taken by the City.

McCormack – said the additional wording can be added to the motion after the attorney's review. If the committee is going to make a statement that we want to be green we are urging legislators to enact laws that strengthen that.

McNelly – asked if it would be appropriate to allow Mr. Saputo to speak before Public Comments.

Allen – clarified that public comments allows the public to speak on issues that are not on the agenda. Mr. Saputo would be allowed to comment before the Committee's vote.

PUBLIC COMMENTS:

Mr. Saputo said, as a citizen of Fullerton, he is concerned that the City has not been proactive. The Mayor's Climate Protection Agreement should be meaningful to the City of Fullerton. He encouraged the committee to make their recommendation to the City Council to sign the agreement. He cannot foresee any downfall by not signing on.

He noted that the some of the City's landscaping is not well planned for water conservation.

COMMITTEE/STAFF COMMENTS:

McNelly – said he is opposed to the word Climate Protection in the title of the Agreement. Climate Protection is a legal word that leads people to think a certain way. Human beings cannot protect climate. However, he is willing to support the motion and move forward.

MOTION MADE by Committee Member Roberts recommending that City Council sign the Mayor's Climate Agreement pending review by the City Attorney, SECONDED by Committee Member Adamson, CARRIED by a 5-3 vote in favor (Avera, Brassett, and Twineham)

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opposed.

Staff reported on the compost giveaway. This year was the best so far. The event was advertised with fliers; at City facilities and on cable. Everyone who attended received compost.

ADJOURNMENT:

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

Beverly Norton, Clerical Support