

TO: Thomas Frutchey, City Manager

FROM: Dick McKinley, Public Works Director
Christopher Alakel, Water System Manager

SUBJECT: Water Conservation And Water Shortage Contingency Plan Ordinance -
Second Reading

DATE: July 19, 2016

NOTE: THE CITY COUNCIL HELD A PUBLIC HEARING ON JUNE 21, 2016 DURING WHICH NO ONE FROM THE PUBLIC SPOKE AGAINST THIS ORDINANCE. THE CITY COUNCIL THEN INTRODUCED THE WATER CONSERVATION AND WATER SHORTAGE CONTINGENCY PLAN ORDINANCE (ORDINANCE NO. XXX N.S.) AT FIRST READING. THE PROPOSED ACTION FOR THE JULY 19, 2016 CITY COUNCIL MEETING IS TO ADOPT THE ORDINANCE (2ND READING) BY CONSENT. THE STAFF REPORT FROM THE JUNE 21, 2016 MEETING IS REPEATED BELOW FOR INFORMATION. NO SUBSTANTIVE CHANGES HAVE BEEN MADE TO THE PROPOSED ORDINANCE SINCE FIRST READING. A SUMMARY OF THE PROPOSED ORDINANCE, APPROVED BY THE CITY ATTORNEY, WAS PRINTED IN A NEWSPAPER OF GENERAL CIRCULATION.

Needs: For the City Council to consider modification of the City's Water Shortage Contingency to allow flexibility in meeting a lower conservation mandate.

- Facts:
1. On May 9, 2016 Governor Brown directed the State Water Board to adjust emergency water conservation regulations in recognition of differing water supply conditions across the state.
 2. On May 18, 2016 the State Water Resources Control Board adopted amendments to emergency conservation regulations allowing urban water suppliers to identify and certify a conservation standard that is appropriate for their service area according to methodologies prescribed by the State.
 3. The adopted regulation will likely lower the City's current conservation standard to a 24% reduction compared to 2013 usage.
 4. Current "Level 2" mandatory watering restrictions limit landscape watering to two days per week and prohibit all irrigation in public street medians.

Analysis &

Conclusion: The revised Drought Emergency Water Conservation requirements recently adopted by the State Water Board are expected to lower the City's current conservation standard of 24% relative to usage in 2013. The revised regulation allows local water agencies to demonstrate the adequacy of

available supplies for three additional years of drought and establish a conservation standard that is appropriate for the local supply conditions.

Using the methodology prescribed by the State Water Board for establishing a new conservation standard, staff estimates that the City may be required to limit water production to a level below production in 2013. Staff projects that limiting watering of outdoor landscapes to three-days per week rather than the current two-days per week schedule is expected to be sufficient to achieve this level of conservation.

It is recommended that Section 14.02.060 of the Municipal Code be revised to limit watering landscaping to no more than three days per week. The City's water customers will continue to be required to comply with the City's mandatory watering schedule and other water use restrictions. Staff will continue to monitor conservation on a weekly basis. In the event that water usage data indicate that conservation is falling short of the mandated target, a two-day watering schedule could be implemented.

This recommended change would increase the maximum number of days landscape watering is permitted and provide flexibility in establishing a watering schedule that is appropriate for conservation requirements mandated by the State. Permitting one additional watering day each week could allow the City's water customers to maintain or revitalize landscaping that was stressed or dormant during summer of 2015 under the 2-day per week watering schedule.

Given how responsive the City's residents and businesses were in reducing water usage during the worst periods of the drought, it is absolutely an appropriate show of good faith by giving them the opportunity to use slightly more water, if necessary, now that conditions have changed.

Additionally, The City's current Level 2 mandatory restrictions prohibit all irrigation in public street medians. It is recommended that the City adopt the State's prohibition on irrigation of turf in public street medians, which does not restrict irrigation of non-turf landscaping. Both the City and the Landscape and Lighting Districts have trees, shrubs, and other expensive landscaping that, although often drought-resistant, do occasionally need watering. Given their contributions to the overall look and feel of the community, the small increment of water required is fully worthwhile. The City's efforts to reduce or eliminate water on City-owned turf (except at playing fields) more than counterbalances this usage.

Policy

Reference: State of California Governor's Executive Order B-37-16, State Water Resources Control Board Resolution No. 2016-0029, City of Paso Robles Water Conservation and Water Shortage Contingency Plan

Fiscal
Impact: May increase Water Fund revenue by an estimated \$1.6 million per year.

- Options:
- A. Adopt Ordinance No. XXX to amend Section 14.02.060 of the Paso Robles Municipal Code.
 - B. Amend, modify, or reject the above option.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF THE CITY OF EL PASO DE ROBLES
MAKING CERTAIN REVISION TO CHAPTER 14.02 OF THE MUNICIPAL CODE
OF THE CITY OF EL PASO DE ROBLES REGARDING LEVEL 2 WATER SUPPLY
SHORTAGE – MANDATORY REDUCTIONS

WHEREAS, in response to emergency drought requirements the City Council adopted emergency Ordinance No. on May 5th, 2015, which modified Level 2 mandatory reductions set forth in Ordinance No. 957 N.S. and limited landscape irrigation to no more than two assigned days per week and prohibited all irrigation of public street medians; and

WHEREAS, on May 18, 2016 the State Water Resources Control Board adopted amendments to emergency conservation regulations which may lessen the conservation level required by the City's water customers; and

WHEREAS, on June 21, 2016 the City Council held a public hearing and no one from the public spoke in opposition to this proposed Ordinance; and

WHEREAS, the City Council has determined that provisions of the water conservation and water shortage contingency plan should be modified to limit landscape irrigation to no more than three assigned days per week and prohibit only the irrigation of ornamental turf in public street medians.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 14.02.60 of Title 14 of the Municipal Code of the City of El Paso de Robles is hereby revised to read as follows:

“14.02.60 Level 2 water supply shortage—Mandatory reductions.

....

B. During the period of a declared Level 2 condition, all water customers shall be required to comply with all Level 1 condition measures, set forth in Section 14.020.050, and also shall comply with the following conservation measure:

1. The city shall establish and post a schedule for the months in which all landscape irrigation shall be limited to no more than three assigned days per week. Such schedule shall also specify any limited exceptions to such restrictions.
2. Watering of landscaping shall be prohibited during and within 48 hours of rainfall.
3. All irrigation of ornamental turf in public street medians shall be prohibited.

Section 2. Severability

If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Publication

The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of El Paso de Robles.

Section 4. Effective Date

This Ordinance will take effect thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council held on June 21, 2016 for first reading by the City Council of the City of El Paso de Robles, and adopted on the 19th day of July, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

Attest:

Kristen L. Buxkemper, Deputy City Clerk