Agenda Item Number: 7

Agenda Report Reviewed by:
City Manager:

CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT

Meeting Date:	February 16, 2016
To:	Honorable Mayor and City Councilmembers
From:	Public Works Superintendent Richard Emig
Subject:	First Reading and Introduction of Ordinance Amending Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan
Recommendation:	City Council Accept the Amended Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan, for a First Reading and Introduction
Funding:	Currently Budgeted: ___ Yes ___No _X_N/A Net General Fund Cost: $0 If Cost to Other Fund(s): Fund: Amount:

Background:

On September 16, 2014, the City Council adopted Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan that included, among other things, a Stage 2 water conservation level of 20%.

This water conservation level of 20% was based on State Water Resources Control Board (SWRCB) emergency action for non-urban water suppliers, for which the City of Sebastopol qualifies based on number of customers, originally issued by the SWRCB on January 17, 2014, and reissued on April 25, 2014 and March 27, 2015.

In December, 2015, Staff submitted a report to the SWRCB that showed 24% water conservation from the baseline year of 2013.

On January 22, 2016 Staff was emailed an informal enforcement action notice from SWRCB bringing to our attention that the City of Sebastopol did not meet the water conservation goal of 25%, and advising what action to take to return to compliance.

Discussion:

Staff investigated the discrepancy between 20% and 25% water conservation and found that on April 1, 2015 the Governor had issued an Executive Order that directed the SRWCB to impose 25% water conservation through February, 2016, to be extended to October 31, 2016. Unfortunately, Staff missed this directive and the Sebastopol Municipal Code Section 13.06 was not updated in 2015.

Per Title 23, California Code of Regulations, Section 865 (f)(1) of the Emergency Regulation, the informal enforcement action notice from SWRCB advises to take one or both of the following actions to return to compliance:

(A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or
(B) Reduce by 25 percent its total potable water production relative to the amount produced in 2013.

Staff has amended Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan (attached) to include the above revisions, in order to return to compliance with the SWRCB Emergency Regulation, and presents it to the City Council at this time.

Staff commends Sebastopol's water customers for exceeding what we thought was our 20% water conservation goal, by reaching 24% water conservation, and is confident that the future outdoor irrigation limitation will result in Sebastopol meeting the required 25% water conservation goal.

Recommendation:

Staff recommends that the City Council accept the amended Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan, for a first reading.

Attachments: Sebastopol Municipal Code Section 13.06

CHAPTER 13.06
WATER SHORTAGE CONTINGENCY PLAN

Sections:

13.06.010	Scope.
13.06.020	Declaration of policy.
13.06.030	Definitions.
13.06.040	Authorization.
13.06.050	Application.
13.06.060	Water waste prohibitions.
13.06.070	Water conservation stages.
13.06.080	Exceptions and application procedures for exceptions.
13.06.090	Violation - Enforcement.

13.06.010 Scope.

There is established a City water shortage contingency plan.

13.06.020 Declaration of policy.

It is declared that, because of the conditions prevailing in the City, in the County of Sonoma, and/or the State of California, the public health, safety, and welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, to promote water conservation and the efficient use of potable water furnished by the City, by eliminating intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment which is wasteful.

13.06.030 Definitions.

The "City" means the City of Sebastopol acting by and through the City of Sebastopol Public Works Department as operator of the City of Sebastopol water system.

"Manager" is the Public Works Superintendent of the City of Sebastopol.

"Person" means any person, firm, partnership, association, corporation, company, organization, or governmental entity.

"Customer" means any person, business or other entity, whether within or without the geographic boundaries of the City of Sebastopol, who uses water supplied by the City.

"GPD" means gallons per day.

13.06.040 Authorization.

The City Manager or his/her designee, is authorized and directed to implement the applicable provisions of this chapter upon determination that such implementation is necessary to protect the public health, safety, and welfare.

13.06.050 Application.

The provisions of this chapter shall apply to all persons, customers, and

property served by the City.

13.06.060 Water Waste Prohibitions.

Nonessential Uses. No customer of the City shall use or permit the use of potable water from the City for residential, commercial, institutional, industrial, agricultural, or other purpose for the following nonessential uses:

The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;

The escape of water through breaks or leaks within the customers plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the City, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak;

Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of his/her water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;

Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;

Water for non-recycling decorative water fountains;

Water for single pass evaporative cooling systems for air conditioning in all connections installed after the effective date of this ordinance, unless required for health or safety reasons;

Water for new non-recirculating conveyor car wash systems; and

Water for new non-recirculating industrial clothes wash systems.

Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the City for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a reclaimed wastewater, grey water or rainwater utilization system is also exempt.

13.06.070 Water conservation stages.

No customer of the City shall knowingly make, cause, use, or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by either Conservation Stage 2 or 3 when in effect as declared by separate resolution of the City Council, in accordance with the provisions of this Chapter.

Stage 1 . Voluntary Conservation. In order to achieve an overall system-wide reduction goal of 10 percent, all potable water customers of the City are requested to:

Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.

Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.

For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather.

Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters and ditches before the irrigation cycle is completed.

Become conversant with and strictly adhere to the City's Water Waste Prohibition ordinance.

Utilize water conservation rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.

Utilize City information regarding using water efficiently, reading water meters, repairing ordinary leaks, and how to make your landscape a water efficient landscape.

Stage 2. Mandatory Compliance -- Water Alert. The City Council may by resolution declare a Conservation Stage 2 upon recommendation by the City Manager based on water supply and delivery projections by the Public Works Superintendent that an overall system-wide reduction of ~~20~~ 25 percent is necessary, taking into consideration projections and estimates made by the Public Works Superintendent pertaining to the City's water supply. In order to achieve an overall system-wide reduction of ~~20~~ 25 percent, the following activities shall be prohibited:

Non-essential uses of water, including the following:

Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

Refilling or initial filling of a swimming pool.

Non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used to rinse the vehicle.

Any use of water from a fire hydrant except for fighting fires or essential construction needs.

The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional measures are necessary to achieve an overall system-wide reduction of ~~20~~ 25 percent in water usage.

Stage 3. Mandatory Compliance -- Water Emergency. The City Council may, by resolution, declare a Conservation Stage 3 upon recommendation by the City Manager based on water supply and delivery projections by the Public Works Superintendent that an overall system-wide reduction of 30 percent is necessary, taking into consideration projections and estimates made by the Public Works Superintendent pertaining to the City's water supply. In order to achieve an overall system-wide reduction of 30 percent, the following activities shall be prohibited:

Any activities prohibited during a Conservation Stage 2.

Watering any residential or commercial or industrial area lawn with potable water, at any time day or night.

Planting any new landscaping, except for drought resistant landscaping.

All day and night-time irrigation sprinkling unless only a hand held nozzle is used. An exception will be made to permit drip irrigation for established perennial plants and trees using manual or automatic time-controlled water application.

Planting of new annual ornamental plants, flowers or vines may not occur until the Stage 3 emergency is over.

The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional measures are necessary to achieve an overall system-wide reduction of 30 percent in water usage.

13.06.080 Exceptions and application procedures for exceptions. Any customer of the City may make written application for an exception. Said application shall describe in detail why applicant believes an exception is justified.

The City Manager may grant exceptions for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the

applicant or public; or, cause an unnecessary and undue hardship on applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.

The decision of the City Manager may be appealed to the City Council by submitting a written appeal to the City Clerk within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the City Council may impose any conditions it determines to be just and proper. Exceptions granted by the City Council shall be prepared in writing and the City Council may require the exception be recorded at applicant's expense.

13.06.090 Violation--Enforcement. The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense, and shall be enforced in accordance with the provisions of Chapter 15.76 Administrative Citations of the Sebastopol Municipal Code.

Effective Date. This ordinance shall take effect 30 days following its adoption.

This ordinance was introduced by the Council of the City of Sebastopol on February 16, 2016.

IN COUNCIL DULY PASSED AND APPROVED FOR FIRST READING AND INTRODUCTION on This 16th day of February, 2016.

APPROVED: _____
Mayor Sarah Glade Gurney

VOTE:
AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Mary C. Gourley, CMC, City Clerk