

Agenda Report

August 11, 2008

TO: City Council

THROUGH: Municipal Services Committee (August 6, 2008)

FROM: City Manager

SUBJECT: Approve Proposed Amendments to the Water Shortage Procedure and Set a Public Hearing Date to Establish a Schedule of Penalties for Water Shortage Plan II

RECOMMENDATION

It is recommended that the City Council:

1. Direct the City Attorney to return within 60 days with amendments to the Water Shortage Procedure Ordinance as described herein; and
2. Set a public hearing for the September 8, 2008 City Council meeting to establish a schedule of penalties for Water Shortage Plan II to be implemented.

BACKGROUND

On December 17, 2007, the City Council declared that the potential for a water shortage exists and ordered implementation of Water Shortage Plan I as described in Pasadena Municipal Code (PMC) Section 13.10.040. Upon implementation, staff found that some of the provisions described in PMC Sections 13.10.040, 13.10.045, and 13.10.050 needed to be amended to accommodate new technologies developed since the ordinance was originally written in 1992 and to better achieve the 10% water conservation target stated by the potential water shortage declaration.

Since the water shortage declaration, California has experienced a record dry spring that has dramatically reduced Sierra Nevada snowpack runoff. As a result, on June 4th Governor Schwarzenegger proclaimed a statewide drought and issued an executive order to address the dire water situation. The executive order called for the Department of Water Resources to take the following actions:

- Facilitate water transfers to respond to emergency shortages across the state;
- Work with local water districts and agencies to improve local coordination;
- Help local water districts and agencies improve water efficiency and conservation;
- Coordinate with other state and federal agencies and departments to assist water suppliers, identify risks to water supply and help farmers suffering losses;

- Expedite existing grant programs to help local water districts and agencies conserve; and
- Encourage local water agencies to promote water conservation.

On June 10, the Metropolitan Water District (MWD) asked each of its member agencies to implement and enforce drought ordinances and to accelerate outreach and messaging. MWD hopes the efforts of each of its member agencies to conserve and raise awareness will help alleviate some of the pressure on MWD's water supply. Since 2003, drought conditions have required MWD to take only its legal water rights from the Colorado River, about half what it had historically taken. MWD's State Water Project supply was cut by 30% this year due to drought and pumping restrictions. To make up for the shortfall, MWD has been pumping from its storage supplies for the last two years, drawing nearly half of their dry-year reserves.

Since the potential for a water shortage was declared in December 2007, voluntary restrictions have not achieved the 10% conservation target. Setting the schedule of penalties serves as the first step to implementing Water Shortage Plan II, which is a mandatory restriction on the same water waste activities described in Water Shortage Plan I. Water Shortage Plan II could be implemented once the Water Shortage Procedure Ordinance has been amended as requested. Staff is currently analyzing the needs and potential costs of implementing Water Shortage Plan II including staffing levels, equipment, penalty appeal procedures, etc. If voluntary conservation efforts continue to not meet goals, staff will be prepared to recommend implementation of Water Shortage Plan II.

Amendments to Water Shortage Procedure:

In order to accommodate new technologies and better achieve the City's conservation targets, it is recommended that appropriate sections of the ordinance governing the Water Shortage Procedure be amended to read as follows:

- A. PMC Section 13.10.040(A) and 13.10.045 (A) - Refrain from hosing or washing sidewalks, walkways, driveways, parking areas or other paved surfaces unless doing so with a high efficiency water broom (restriction does not currently allow for a high-efficiency water broom);
- B. PMC Section 13.10.040(H) and 13.10.045(G) - Refrain from landscape watering between the hours of 8:00 a.m. and 7:00 p.m. (the restricted hours are currently set from 10:00 a.m. to 5:00 p.m.);
- C. Delete PMC Section 13.10.040(I) and 13.10.045(H) (prohibits filling or re-filling swimming pools)

High-efficiency water brooms use about three gallons of water per minute versus 12-18 gallons per minute using a standard hose. Because of the significant water savings, PWP offers customers a \$150 rebate for purchasing the device. In order to avoid inconsistency, PWP is asking that the PMC Sections 13.10.040(A) and 13.10.045(A) be amended to accommodate these water saving devices. Amending the PMC Sections 13.10.040(H) and 13.10.045(G) will decrease the amount of water lost on landscapes

through evaporation because evaporation rates increase as temperature increases. This will permit landscape watering only during the coolest times of the day.

Not allowing customers to fill or re-fill a swimming pool could cause health and/or safety hazards. If the water level in a swimming pool drops to an extremely low level, the warm stagnant water left in the pool can become a breeding ground for mosquitoes and can pose a significant health risk. An empty swimming pool also poses a safety risk if someone falls into the pool, particularly if the pool is deep. Eliminating the PMC Sections 13.10.040(I) and 13.10.045(H) eliminates these health and safety risks.

Additional revisions in the nature of the ordinance also need to be made, for example changing "board of directors" to "City Council."

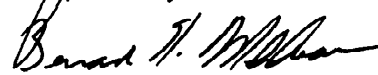
Public Hearing to Set Water Shortage Plan II Penalty Schedule

Section 13.10.065 of the Water Shortage Procedure ordinance allows Council to set a schedule of penalties for violating the provisions of Water Shortage Plan II. Although PWP may not recommend implementation of Water Shortage Plan II at the September 8, 2008 public hearing, it is hoped that the establishment of a schedule of penalties will reinforce the seriousness of California's water supply situation and lead to stricter adherence to the voluntary restrictions of Water Shortage Plan I. See Attachment I for a summary of recommended penalties. The Environmental Advisory Commission will review the proposed schedule of penalties per PMC 13.10.065.

FINANCIAL IMPACT

Based on the experience of the City of Azusa, which has implemented a plan similar to Water Shortage Plan II, PWP might expect to write between 10 and 25 first-time violations and 4-6 second-time violations per week. Based on the proposed penalty schedule, PWP could collect \$10,400 to \$15,600 in penalties per year.

Respectfully submitted,



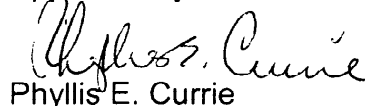
Bernard K. Melekian
City Manager

Prepared by:



Tim Roe
Management Analyst III
Water and Power Department

Approved by:



Phyllis E. Currie
General Manager
Water and Power Department