

Agenda Report

September 29, 2014

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: PUBLIC HEARING: DETERMINE A WATER SUPPLY SHORTAGE EXISTS, ESTABLISH A 20% CONSERVATION TARGET AND IMPLEMENT LEVEL 1 WATER SUPPLY SHORTAGE MEASURES AS DESCRIBED IN PASADENA MUNICIPAL CODE ("PMC") SECTION 13.10.040

RECOMMENDATION: It is recommended that the City Council, following a public hearing, reaffirm the action taken on July 28, 2014:

- (1) Find that the determination of a water supply shortage and implementation of Level 1 Water Supply Shortage water conservation measures are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources);
- (2) Determine that a water supply shortage exists pursuant to PMC Section 13.10.035;
- (3) Determine that a water conservation Target of 20% is necessary;
- (4) Determine that the Level 1 Water Supply Shortage (PMC 13.10.040) water conservation measures are appropriate to address the water shortage; and
- (5) Adopt implementation of the Level 1 Water Supply Shortage measures by way of public proclamation (Attachment A of the July 28, 2014 agenda report).

MUNICIPAL SERVICES COMMITTEE RECOMMENDATION: On July 22, 2014, the Municipal Services Committee ("MSC") unanimously moved to recommend the City Council adopt staff's recommendations, with the additional clarification that the year 2013 be established as the baseline for the 20% water conservation target.

JULY 28, 2014 CITY COUNCIL ACTION: It was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve the staff recommendation, with flexibility provided to the larger water users such as the Rose Bowl Operating Company/Brookside Golf Course and the Annandale Golf Course in meeting the 20% water conservation goal without imposing restrictions on the number of "watering days". (Motion unanimously carried) (Absent: None)

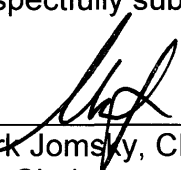
BACKGROUND:

On July 28, 2014, the City Council held a public hearing declaring a Level 1 Water Supply Shortage. Prior to the public hearing, the City Clerk's Office sent the public hearing notice to the newspaper for publication and received confirmation that it would be published 10 days prior to the hearing. However, the Department was recently notified that an error occurred and the notice was inadvertently omitted from publication by the newspaper staff.

Pasadena Municipal Code Section 13.10.035 states, "Notice of the time and place of said public hearing shall be published not less than 10 days before the hearing in a newspaper of general circulation within the city." Since this did not occur, staff has taken steps to correct this issue by rescheduling the public hearing, publishing the notice at no cost to the City, confirming the publication on the specified date, and asking the City Council to reaffirm the action taken at the July 28, 2014 meeting. Incorporated as part of this agenda report is the legislative record from the original public hearing, including the cover memo and agenda report, Proclamation No. 2014-1, and correspondence received for this item.

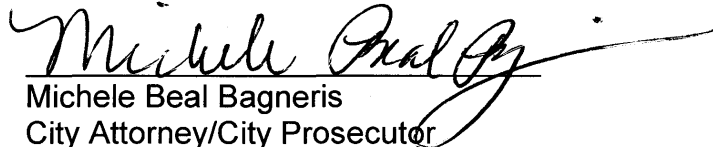
In addition, having reviewed the record carefully, it is unclear whether the motion contemplated the inclusion of the Municipal Services Committee recommendation to utilize water usage in 2013 as a baseline for the 20% water conservation target. Staff suggests the City Council acknowledge the MSC recommendation and confirm this additional provision as part of the motion when reaffirming action taken on July 28, 2014.

Respectfully submitted,



Mark Jomsky, CMC
City Clerk

Reviewed by:



Michele Beal Bagneris
City Attorney/City Prosecutor