



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor and Members of the City Council

THROUGH: Mark Danaj, City Manager

FROM: Tony Olmos, Public Work Director

DATE: September 15, 2015

SUBJECT: Supplemental Information for Agenda Item #2 – Adoption of Urgency Ordinance No. 15-0025-U and Introduction of Non-Urgency Ordinance No. 15-0025, which will Revise *Title 7 – Public Works, Chapter 7.44 - Water Conservation* of the Manhattan Beach Municipal Code (Public Works Director Olmos).

The revised Attachments (ORDINANCE NO. 15-0025-U and ORDINANCE NO. 15-0025) to Agenda Item # 2 are intended to establish a continuity of landscape irrigation days among Drought Stages 1 through 4 of the Water Conservation Ordinance to make it easier for residents to transition between Drought Stages. The recommended change to the ordinance will include changing the watering days for Stage 3 and 4 to Wednesdays and Saturdays to be consistent with the watering days in Stages 1 and 2.

ORDINANCE NO. 15-0025-U

AN URGENCY ORDINANCE OF THE CITY OF
MANHATTAN BEACH AMENDING CHAPTER 7.44
(WATER CONSERVATION) OF TITLE 7 (PUBLIC WORKS)
REGARDING LANDSCAPE WATERING RESTRICTIONS
DURING A DECLARED STAGE 3 WATER SHORTAGE

WHEREAS, on January 17, 2014, Governor Edmund G. Brown Jr. declared a state of emergency in California due to severe drought conditions and called on all Californians to reduce water usage by twenty percent.

WHEREAS, on April 25, 2014, Governor Brown issued an executive order finding that the continued drought conditions present urgent challenges and called for additional action to address the impacts of the drought.

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted emergency water conservation regulations (23 California Code of Regulations Section 865), which require urban water suppliers to implement certain water conservation measures in their water shortage contingency plans, including restrictions on outdoor irrigation.

WHEREAS, on March 17, 2015, the State Water Resources Control Board revised and extended the emergency water conservation regulations.

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 that, among other things, directs the State Water Resources Control to impose restrictions to achieve a statewide 25 percent reduction in potable urban usage through February 2016.

WHEREAS, on May 5, 2015, the State Water Resources Control Board approved revised emergency water conservation regulations in order to implement Executive Order B-29-15.

WHEREAS, the City of Manhattan Beach ("City") is a public entity that supplies water at retail for the benefit of persons within its jurisdiction and an urban water supplier, as defined in Water Code Section 10617, and is required to comply with the State Water Board's emergency water conservation regulations.

WHEREAS, in May 2015 the City Council adopted a revised water conservation program that codified water conservation measures identified in its water shortage contingency plan at Chapter 7.44 of the Manhattan Beach Municipal Code.

WHEREAS, the water conservation program found at Chapter 7.44 of the Manhattan Beach Municipal Code is necessary to ensure a stable and reliable water supply for residents and businesses and to help the State address the ongoing drought.

WHEREAS, the City Council wishes to amend the City's water conservation program to more fairly and efficiently enforce the landscape irrigation measures enforced during a Stage 3 Water Shortage, which is currently now in effect.

WHEREAS, on September 1, 2015, the City Council held a public hearing regarding the City's water conservation ordinance and provided direction to prepare this Ordinance.

WHEREAS, by allowing water users to conduct landscape watering two days per week for a period of eight minutes per watering zone, as opposed to one day per week for a period of fifteen minutes per watering zone, the City Council believes that this Ordinance will reduce over-irrigation, oversaturation of landscaping, and unnecessary waste of water caused by runoff.

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Urgency Declaration. This Ordinance is for the immediate preservation of the public peace, health or safety and shall take effect immediately pursuant to California Government Code Section 36937(b). The facts constituting the emergency are that the State of California is experiencing severe drought conditions resulting in an immediate need to reduce water consumption and prevent wasteful water practices in the City. The regulations included in this Ordinance will preserve, protect, and better utilize the City's water supplies during the ongoing drought.

SECTION 2. The City Council hereby amends Subsection C of Section 7.44.030 to read as follows:

"C. Stage 3 Water Shortage. Upon declaration of a Stage 3 Water Shortage, the following restrictions shall apply to the use of water from the City's water system:

1. Washing of vehicles is prohibited, except at commercial car washes or by mobile high pressure/low volume commercial services.

2. Landscape watering with potable water shall be limited to two times per week for not more than 8 minutes per watering zone from:

- a. 6:00 p.m. on Wednesday and 9:00 a.m. the following Thursday; and
- b. 6:00 p.m. on Saturday and 9:00 a.m. the following Sunday.

3. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.”

SECTION 3. The City Council hereby amends Subsection D.4 of Section 7.44.030 related to Stage 4 Water Shortages to read as follows:

“4. Landscape watering with potable water shall be limited to one time per week only by drip irrigation, hand held hoses, or if reclaimed water is utilized as permitted by law as follows:

- a. Even numbered addresses from 6:00 p.m. on Wednesday to 9:00 a.m. the following Thursday, and
- b. Odd numbered addresses from 6:00 p.m. on Saturday to 9:00 a.m. the following Sunday.”

SECTION 4. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. It is, therefore, exempt from California Environmental Quality Act review pursuant to Section 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 *et seq.*). In addition, this Ordinance is exempt under CEQA Guidelines Sections 15307 and 15308 because the Ordinance amends the City’s water conservation regulations in a manner that would protect natural resources and the environment.

SECTION 5. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentence, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

PASSED, APPROVED AND ADOPTED _____, 2015.

AYES:
NOES:
ABSENT:
ABSTAIN:

MARK BURTON
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney

ORDINANCE NO. 15-0025

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING CHAPTER 7.44 (WATER CONSERVATION)
OF TITLE 7 (PUBLIC WORKS) REGARDING LANDSCAPE
WATERING RESTRICTIONS DURING A DECLARED
STAGE 3 WATER SHORTAGE

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SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 6. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

PASSED, APPROVED AND ADOPTED _____, 2015.

AYES:
NOES:
ABSENT:
ABSTAIN:

MARK BURTON
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney