



**PUBLIC WORKS DEPARTMENT**  
CITY HALL  
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## CITY COUNCIL STAFF REPORT

Meeting: May 2, 2017

### Subject

Update on regional drought response, adoption of 2017-18 Regulations Restricting Water Use and authorization of an amendment of the FY16/17 Memorandum of Understanding (MOU) with the Santa Clara Valley Water District (District) for the landscape conversion rebate program.

### Recommended Action

Staff recommends that the City Council take the following actions:

- 1) Receive staff report on continued regional drought actions; and
- 2) Adopt Resolution No. 17-\_\_ with 2017-2018 Regulations Restricting Water Use; and
- 3) Adopt Resolution No.17-\_\_ authorizing the City Manager to amend the FY16/17 Memorandum of Understanding (MOU) with the District for the landscape conversion rebate program to include the graywater laundry to landscape program and extend the MOU from December 30, 2017 to June 30, 2018.

### Description

The State of Emergency for the drought ended in most of California when Governor Edmund G. Brown Jr signed Executive Order B-40-17 (Attachment A) on April 7<sup>th</sup>. This Executive Order rescinded two emergency proclamations from January and April 2014 and four drought-related Executive Orders issued in 2014 and 2015.

Executive Order B-40-17 continues previous drought actions by making water conservation a way of life in California. This includes the continued permanent prohibition of several wasteful water practices and setting of water efficiency targets by urban water suppliers. The Santa Clara Valley Water District (Water District) is the water supplier in Cupertino.

The Water District has continued the call for a 20% water use reduction goal as

compared to 2013 usage.<sup>1</sup> Additionally, the State has adopted text of emergency regulation for water conservation that re-adopted and extended prior water conservation regulations.<sup>2</sup> These State regulations are in effect until November 25, 2017 unless rescinded or modified by May 1, 2017 following a more thorough review of the State's water supply conditions.

At the writing of this report, San Jose Water Company (SJWC) and California Water Service Company (CWSC) have not requested drought allocations and/or surcharges of the California Public Utilities Commission.

With the continuation of the 20% Water District goal and re-adoption of the State regulations, the proposed 2017-2018 Regulations Restricting Water Use include the State requirements not already prohibited by Cupertino Municipal Code<sup>3</sup> and are similar to the previously authorized 2016-2017 Regulations Restricting Water Use that expired on March 1, 2017.

#### Proposed 2017-2018 Regulations Restricting Water Use

- Hosing off sidewalks, driveways and other hardscapes.<sup>4</sup>
- Using outdoor irrigation during and 48 hours after measureable rainfall.<sup>4</sup>
- The irrigation with potable water of ornamental turf on public street medians.<sup>4</sup>
- Using potable water in decorative water features that do not re-circulate the water.<sup>4</sup>
- Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than three days per week. Irrigation will be allowed on Monday, Thursday & Saturday for odd number addresses and numberless addresses; and Tuesday, Friday & Sunday for even number addresses.
- Other restrictions on use of potable water as prescribed from time to time by the Water Board or other governing body or agency.
- None of the restrictions apply to the use of recycled or grey water. These restrictions also shall not apply to commercial nurseries, golf courses, or other water-dependent businesses, unless specifically included by the Water Board or other governing body or agency.

<sup>1</sup> Established by the Water District Board on January 24, 2017

<sup>2</sup> Adopted February 27, 2017

<sup>3</sup> Chapter 15.32 Water Conservation

<sup>4</sup> Executive Order B-40-17 Requirements

The Notice of Intent to Adopt the 2017/18 Regulations Restricting Water Use was published in the Cupertino Courier on April 21<sup>st</sup> (Attachment B). Staff now recommends that the City Council adopt the regulations in the form contained within Attachment C. These regulations will compliment those already prohibited by municipal code which state:

- No person shall waste water, including, but not limited to flooding or creating runoff on sidewalks or gutters, adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- No person shall use a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, unless the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- No person shall waste water by failing to repair defective plumbing, sprinkler, watering or irrigation systems.
- No person shall use water for single pass cooling process for new building construction.

#### Water Use at City Facilities

Water conservation restriction measures are included in Attachment D. For the 20% reduction goal set, City facilities are at a "Stage 3" drought. On average, all outside irrigation will be reduced by 20%, there will be no filling of ponds at Memorial Park and the operational hours of the interactive fountain at Community Hall will be from Noon – 6PM.

#### Amendment of the FY16/17 MOU with the District

At its July 5, 2016 meeting, the City Council authorized an MOU and \$115,000 in funding for Cupertino residents and businesses who participate in the District's Lawn Conversion Rebate Program. This program is designed to assist homeowners and commercial, industrial and institutional property owners to increase efficiency in outdoor water use by offering \$1.00 per square foot for converting water intensive landscaping to qualifying low-water landscaping. City funding has allowed an additional \$1 per square foot to be added to the District's incentive for the first 1,000 square feet for residential sites and for the first 10,000 square feet for non-residential sites.

Invoicing of the City by the District has a several month lag time. As of January 1<sup>st</sup>, 2017, approximately \$97,000 of the original \$115,000 allocated for this program remains available. This represents 22 sites for FY16/17 as of January and 155 total sites since the City began participation in the Landscape Conversion Rebate Program in 2015. Extending the MOU to June 30, 2018 will allow Cupertino residents more time to participate in this program. Program details are in Attachment E.

Due to the inquiry of several residents asking the City to also participate in the District's Graywater Laundry to Landscape Program, staff is recommending that the FY16/17 MOU be amended to include up to \$5,000 in City funding. This program is designed to assist single-family residents who properly connect a clothes washer to a graywater irrigation system by offering \$200 per home based on the completion of the program requirements. Program details are in Attachment F.

The draft resolution with amendment to the FY 16/17 MOU are in Attachment G.

#### Sustainability Impact

Actions taken to conserve water across the City's municipal portfolio directly implement Cupertino's Climate Action Plan Measure M-F-7: Conserve Water through Efficient Landscaping and enable the City to advance its emissions reduction goals arising from onsite water use. Further, these visible actions showcase the City's commitment to protecting this finite resource with the goal of spurring similar water conservation action across the community.

#### Fiscal Impact

Potable water use reduction mandates by the State and District have decreased utility expenses to the City. Costs are likely to be significant to later restore areas to a pre-drought state (e.g. filling ponds, increasing landscaping and associated irrigation). These costs and areas will be revisited when future water use reductions are revised.

Resolution No. 17-\_\_\_\_ will provide for up to \$5,000 of additional funding for qualified Cupertino property owners who timely submit application to the District administered Graywater Laundry to Landscape Rebate Program. The FY17/18 Operating Budget 100-80-800 900.990 (Public Works Administration) was approved June 21, 2016 by the City Council with the amount of \$115,000 for this Lawn Conversion Rebate Program. An additional allocation of \$5,000 is required to fund the Graywater Laundry to Landscape Rebate Program.

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Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

Attachments:

A - Executive Order B-40-17

B - Notice of Intent to Adopt the 2017-18 Regulations Restricting Water Use

C - Draft Resolution 17-\_\_ with 2017-18 Regulations Restricting Water Use and State  
Water Resource Board February 27, 2017 Re-adoption of Regulations

D - Water Conservation Restriction Measures for City Facilities

E - District Landscape Conversion Rebate Program

F - District Graywater Laundry Rebate Program

G - Draft Resolution 17-\_\_with Amendment to FY 16/17 MOU with the District