07-13-21

ITEM #4.B
RTC #21-973

City of Santa Clara

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Santa Clara, CA 95050
santaclaraca.gov
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Agenda Report

Agenda Date: 7/13/2021

REPORT TO COUNCIL

SUBJECT

Action to approve a Resolution Ratifying the Proclamation of Emergency Drought Conditions by the Director of Emergency Services and Implementing Stage 2 of the Water Shortage Contingency Plan.

COUNCIL PILLAR

Promote Sustainability and Environmental Protection

BACKGROUND

The City of Santa Clara receives the water used by its residential and business customers from water wholesalers, including the Santa Clara Valley Water District (Valley Water) and the San Francisco Public Utilities Commission (SFPUC) through the Hetch Hetchy System. City staff works with the wholesalers as well as other stakeholders, such as the Bay Area Water Supply and Conservation Agency (BAWSCA) to track hydrological conditions and forecast water supply for the City.

The State of California and the Bay Area Region have been experiencing abnormally dry conditions and have experienced two consecutive very dry winters. These conditions would be consistent with an extreme drought scenario for the State, County and City. The City Council is empowered to take action to address drought conditions and require customers to change water use behaviors.

In response to developing conditions and in recognition of actions taken by our water supply partners, the City Manager, in her role as Director of Emergency Services, acted on July 12, 2021 to proclaim that the City was in the midst of emergency drought conditions. Section 2.140.060 of the City Municipal Code requires that the City Council take action within seven (7) days to ratify such action. Staff is requesting that Council approve a resolution ratifying the City Manager's July 12th proclamation and implementing prohibitions outlined in Stage 2 of the City's Water Shortage Contingency Plan, as approved on June 22, 2021.

DISCUSSION

On June 9, 2021, the Valley Water Board of Directors declared a water shortage emergency condition in Santa Clara County. Valley Water further urged the County to proclaim a local emergency and called for a mandatory 15% reduction in water usage as compared to 2019. For reference, this would represent a reduction of approximately 33% in water usage as compared to 2013, the year that was used as a benchmark to measure water conservation during California's previous drought. This declaration was made in response to the abnormally dry conditions in the area, the large decrease in imported water deliveries to Valley Water, and the fact that the Anderson Reservoir, representing almost 20,000 acre-feet (AF) of emergency water supply, has been drained to accommodate a seismic retrofit of the dam.

POST MEETING MATERIAL

On June 15, 2021, the Santa Clara County Director of Emergency Services proclaimed a local emergency related to extreme drought conditions. A week later, on June 22nd, the County Board of Supervisors adopted a resolution ratifying the June 15th proclamation. This proclamation, and the subsequent ratification by the Board of Supervisors, paves the way for Valley Water to request additional emergency supplies from their State and Federal partners that will supply treated water to its wholesale customers, including Santa Clara, through the dry summer months.

On June 22, 2021, the Santa Clara City Council adopted by separate resolutions the updated Urban Water Management Plan (UWMP) and the Water Shortage Contingency Plan (WSCP). The WSCP is designed to address a situation in which the available water supply may be insufficient to meet normally expected customer use. It further outlines actions to be taken to decrease system demands and conserve available supplies. These actions are in addition to the permanent restrictions outlined in Section 1C of the City's Water Service and Use Rules and Regulations.

On July 8, 2021, California Governor Gavin Newsom extended his previous emergency drought proclamation to include Santa Clara County. With that announcement, the Governor's emergency drought proclamation included 50 of California's 58 counties.

On July 12, 2021, City Manager Deanna Santana, acting in her role as the City's Director of Emergency Services and empowered by section 2.140.060 of the City's Municipal Code, proclaimed the existence of emergency drought conditions in the City of Santa Clara.

Staff is requesting that Council approve the attached resolution ratifying the City Manager's proclamation of July 12th and implementing, with minor modifications, Stage 2 of the City's Water Shortage Contingency Plan, which calls for between 10-20% reduction in water usage as compared to 2019. Doing so, will represent a decisive action by the City to lead the way in protecting current and future water supplies for our customers.

The WSCP Stage 2 actions being requested as part of this Council action include:

- Expand a Public Information Campaign
- Increase Water Waste Patrols and Enforcement of Permanent Water Use Prohibitions in Section 1C of the City's Water Service and Use Rules and Regulations (Municipal Code 13.15.080)
- Reduce System Water Loss
- Decrease Hydrant/Line Flushing (Unless for Public Health and Safety)
- Prohibit the Filling of Decorative Water Features Except to Sustain Aquatic Life and Requiring that those Features Use Recirculating Water
- Require that Water Used for Construction and Dust Control be Recycled Water When Available
- Restrict New Irrigation Connections to Those that Use Recycled Water When Available
- Restrict Irrigation of Golf Courses to Recycled Water When Available
- Restrict Outdoor Watering to a Maximum of Three (3) Days per Week for All Customers

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

Approval of this resolution has no fiscal impact other than staff time.

COORDINATION

This report was coordinated with the City Attorney's Office

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the Attached Resolution Ratifying the July 12, 2021 Proclamation of Emergency Drought Conditions in the City of Santa Clara by the Director of Emergency Services and Implementing Stage 2 of the City's Water Shortage Contingency Plan with Minor Modifications.

Reviewed by: Gary Welling, Director, Water & Sewer Utilities
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Proclamation of Emergency for Extreme Drought Conditions
2. Resolution Ratifying Proclamation of Emergency Drought Conditions and Implementation of Stage 2 of the Water Shortage Contingency Plan

*(*MUST BE RATIFIED BY THE CITY COUNCIL WITHIN 7 DAYS OF THE PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES AND MUST BE REVIEWED AT LEAST EVERY 60 DAYS UNTIL TERMINATION PER GOV'T CODE 8630)*

NO. _____*

A PROCLAMATION OF LOCAL EMERGENCY FOR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA CLARA, CALIFORNIA BY THE DIRECTOR OF EMERGENCY SERVICES

BE IT PROCLAIMED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days; and

WHEREAS, extreme drought conditions in the San Francisco Bay Area region and the City of Santa Clara have the potential of extreme peril to the safety of persons and property within the City;

WHEREAS, on June 9, 2021 the Board of Directors of the Santa Clara Valley Water District (Valley Water) declared a water shortage emergency condition in Santa Clara County and called for a mandatory 15% reduction in water usage County wide as compared to 2019;

WHEREAS, on June 15, 2021, the Santa Clara County Director of Emergency Services proclaimed a local emergency related to extreme drought conditions;

WHEREAS, on June 22, 2021, the Santa Clara County Board of Supervisors adopted a resolution ratifying the June 15, 2021 proclamation by the Director of Emergency Services;

WHEREAS, on July 8, 2021, California Governor Gavin Newsom extended his previous drought proclamation to include Santa Clara County;

WHEREAS, the existence of this local emergency does necessitate the implementation of Stage 2 of the City's Water Shortage Contingency Plan, with slight modifications, and does hereby institute the water use prohibitions listed below.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED:

1. That the Director of Emergency Services hereby finds that conditions of extreme peril to the safety of persons and property do warrant and necessitate the proclamation of a local emergency throughout the City of Santa Clara.

2. That the Director of Emergency Services of the City of Santa Clara proclaims the existence of a local emergency within the City of Santa Clara on July 12, 2021.

3. That Stage 2 of the City's Water Shortage Contingency Plan be implemented with the following water use regulations:

A. Expand a Public Information Campaign

B. Increase Water Waste Patrols and Enforcement of Permanent Water Use Restriction Ordinance in Section 1C of the Water Service and Use Rules and Regulations (Municipal Code 13.15.080)

C. Reduce System Water Loss

D. Decrease Hydrant/Line Flushing, Unless for Public Health and Safety

E. Prohibit Filling of Decorative Water Features Except to Sustain Aquatic Life and Requiring that those Features Use Recirculating Water

F. Require the Water Used for Construction and Dust Control be Recycled Water when that Water is Available.

G. Restrict New Irrigation Connections to Those that Use Recycled Water When that Water is Available.

H. Restrict Irrigation on Golf Courses to Recycled Water when that Water is Available.

I. Restrict Outdoor Watering to a Maximum of Three (3) Days per Week for All Customers with Odd Numbered Addresses and Sites with No Address Watering on Mondays, Thursdays, and Saturdays and Even Numbered Addresses Watering on Tuesdays, Fridays, and Sundays.

4. That the Stage 2 prohibitions listed above are in addition to the prohibitions already codified in Section 1C of the City's Water Service and Use Rules and Regulations

5. That it is therefore proclaimed and ordered that the local emergency shall be ratified by the City Council within 7 days of this proclamation, or otherwise expire, and will be reviewed at least every 60 days until termination is proclaimed by the City Council.

6. Effective date. This resolution shall become effective immediately.

Dated: 7/12/2021 Signed: Deanna Lachne
Director of Emergency Services

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A PROCLAMATION OF EMERGENCY FOR THE CITY OF SANTA CLARA, CALIFORNIA, BY THE DIRECTOR OF EMERGENCY SERVICES ON THE 12TH DAY OF JULY 2021.

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK CITY
OF SANTA CLARA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, RATIFYING THE PROCLAMATION OF EMERGENCY DROUGHT CONDITIONS BY THE DIRECTOR OF EMERGENCY SERVICES AND AUTHORIZING IMPLEMENTATION OF STAGE 2 OF THE WATER SHORTAGE CONTINGENCY PLAN

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days;

WHEREAS, extreme drought conditions in the San Francisco Bay Area region and the City of Santa Clara have the potential of extreme peril to the safety of persons and property within the City;

WHEREAS, on June 9, 2021 the Board of Directors of the Santa Clara Valley Water District (Valley Water) declared a water shortage emergency condition in Santa Clara County and called for a mandatory 15% reduction in water usage County wide as compared to 2019;

WHEREAS, on June 15, 2021, the Santa Clara County Director of Emergency Services proclaimed a local emergency related to extreme drought conditions;

WHEREAS, on June 22, 2021, the Santa Clara County Board of Supervisors adopted a resolution ratifying the June 15, 2021 proclamation by the Director of Emergency Services;

WHEREAS, on July 8, 2021, California Governor Gavin Newsom extended his previous drought proclamation to include Santa Clara County;

WHEREAS, on July 12, City Manager Deanna J. Santana, acting in her role as the City's Director of Emergency Services, proclaimed a local emergency due to extreme drought conditions in the City of Santa Clara, and;

WHEREAS, the City Council hereby finds that these extreme drought conditions did warrant and necessitate the proclamation of the existence of a local emergency;

WHEREAS, the existence of this local emergency does necessitate the implementation of Stage 2 of the City's Water Shortage Contingency Plan, with slight modifications, and does hereby institute the water use prohibitions listed below.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that conditions of extreme peril to the safety of persons and property did warrant and necessitate the proclamation of the existence of a local emergency.

2. That the Director of Emergency Services of the City of Santa Clara did proclaim the existence of a local emergency within the City of Santa Clara on July 12, 2021.

3. That it is therefore proclaimed and ordered that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

4. That Stage 2 of the City's Water Shortage Contingency Plan be implemented with the following water use regulations:

   A. Expand a Public Information Campaign

   B. Increase Water Waste Patrols and Enforcement of Permanent Water Use Restriction Ordinance in Section 1C of the Water Service and Use Rules and Regulations (Municipal Code 13.15.080)

   C. Reduce System Water Loss

   D. Decrease Hydrant/Line Flushing, Unless for Public Health and Safety

   E. Prohibit Filling of Decorative Water Features Except to Sustain Aquatic Life and Requiring that those Features Use Recirculating Water

   F. Require the Water Used for Construction and Dust Control be Recycled Water when that Water is Available.

G. Restrict New Irrigation Connections to Those that Use Recycled Water When that Water is Available.

H. Restrict Irrigation on Golf Courses to Recycled Water when that Water is Available.

I. Restrict Outdoor Watering to a Maximum of Three (3) Days per Week for All Customers with Odd Numbered Addresses and Sites with No Address Watering on Mondays, Thursdays, and Saturdays and Even Numbered Addresses Watering on Tuesdays, Fridays, and Sundays.

5. That the Stage 2 prohibitions listed above are in addition to the prohibitions already codified in Section 1C of the City's Water Service and Use Rules and Regulations

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 20__, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None