

**From:** Cochran, Brian  
**To:** -- City Council  
**Subject:** Agenda Item Questions  
**Date:** Monday, April 17, 2023 2:42:47 PM  
**Attachments:** image001.png  
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Hello Mayor and Councilmembers,

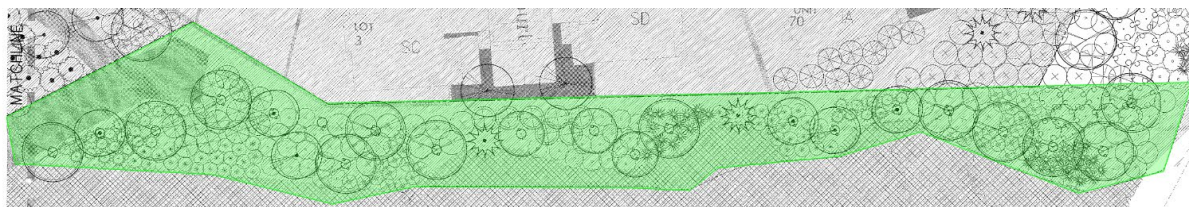
We received questions from Councilmembers on several agenda items for tonight's meeting. Below are the questions and staff's responses. Also, FYI, two additional attachments were added to Item 10 on 4/17. These include: "Attachment 1 – Clean Version of Chapter 6.60" which was added to show the public what Chapter 6.60 will look like in final form if the proposed ordinance is adopted; and "Attachment 1 – Proposed Ordinance Comparison to Interim Ordinance" which was added to show the public the differences between the proposed ordinance and the interim ordinance. Both attachments are supplemental to the original Attachment 1 - Proposed Ordinance and intended to increase transparency. Additionally, as mentioned below, a revised ordinance has been uploaded for Item 9.

#### **Item 5 – Landscape Agreement for Quarry Heights**

##### **Would it be possible to include planting ivy to cover the sound wall there to prevent graffiti?**

As part of the off-site improvements (approved in 2010) a robust landscape plan was provided for the area within the Caltrans Right of Way. Along the barrier between the subdivision and the Caltrans right-of-way, the planting of shrubs (being California Glory Flannel bush, Toyon, and California Wax Myrtle) to screen the barrier and slightly down the slope from the shrubs but still near the subdivision barrier, the planting of native coast live oaks with deer fencing as well as the planting of faster growing California pepper trees and Catalina Ironwood trees were included.

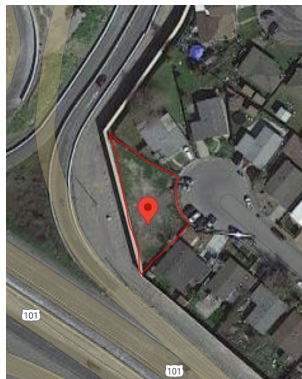
No vines or ivy were proposed or required but the intent of the shrubs and trees was to screen the subdivision barrier and the subdivision itself.



This seems like automatic action but think the original plan a little strange when development plans include landscaping on DOT property. I suspect DOT stays being the owner of the land and probably has right to take over control of it should it need to do so in the future. I am surprised the DOT allowed this since it is not their normal procedure. We have a small land section at corner of 101 intersection and Washington that could have been worked on similarly - it is still vacant lot that neighbors want to landscape. As long as the HOA has formal agreement to construct and maintain it at their cost, then there is no reason to deny this resolution. Just an interesting backstory here to see if it has other implications for working with DOT. We are still 900 trees down on highway widening.

It is not typical for private entities to have landscaping within the State's right-of-way. Quarry Heights was unique because the landscaping was a mitigation requirement for foundation / building heights along that edge of the development. The State does not enter in agreement with private entities so the City has contracted with the developer for maintenance of the landscaping and then, in turn, contracted with the State in order to make the connection.

The City has reached out to the State about the vacant land adjacent to Highway 101 / East Washington Street / Stewart Drive about acquiring the parcels for a pocket park. Caltrans confirmed that there was no "design need" for the excess right of way as part of the highway project and if the City was interested in acquiring the land would need to submit a Right of Way Design transmittal to the state to start the excess lands transaction.



#### **Agenda Item 8 – Vacation of Easements**

The report makes more sense to me this time around. What it appears to be is that we had 3 easements set up long ago for utilities in case these were needed in the future, but were never acted upon. The current construction is overlaying these easements so they can not be used for city utilities and so we give up these easements for the future. It seems our utilities were placed elsewhere. It would be nice to know if we actually have pipes in the ground under those easements since that was not stated in the report. We are giving away our property rights to the new property owners for free - no financial impact. I assume this is part of doing business with development. I suspect these old records were probably found after the fact of new development approved.

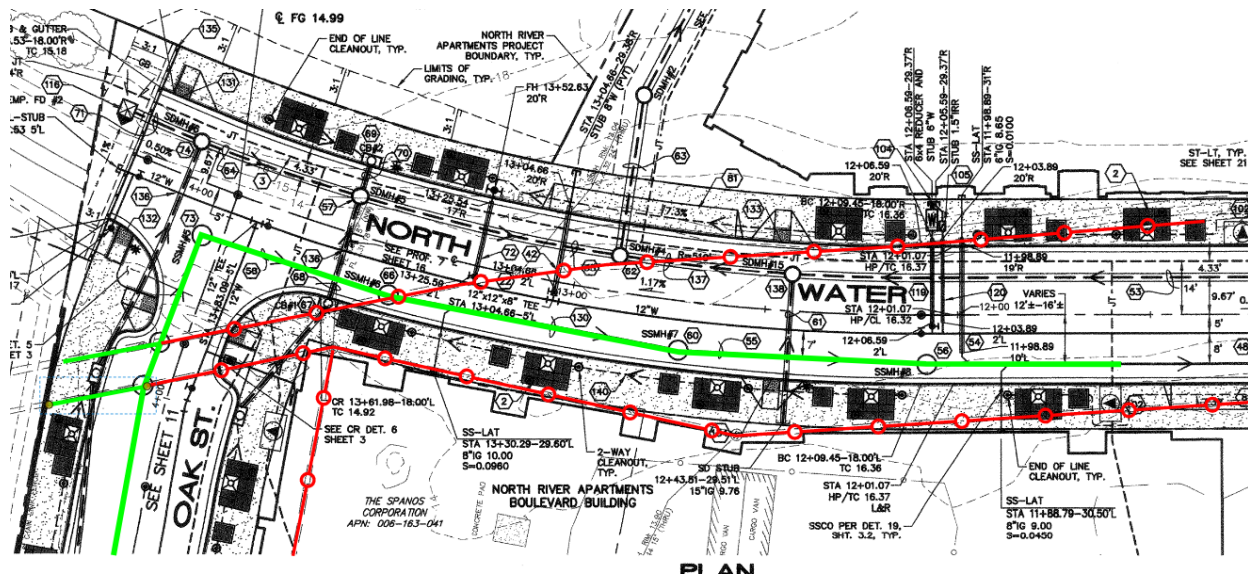
##### **Do I have this concept correct?**

The sewer easements that are being proposed for vacation are no longer required. As part of the development of the North River Apartments and the full build out of North Water Street, the new sewer mains were constructed within the newly acquired right of way for Oak Street and North Water Street. The existing sewer mains on private property were removed to facilitate the construction of the Boulevard Building. Existing sewer mains that were with the newly acquired right of way and did not pose a utility conflict were abandoned

in place per City standard by filling the pipe with cell-crete. The map shown below shows the new sewer main (Green) compared to the abandoned sewer mains (Red).

The City is giving up rights to these easements as they are no longer necessary with the reconfiguration of the new sewer main. As part of the project the developer dedicated the road right of way for North Water Street and Oak Street to the City (Irrevocable offer of dedication).

As part of the Conditions of Approval for this development, it was a requirement for the City / Developer vacate these sewer easement that would not be necessary with the full build out of the public right of way.



#### Agenda Item 9 – Water Shortage Contingency Plan

This resolution should also come as a welcome announcement and some more applause, however there is one item in it we need to announce which is retaining the no watering of ornamental grass on commercial properties. Many businesses have kept up some nice green lawns and they should have all been brown with conversion to low water using plants. This I believe is still being kept in place. I suspect the city has allowed commercial property owners to manage their water voluntarily. We need to put out reminder that water conservation will be needed forever in our future.

**NOTE:** The resolution for this item gives the City Manager the authority to adhere to the implementation of the requirements of the Governor's E) N-5-23 and subsequent updates. The City does not plan to actively enforce the Statewide ban on non-essential Commercial, Industrial, and Institutional turf irrigation, unless directed by the City Manager.

Through June 30, 2023, there is a statewide ban on non-essential turf irrigation for commercial, industrial, and institutional customers per Governor's Executive Order N-7-22.

- Ban on watering decorative grass in commercial, industrial, and institutional areas, including common areas of homeowners' associations (HOAs)

**NOTE:** The City of Petaluma does not plan to actively enforce the ban on CII non-essential turf irrigation through June 2023. The City sent letters to all dedicated commercial-irrigation water customers informing them of the statewide ban on non-essential turf irrigation. This information is also listed on the City of Petaluma website. Petaluma's decision to disseminate information on but not to actively enforce the CII non-essential turf irrigation ban is in line with other Sonoma Water contractors.

If there are specific commercial customers that overwater turf regularly, please report them to the City Manager for her to direct to Water Conservation staff. Throughout the drought, the City staff did extensive outreach to all dedicated commercial irrigation customers. Staff monitored water use of commercial and industrial properties that have irrigation water use, as well as put several irrigation customers on a restricted water budget through the drought. The City will continue to work with the large turf water customers to encourage and incentivize drought tolerant landscaping through the Mulch Madness program. Currently, the City is working directly with commercial irrigation customers on North McDowell Blvd. regarding turf conversion to drought tolerant landscaping through the North McDowell Improvement Project.

**This resolution still needs to be pumped up with some good PR, not quietly put into a no discussion consent calendar. We should announce we will now allow pool construction and refilling and car washing - but use a flow control device.**

Following the 4/17 council meeting, the City will update its website with information on current drought and water use restrictions. City staff will post an ad in the Argus Courier on Friday 4/21, thanking the community for water conservation efforts and announcing the 4/17 city council decision on this item, including updated water use restrictions. The water conservation program will continue to encourage water conservation as a way of life in Petaluma, beyond the drought, including continuing a robust year-round water conservation program that includes event tabling, social media posts, media ads, direct mailers, water bill outreach, workshops, rebates, tips, customer service, Water-Wise HouseCalls, and more.

**We also need to say that nearby water basins (Sonoma) is still in trouble with groundwater sustainability like many other areas in CA.**

The City of Petaluma is not in the Sonoma Valley groundwater basin. The City of Petaluma is a member agency to the Petaluma Valley Groundwater Sustainability Agency (GSA) which coordinates with neighboring GSAs such as the Sonoma Valley GSA. The City of Petaluma will be working with the Petaluma Valley GSA as they implement their groundwater sustainability plan, which includes developing a groundwater user water conservation program.

**The staff report (bottom of p. 4 / top of p. 5) implies that the prohibition on irrigating ornamental turf on commercial properties will remain in place, but the reso. is silent on that. Please clarify.**

Following the 4/17/23 City Council meeting decision on this item, the City of Petaluma's Drought webpage and water conservation webpage will be updated on to list the most current water use restrictions, including:

Year-Round Customer Water Use Prohibitions per PMC 15.17.070 (Always in effect)

- Water waste through leaks or breaks in plumbing

- Washing sidewalks, driveway, hard surfaced areas with a hose not equipped with hose-end nozzle
- Runoff and overspray from sprinklers, irrigation, and from overwatering
- Watering within 48 hours of rainfall
- Washing cars, boats, trailers, and vehicles with a hose not equipped with hose-end nozzle
- Using potable water for non-recycling water features
- Pool and spa covers required

Executive Order N-5-23 revoked numerous drought-related restrictions put into place since April 21, 2021, in response to the drought. EO N-5-23 maintained the ban on wasteful water uses. The following Statewide regulations are in effect per Governor's October 13, 2021 proclamation of a drought state of emergency and Executive Order N-7-22 and will be listed on the City of Petaluma's website.

**NOTE:** The resolution for this item gives the City Manager the authority to adhere to the implementation of the requirements of the Governor's E) N-5-23 and subsequent updates. **The City will enforce the statewide restrictions listed below in bold.** *The City does not plan to actively enforce the Statewide restrictions listed below and not indicated in bold, unless directed by the City Manager.*

**Statewide Water Conservation Regulations per Governor's October 13, 2021, proclamation of a drought state of emergency. Effective through 12/21/23.**

- **Outdoor watering that lets water run onto sidewalks and other areas (except incidental runoff)**
- **Washing vehicles without an automatic shutoff nozzle**
- Washing hard surfaces like driveways or sidewalks that don't absorb water (Note: City will not enforce power washing buildings and sidewalks)
- **Street cleaning or construction site preparation** (City will require recycled water for construction purposes)
- **Filling decorative fountains, lakes, or ponds without a recirculation pump**
- **Outdoor watering within 48 hours after at least 1/4 inch of rainfall**
- **Watering decorative grass on public medians**
- **HOAs not allowed to penalize homeowners for installing drought tolerant landscaping or eliminating the watering of landscaping during a drought. HOAs not allowed to require owner to reverse drought-tolerant landscaping post-declared drought emergency.**

**Statewide Water Conservation Regulations per Governor's Executive Order N-7-22, proclamation of a drought state of emergency. Effective through 6/30/23.**

- Watering decorative grass in commercial, industrial, and institutional areas, including common areas of homeowners' associations (HOAs)

**Note:** The City of Petaluma does not plan to actively enforce the ban on CII non-essential turf irrigation through June 2023. The City sent letters to all dedicated commercial-irrigation water customers informing them of the statewide ban on non-essential turf irrigation. This information is also listed on the City of Petaluma website. Petaluma's decision to disseminate information on but not to actively enforce the CII non-essential turf irrigation ban is in line with other Sonoma Water contractors.

**The reso., in the be it resolved section, makes reference to Executive Order N-5-23, but that executive order is referenced nowhere in the whereas recitals. Can staff make that change?**

The resolution title and "therefore, be it resolved" section names Executive Order N-5-23. The resolution has been updated to include mention of E.O. N-5-23 within the recitals. An updated resolution has been re-posted by City Clerk.

**With the repeal of Stage 4, are we in Stage 3, 2, 1 or 0?**

With the repeal of Stage 4 of the Water Shortage Contingency Plan (WSCP), the City will no longer be implementing the WSCP, and therefore no longer be in a stage of the plan.

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