

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, July 20, 2021**

The City Council of the City of Ruston met on this date via Virtual Teleconference

MEETING CALLED TO ORDER

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Hardin, Councilmember Syler, and Councilmember Huson. Councilmember Kristovich was excused. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Hardin, passed 4-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of July 6, 2021, with a second from Councilmember Hardin, passed 4-0.

STAFF REPORT –

Ruston Police – Chief Bautista – See attached.

Ruston Fire – Chief Allen – See attached.

GENERAL PUBLIC COMMENTS –

Jan Griffiths – Complimented Chief Bautista and Ruston Police Department as they do a phenomenal job in keeping Ruston safe. Ms. Griffiths noted the new laws have swung too far against the police and encouraged community awareness through education.

BUSINESS –

ORD 1548 – Updating 18.04.010 and 18.05.020 – Undergrounding Electricity (2nd reading) - In accordance with RCW 35.92.050 the City of Ruston is the electrical provider within the city limits of Ruston. When electrical distribution lines are placed underground, electrical reliability is increased as the lines cannot be taken down in windstorms, by tree growth, or by auto accidents that may occur on city rights of way. In addition, when electrical and communications lines are removed from city rights of way, utility poles are also removed which makes the city streets and sidewalks less cluttered, more aesthetically pleasing, and safer as automobiles, other vehicles, bicycles, and pedestrians will not collide with utility poles. In Ruston, the public enjoys views of Puget Sound and mountain views from many public places within the City of Ruston and overhead wires and facilities can obstruct these views and are unsightly. For all of these reasons, the City has adopted many policies over the years to support conversion of electrical and communications facilities from aerial to underground. Some examples of these policies are found in the following documents:

- ROW Use Master Permits and Utility Relocation RMC 14.06.230 which request relocation of aerial facilities underground. (Adopted in 2012.)

- RMC 18.04.010 – “The installation of underground cable service from the transformer to the point of use shall be at the expense of the user of such service.” (Adopted in 1979.)
- RMC 18.04.020 – “The maintenance of underground cable service from the transformer to the point of use shall be at the expense of the user of the service.” (Adopted in 1979.)
- RMC 29.02.020 requires all electrical and telephone distribution systems to be placed underground in all subdivisions (In the code since at least 2004.)
- Importance of undergrounding is emphasized in all franchise agreements entered into by Ruston over the past 20+ years.
- Ruston Comprehensive Plan Policies also demonstrate City’s policy of undergrounding utilities:
 - Ch. 2 – Vision, Goals and Framework - Capital Facilities and Services Policy: “**FW-48** Aerial utilities should be located and relocated underground. Seek opportunities to achieve this.” (p. 22.)
 - Ch. 3 – Community Character – CC Policy: “**CC- 24** Enhance the scenic views and aesthetic quality of Ruston by placing overhead utilities underground.” (p. 27.)
 - Chapter 4 – Land Use Vision, Utility Services, includes: “In addition, Ruston also requires new development to underground aerial utilities and provide at a minimum, conduit for future telecommunication facilities.” (p. 31.)
 - Ch. 7, Transportation Vision, re: Alleys, says: “When the vehicle driving surface is less than 12’ wide, opportunities to place aerial utilities underground, (thus eliminating the need for utility poles which limit drive aisle width), should be considered.” (p. 91.)
 - Ch. 8 – Utilities – Utilities Goals in Comp Plan includes: “Pursue funding and other opportunities to place overhead utilities underground. All utilities related to new construction should be required to be placed underground.” (p. 154.)
 - Ch. 8 – Utilities - Comp Plan Policy UT-13 and UT-14:

“**UT-13** All new electrical and telecommunication wires should be located underground. Existing overhead utilities should be placed underground when impacted by new development and whenever possible.” (p. 155.)

“**UT-14** Support feasible co-location of new public and private utility distribution facilities **in shared trenches**.”

Promote coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. Provision of an efficient, cost effective and reliable utility service is encouraged by ensuring land will be made available for the location of utility lines and utility facilities.”

It is the Council’s vision for the City that eventually all overhead wires and facilities will be moved underground to make power more reliable, make City rights of way safer and less cluttered, and to provide better aesthetics throughout the City. In order to codify this practice, a new chapter 14.10 RMC is being proposed to be added to the Ruston Municipal Code to address facility undergrounding. For consistency with this new Chapter, amendments to the City’s Electric Utility Title 18 RMC should be made, specifically amending 18.04.010 and 18.05.020. RMC 18.04.010 was adopted in 1979 and RMC 18.05.020 was adopted in 1994 and neither of these sections have been updated since adoption. These revisions have been reviewed by the City’s electrical engineer and special projects manager, both of whom support approval of this Ordinance. Councilmember Hedrick moved to approve Ordinance 1548, with a second from Councilmember Hardin, passed 4-0.

ORD 1549 – Utility Undergrounding CH 14.10 RMC (2nd reading) - In accordance with RCW 35.92.050 the City of Ruston is the electrical provider within the city limits of Ruston. When electrical distribution lines are placed underground, electrical reliability is increased as the lines cannot be taken down in windstorms, by tree growth, or by auto accidents that may occur on city rights of way. In addition, when electrical and communications lines are removed from city rights of way, utility poles are also removed which makes the city streets and sidewalks less cluttered, more aesthetically pleasing, and safer as automobiles, other vehicles, bicycles, and pedestrians will not collide with utility poles. In Ruston, the public enjoys views of Puget Sound and mountain views from many public places within the City of Ruston and overhead wires and facilities can obstruct these views and are unsightly. For all of these reasons, the City has adopted many policies over the years to support conversion of electrical and communications facilities from aerial to underground. Some examples of these policies are found in the following documents:

- ROW Use Master Permits and Utility Relocation RMC 14.06.230 which request relocation of aerial facilities underground. (Adopted in 2012.)
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- Importance of undergrounding is emphasized in all franchise agreements entered into by Ruston over the past 20+ years.
- Ruston Comprehensive Plan Policies also demonstrate City’s policy of undergrounding utilities:
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“**UT-13** All new electrical and telecommunication wires should be located underground. Existing overhead utilities should be placed underground when impacted by new development and whenever possible.” (p. 155.)

“**UT-14** Support feasible co-location of new public and private utility distribution facilities **in shared trenches**. Promote coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. Provision of an efficient, cost effective and reliable utility service is encouraged by ensuring land will be made available for the location of utility lines and utility facilities.”

It is the Council's vision for the City that eventually all overhead wires and facilities will be moved underground to make power more reliable, make City rights of way safer and less cluttered, and to provide better aesthetics throughout the City. In order to codify this practice, a new chapter 14.10 RMC is being proposed to be added to the Ruston Municipal Code to address facility undergrounding. This new chapter requires that utilities and communications companies install their lines underground in the following circumstances:

1. When it becomes necessary to remove/relocate existing overhead facilities for a distance of five hundred (500) feet because of a roadway widening project or other similar reason;
2. When existing overhead facilities for a distance of over five hundred (500) feet are to be replaced. This subsection does not apply if the purpose of the replacement is due solely to casualty damage or for the replacement of wire only;
3. When any facilities are extended beyond those facilities existing on the effective date of this chapter;
4. When another utility having facilities along the same street or easement places its facilities underground for a distance of over five hundred feet.

RMC 14.10.020(a). It also requires utility services located on private property to be installed underground in the following circumstances:

1. All new utility or communications services from an overhead or underground facility to service connections of structures shall be located underground;
2. All rebuilt or relocated utility or communications service lines from an overhead or underground facility to service connections of structures shall be installed underground unless such rebuilding or relocation involves a change in the overhead service line only without a change in the corresponding service entrance facilities;
3. All existing utility or communications services shall be converted to underground by the owner or owners of the property upon which said services are located within ninety (90) days after notification by the City in accordance with RCW 35.96.050 that underground facilities are available.

RMC 14.10.020(b). It also provides that the City may underground facilities by the creation of a local improvement district. RMC 14.10.020(c). The new chapter also creates a variance procedure whereby an applicant may seek to avoid the undergrounding requirement by requesting a variance from the City's Hearing Examiner. RMC 14.10.030. Enforcement of this new chapter will utilize the code enforcement procedures contained in Chapter 12.40 RMC.

For consistency with this new Chapter, amendments to the City's Electric Utility Title 18 RMC are proposed, specifically amending 18.04.010 and 18.05.020. These consistency revisions are found in proposed Ordinance No. 1548. These revisions have been reviewed by the City's electrical engineer and special projects manager, both of whom support approval of this Ordinance. Councilmember Hedrick moved to approve Ordinance 1549, with a second from Councilmember Hardin, passed 4-0.

ORD 1550 – New Chapter 21.04 RMC and ILA – Sewer Industrial Pre-Treatment (1st reading) - Under the authority of RCW 35A.11.020, 35A.21.150, 35.67.020 and Article XI, § 11 of the Washington State Constitution, Ruston owns and operates a municipal wastewater system. Ruston, however, does not own or operate a wastewater treatment facility. Ruston has long contracted with Tacoma to send its wastewater to the Tacoma North end wastewater treatment plant. The parties have had this arrangement since 1966.

Earlier this year, the Ruston City Council passed Resolution No. 724 which authorized an updated agreement between Ruston and Tacoma for wastewater treatment and disposal (Wastewater Treatment and Disposal Agreement). This Agreement had an effective date of March 1, 2021, and replaced and superseded prior agreements between Ruston and Tacoma for these services. While that agreement addressed operation of the sewer systems and accepting wastewater from each other's systems, it did not fully address what is required to comply with federal law for industrial pre-treatment for wastewater. Instead, the Agreement made these actions a future requirement between the parties. The actions contemplated by Ordinance No. 1550 fulfill promises that Ruston made in the Wastewater Treatment and Disposal Agreement to address industrial pre-treatment with Tacoma so that Tacoma can comply with federal and state law. In order for Ruston to continue to receive wastewater treatment and to keep Tacoma in compliance with Federal Law and its NPDES permit, these actions are necessary.

Federal and State laws and implementing regulations, regulate the collection and conveyance of wastewater to a publicly owned treatment works (POTW) (i.e., wastewater treatment plant) that discharges into the navigable waters of the United States and the public waters of the state of Washington, under authority of the Federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq. (the "CWA"), and implementing regulations, and RCW Ch. 90.48, and implementing regulations. Tacoma is required to implement and enforce a POTW pre-treatment program to regulate and control wastewater discharges from commercial/industrial sources, users, and facilities that discharge directly or indirectly to such POTW, pursuant to the requirements of the CWA and the regulations promulgated thereunder (40 CFR Part 403) and Chapter 90.48 RCW and the regulations promulgated thereunder. Under these requirements, Tacoma is required to ensure that its pre-treatment standards and requirements govern industrial discharges in all jurisdictions contributing wastewater to the Tacoma POTW.

In accordance with Section 9.3.2 of the Wastewater Treatment and Disposal Agreement that the parties executed earlier this year, Ruston and Tacoma agreed to enter into a Pre-treatment Interlocal Agreement governing the conditions upon which Tacoma will accept wastewater from Ruston and providing for the implementation of Pre-treatment standards and requirements in Ruston. In accordance with Section 9.2.1 of the Wastewater Treatment and Disposal Agreement, Ruston also agreed to adopt an ordinance (Pre-Treatment Ordinance) establishing and implementing wastewater standards and requirements that are no less stringent and are as broad in scope as Tacoma's applicable standards and requirements and shall include provisions for enforcement of the requirements of the Pre-Treatment Ordinance.

Under the new Chapter 21.04 of the Ruston Municipal Code, Tacoma will be the Control Authority who implements and enforces the City's pre-treatment code. While Ruston currently has no known "industrial users", there are requirements for restaurants and dentist offices that may apply in Ruston that will help keep wastewater cleaner at the source.

In order to comply with the Wastewater Treatment and Disposal Agreement that Ruston signed with Tacoma early this year, this follow up work is needed. The attached Ordinance will do two things:

1. Adopt a new Chapter 21.04 to the Ruston Municipal Code; and
2. Authorize the Mayor to execute the Pre-Treatment Interlocal Agreement.

The new Chapter 21.04 to the Ruston Municipal Code is attached to the Ordinance as Exhibit A and the Pre-Treatment Interlocal Agreement is attached to the Ordinance as Exhibit B. These are not in fully final form as we are still working with Tacoma on a few minor language issues, however, given the Council's schedule of only having one meeting in August (on August 17th), we are bringing this for first reading on July 20th so that it can be adopted on August 17th.

PAYROLL – Councilmember Hedrick move to pass Payroll for July 20, 2021, with a second from Councilmember Hardin, passed 4-0.

MAYOR'S TIME – Mayor Hopkins noted that the Chip Seal project would begin August 2, 2021 and the 53rd Street Project began July 19, 2021 and should wrap up September 6th. The City continues to hold dialog regarding the move of City Hall, at its current location, to the Ruston School and is waiting for comments from City Attorney Robertson and Ruston Building Official Mike Barth. Kevin Moser is taking the lead in exploring the possibilities of this project. The first Tuesday in August is National Night Out and our Council Meeting is cancelled to support National Night Out. Governor Inslee opened public in-person meetings and the City is working to meet the strict criteria to accommodate this. Serpanok Construction is the new owner of the of the parking garage and Public Market at Point Ruston, along with a majority of buildings on lot 9 and 11.

The new ownership posed a number of issues as Serpanok Construction is not approved to do site remediation by EPA. Mayor Hopkins noted he would update everyone as information is available.

Councilmember Hedrick – Is cautious and would like to get off on the right foot with the new owner. Councilmember Hedrick planned to meet with Serpanok Construction in the near future to welcome them to Ruston and answer any questions they may have.

Councilmember Hardin – Thanked Councilmember Hedrick for making time to meet with the new owner and questioned how the new ownership will impact the ILA with the City of Tacoma. Another consideration is making certain the Pierce County Assessor’s Office is assessing the value of the parking garage correctly.

Councilmember Kristovich – Was excused.

Councilmember Syler – Nothing at this time.

Councilmember Huson – Nothing at this time.

MEETING AJOURNED – At 7:29PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 4-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday, July 20, 2021**

Chief of Police:

During the previous 28 days the Police Department logged 145 calls for service, compared to the 89 we reported last meeting.

On July 25th, the new police reform laws for Washington State will take effect. I have been collecting a sample of how other police agencies will be implementing them and find differing policies. This is caused by vagueness in many of the Codes and will take a long time for there to be an accepted practice in our immediate area and the State.

Unfortunately, the general public outside of Ruston may experience much confusion or consternation when they have called 911 to find that the police will not respond to mental health crisis until an actual law was violated, or that many misdemeanors or low/mid-level felonies do not result in an immediate arrest even when the police respond.

I have been preparing a presentation for the Council and for our community to give a general overview of the new laws and how law enforcement officers in Washington have altered practices so as to not violate them. Eventually, I'd like to publish an informational document on our Department's website. In the near future, the Department will be deploying body-worn cameras and researching the purchase of additional less-lethal equipment for purchase.

Despite the new laws, I will make decisions and influence our officers to make decisions (often split-second decisions) which continue to protect and promote a high quality of life for our residents and businesses.

Prepared by Nestor Bautista

Ruston Fire Department Monthly Review for June 2021

Tuesday, July 22, 2021

Presented by Chief Bruce Allen

Total Incidents: 12 (4 Fire/ Service, 8 Medical Aid)

Total Volunteer Hours: Total 5980 Hours, June 678 Hours

Membership Roster 18 (out of 25): (13 Members, 5 Officers)

State of the Business:

- We would like to congratulate FF Peden, FF Bounds, FF/EMT Morton, and FF/EMT Dudley on Graduating from the Fire Academy.
- We are moving forward with the replacement of U33(the Suburban), we are working with Tukwila Fire on purchasing a recently retired Command Rig.
- We are happy to say, there were no calls for service on the 4th of July!
- All fire tools are fully operational.

Ruston Fire Department's Master Business Objectives for June 2021

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE	ACTION OWNERS
Recruitment	1/2021	<i>ongoing</i>	18 of 25	B. Allen
CPR Training	1/2021	<i>ongoing</i>	100%	S. Anderson
Fire Training	1/2021	<i>ongoing</i>	100%	M. Anderson