

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, August 17, 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, and Councilmember Kristovich. Councilmember Syler and Councilmember Huson were absent. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Hardin, passed 3-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of July 20, 2021, with a second from Councilmember Hardin, passed 3-0.

STAFF REPORT –

Ruston Police – Chief Bautista – See attached.

Ruston Fire – Chief Allen – See attached.

GENERAL PUBLIC COMMENTS – Nothing at this time.

BUSINESS –

ORD 1550 – New Chapter 21.04 RMC and ILA – Sewer Industrial Pre-Treatment (2nd 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 This Agreement had an effective date of March 1, 2021, and replaced and superseded prior agreements between Ruston and Tacoma for these services.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.

In addition, because Chapter 21.04 RMC has a hearing examiner for the appeals and Tacoma is the Control Authority, we have agreed in the Interlocal Agreement to appoint the Tacoma Hearing Examiner as the Ruston Hearing Examiner for appeals under this new chapter. Resolution No. 732 is also on the Council Agenda for action which will accomplish this task. Councilmember Hedrick moved to approve Ordinance 1550, with a second from Councilmember Harding, passed 3-0.

ORD 1551 – Amending Zoning Code to Comply with ESSHB 1220 (1st reading) – During the 2021 legislative session, the Legislature passed several pieces of legislation regarding housing. Two of these bills require the City to make changes to its zoning code in order to comply with the requirements.

Engrossed Second Substitute House Bill (ESSHB) 1220 and Engrossed Substitute Senate Bill (ESSB) 5235. Both of these bills amended portion of the Growth Management Act (Ch. 36.70A RCW) and Chapter 35A.21 RCW. ESSHB 1220 prohibited any code city from disallowing transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. ESSHB 1220 also provides that code cities shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. ESSB 5235 prohibits limitations of occupancy based on the number of unrelated persons that may occupy a household or dwelling unit.

Although ESSHB 1220 is requiring cities to allow for these uses, the City is permitted to regulate the occupancy, spacing, and intensity of use requirements for these uses. The bill says:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

Therefore, in order to comply with ESSHB 1220 and ESSB 5235, the City Attorney recommends the following amendments to the City's zoning code:

1. Amend RMC 25.01.020 (Definitions) to add definitions for Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing in compliance with ESSHB 1220.
2. Amend RMC 25.01.020 (Definitions) to modify the definition of "Family" to remove any relationship qualifiers (i.e., blood, marriage, adoption). This will bring this definition into compliance with ESSB 5235.

3. Add a new Section 25.01.055 to the RMC to establish occupancy standards for all housing types. These occupancy limitations are based on public health and safety standards and are consistent with the 2021 update to the International Property Maintenance Code, Section 404.
4. Amend Chapter 25.07 RMC (the Land Use Matrix) to:
 - a. Add an exception to 25.07.010(g) for uses mandated under state or federal law. This will help ensure the City's compliance if the Legislature makes another change in the future.
 - b. Add a new "h" to 25.07.010 to clarify that the newly defined uses (emergency housing, emergency shelter, permanent supportive housing, and transitional housing) are allowed as conditional uses in the MDP zone where hotel or motels or multi-family housing (in the case of permanent supportive housing or transitional housing) are allowed under an approved plan.
 - c. Delete hotels and motels as an allowed conditional use in the residential zone since none exist today.
 - d. Make emergency housing or emergency shelters a conditional use in the COM and COM-P zones, subject to occupancy limitations in RMC 25.01.055.
 - e. Make permanent supportive housing and transitional housing a conditional use in all zones, subject to occupancy limitations in RMC 25.01.055.

In order to comply with State law, this ordinance needs to be adopted and take effect no later than September 30, 2021.

RES 732 – Appointing Hearing Examiner for Pre-Treatment Appeals - In January of 2015, the City Council created the Office of the Hearing Examiner by adoption of Ordinance #1450 which is codified as Chapter 1.20 of the Ruston Municipal Code. In accordance with RMC 1.20.020(A), the City Council is authorized to appoint the City Hearing Examiner. The City is not limited to one hearing examiner but may appoint more than one hearing examiner to serve the needs of the City. *See* RMC 1.20.020.E.

On August 17, 2021, the Council is scheduled to have second reading and consider adoption of Ordinance No. 1550. Ordinance No. 1550 creates a new Chapter 21.04 to the Ruston Municipal Code regarding Industrial Pre-Treatment and also authorizes Ruston to enter into an Interlocal Agreement (ILA) with the City of Tacoma for industrial pre-treatment. This ILA provides that Tacoma will be the Control Authority in Ruston for industrial pre-treatment and therefore having the Tacoma Hearing Examiner's Office serve as the Ruston Hearing Examiner for pre-treatment appeal issues makes sense. This is also required under the Interlocal Agreement Section 5(F).

Assuming that the Council adopts Ordinance No. 1550, appointment of the Hearing Examiner for industrial pre-treatment appeals will be timely. Councilmember Hedrick moved to approve Resolution 732, with a second by Councilmember Hardin, passed 3-0

CLAIMS/PAYROLL – Councilmember Hedrick move to approve Claims for August 3, 2021 and Payroll for August 5, 2021, with a second from Councilmember Hardin, passed 3-0.

MAYOR'S TIME – Mayor Hopkins noted that The City of Tacoma had decided to have a fireworks show on September 4th centered around Dune Park. Since this was a new event on very short notice it would place a burden on our public safety personnel. Ruston Fire and Police personnel would all be on duty to ensure that the City would be well protected. City staff completed several grant submissions with impressive writeups. The largest grant is for the replacement of Park Avenue (54th Street) from Bennett to the alley before Pearl Street. This will be for curb, gutter, sidewalks, street signs, streetlights, and roadway replacement. The other grant is for the Court Street chip sealing. Mayor Hopkins was working on the budget and planned to email to Councilmembers for review at the next council meeting. In review, Mayor Hopkins noted the City was still missing quite a bit of revenue due to the disruption at Point Ruston. The City had not received parking tax for several quarters and reached out to Republic Parking with no return communication. We will continue to reach out to Republic Parking until this issue is resolved. City staff met with the new management of the parking garage and learned they are looking forward to adding new businesses there. EPA received an extension request, related to the remedial action, from the developer at Point Ruston. EPA gave the developer conditions which must be met before an extension would be considered, one being the developer must bring their outstanding balance with EPA current.

Councilmember Hedrick – Thanked Mayor Hopkins and staff for all the work done in the City. Councilmember Hedrick met with the new owners of the parking garage who are willing to work with the City and have brought the property taxes current.

Councilmember Hardin – Thanked Mayor and Councilmember Hedrick for all the work they are doing, specifically with the Point Ruston development. Councilmember Hardin addressed the September 4th fireworks show asking Ruston Police Chief for an update on Covid parameters the day of the event. Councilmember Hardin spoke to the parking garage, the change of ownership, and EPA holding the developer or new owners responsible for remedial action.

Councilmember Kristovich – Nothing at this time.

CITY OF RUSTON
Regular Council Minutes
August 17, 2021

Councilmember Syler – Absent.

Councilmember Huson – Absent.

MEETING AJOURNED – At 7:39PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 3-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday, August 17, 2021**

Chief of Police:

During the previous 28 days the Police Department logged 144 calls for service. We have responded to 5 calls for service at the Silver Cloud which included unregistered guests (homeless) or intoxicated and belligerent guests. Both which required two officers (TPD assisted at 2).

The new Stay Out of Areas of Racing (SOAR) signs are in place per the ordinance and officers have begun issuing infractions to the appropriate offenders. The Department will conduct extra patrols on Friday and/or Saturday evenings in which one officer will be in an unmarked car to spot the violators and another officer nearby serving as the traffic stop car.

The City received an one-time grant from the State to help defray the cost of body-worn cameras. We are about 2-3 months away from securing vendor, training the officers, and fielding the devices.

Prepared by Nestor Bautista

Ruston Fire Department Monthly Review for July 2021

Tuesday, August 17, 2021

Presented by Chief Bruce Allen

Total Incidents: 17 (5 Fire/ Service, 12 Medical Aid)

Total Volunteer Hours: Total 6810 Hours, June 830 Hours

Membership Roster 16 (out of 25): (12 Members, 4 Officers)

State of the Business:

- We want to **Thank** the Mayor and Council for allowing us to replace the aging 1992 Suburban with a newer 2004 Expedition that will last us many years.
- Unfortunately, Lt. Brian Skobel and FF/EMT Nathan Dudley have resigned, we wish him the best.
- We have brought on three recruits, Alex Meucci, Josh Turney and Megan Ward
- Calls for service are again on the high side.
- We are gearing up for the September 4th festivities at Dune Park.
- All fire tools are fully operational.

Ruston Fire Department's Master Business Objectives for July 2021

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE	ACTION OWNERS
Recruitment	1/2021	<i>ongoing</i>	16 of 25	B. Allen
CPR Training	1/2021	<i>ongoing</i>	100%	S. Anderson
Fire Training	1/2021	<i>ongoing</i>	100%	M. Anderson