

**CITY OF RUSTON
REGULAR COUNCIL MEETING**

Tuesday, October 1, 2024

MEETING CALLED TO ORDER

At 7:00PM City Clerk Grams called the regular Council Meeting to order. Councilmembers present were the Councilmember Hedrick, Councilmember Huson, Councilmember Jensen and Councilmember Holland. Mayor Hopkins and Councilmember Syler were excused. Councilmember Huson moved to elect Councilmember Hedrick as Mayor Pro Tem, with a second by Councilmember Jensen, passed 4-0. Following the flag salute, Councilmember Huson moved to approve the agenda, with a second from Councilmember Jensen, passed 4-0.

MINUTES - Councilmember Huson moved to approve the minutes for the regular Council Meeting of September 17, 2024. Councilmember Jensen moved to amend the minutes to reflect the date of October 25, 2024 for the Red Cross Blood Drive. With a second from Councilmember Jensen the minutes, as amended, passed 4-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS – Multiple Comments

Patricia Turner – See attached.

Vivian Lafrancoeur – Supported small businesses and spoke to Council’s fiduciary responsibility to spend less on police enforcement. Ms. Lafrancoeur suggested businesses take responsibility for governing their own business activities to reduce police monitoring costs incurred in recent months. Thanked Council for presenting Ordinance 1585 for a vote.

Charles McKenna – Invited everyone to participate in the inaugural Ruston Day Cleanup on Saturday, October 12, 2024 at 9AM at 51st and Winnifred.

Jessica – Expressed concerns regarding Ordinance 1585 and believed the ordinance did not address the problem.

Kay Barker – Owner of the Unicorn Tavern for 20 plus years, works hard and tries to be a good neighbor. Ms. Barker expressed concerns regarding Ordinance 1585 and believed the ordinance did not address the problem.

Darrell – Employed as the night bartender at the Unicorn Tavern for 15-20 years. Darrell shared that the Unicorn Tavern promoted community and was a wonderful place to go. Darrell expressed concerns regarding Ordinance 1585 and believed the ordinance did not address the problem.

Chelsea – Employed at Coles Bar and Grill Chelsea practiced responsible serving. Cole’s owners have other establishments within Tacoma neighborhoods which are all built upon community. Chelsea expressed concerns regarding Ordinance 1585 and believed the ordinance did not address the problem, nor was it fair to subject Coles by other people’s bad behavior and actions.

Ben – With Totem Yacht Club expressed his concerns regarding Ordinance 1585 and believed the ordinance did not address the problem. Ben’s concern was this ordinance could close down good establishments in Ruston.

Andrew – Expressed his concerns regarding Ordinance 1585 and believed the ordinance did not address the problem and would result in the loss of jobs and revenue.

David von Moritz – Expressed concerns regarding Ordinance 1585 and believed the ordinance did not address the problem. Mr. von Moritz wanted to know the data used to support the decision to create Ordinance 1585.

Mark Shingledecker – Shared that most establishments along the Ruston Waterfront and at the Point Ruston development close earlier.

Fred Byzinker – Has lived in the City of Ruston since 1979. People are drawn to Ruston for its safety and security. Mr. Byzinker appreciated the diverse opinions made by the public on Ordinance 1585. Mr. Byzinker shared that the City has always worked with a tight budget, noting that the guardrail on 51st, struck by a drunk driver and repaired in less than two weeks, was an added expense to the City, which had not been budgeted for.

Seth – Employed at Coles Seth noted that he had learned a lot during COVID. Neighborhood bars can work if managed correctly. There would always be bad characters doing bad things.

BUSINESS –

ORD 1584 – Endangerment with Controlled Substance (1st reading) – In recent years, the State of Washington has experienced a dramatic increase in incidents of children and dependent persons being exposed to controlled substances, including fentanyl, heroin, oxycodone, and other drugs. According to the Washington State Office of the Family and Children’s Ombuds’ (“OFCO”) 2024 report, “Child Fatalities and Near Fatalities in Washington State”, accidental ingestions and overdoses in children accounted for 20% of the fatalities (16 fatalities) and nearly 73% of the near fatalities (51 near fatalities) examined in 2023. Of the 67 incidents, 45 of those incidents occurred in children 11 years of age or younger, 20 involved accidental overdoses by youth between 11 and 22 years of age, and two involved intentional overdoses by youths ages 13 and 14.

Current state law includes a felony for endangerment with a controlled substance, which prohibits “knowingly or intentionally permit a child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine.” RCW 9A.42.100. The law does not address other controlled substances that are prevalent in current street drug use. In order to fix this gap in the law, in 2024, the Washington State Senate unanimously passed SB 5010 to include fentanyl and other synthetic opioids within RCW 9A.42.100. However, the bill died in the House Committee and was not enacted into law. Because the increase in opioid exposure affects all communities, including the City of Ruston, the Pierce County Prosecuting Attorney adopted a local ordinance for endangerment with a controlled substance, making it a gross misdemeanor to knowingly or recklessly permit a child or dependent person to have contact with a controlled substance, other than cannabis. By passing its own Ordinance, the City of Ruston can address this issue head on, while also sending a signal to the state Legislature on the need to adequately update the felony statute. This Ordinance authorizes the City to add a new section to the Ruston Criminal Code at 9.20 to establish a gross misdemeanor for endangerment with a controlled substance and provides for penalties of up to 364 days in jail or a maximum fine of \$5,000.00. Enforcement costs will be offset by the benefit to the community; processing of violations will occur in Fircrest Municipal Court which already facilitates Ruston’s court needs. Councilmember Jensen questioned the need for Ordinance 1584 if Pierce County’s adoption of a local endangerment with a controlled substance ordinance would cover the City of Ruston, wanted to hear from Ruston residents and invited Police Chief Bautista to provide input. Councilmember Holland was in favor of Ordinance 1584. Councilmember Holland spoke to Senate Bill 5010 and the Senate committee of nine individuals who were unable to do their job and the importance of having this legislation in place if Pierce County’s ordinance does not support Ruston. Mayor Pro-Tem Hedrick invited Chief Bautista to provide input. Police Chief Bautista responded to Council questions. Pierce County Prosecutor Robnett signaled she would cover any crimes that occur in the City of Ruston; however, the next Pierce County Prosecutor could change their mind, and then the City would be without its own ordinance. Child endangerment with a controlled substance was not seen often in the City of Ruston. It was found mostly in areas of Pierce County where drug abuse is prevalent in the homeless community.

ORD 1585 – Changing the Hours of Liquor Sales (1st reading) – The City of Ruston has experienced increased incidents and community reports related to public intoxication, leading to disruptions of the peace, offenses including public urination and fighting, damage to personal property, littering, and driving under the influence. In order to curb the occurrences of public intoxication, the City wishes to adjust the hours of operation for licensed establishments selling alcohol for on-premises consumption, and limit the hours of liquor sales in general, citywide. Decreasing the hours of availability of liquor will decrease the impact of public intoxication on the larger community, leading to increased quiet and safety throughout the City.

This Ordinance authorizes the City to limit the hours of liquor sales from 8:00 a.m. to 12:00 p.m. on all days, across all establishments in the City that possess a license to sell liquor, beer, or wine. The Ordinance also establishes operating hours between 8:00 a.m. to 12:00 p.m. for all establishments that serve alcohol for on-premises consumption. Councilmember Hedrick noted that no action would be taken on Ordinance 1585 and encouraged businesses and residents to reach out to Ruston Councilmembers with their input before October 15, 2024. Councilmember Jensen was in favor of Ordinance 1585 and noting that the residents of Ruston have requested action for years. The public intoxication, noise, reckless driving, littering and loitering long after City quiet hours have become a nuisance that can no longer be tolerated. Councilmember Jensen requested an amendment to Ordinance 1585 allowing businesses to remain open until 1PM. Councilmember Jensen noted that businesses are an important part of Ruston but have a responsibility to coexist peacefully within the community. Councilmember Holland appreciated all the community involvement and public comments that were made. This has been a long-time problem. Councilmember Holland encouraged establishments to be part of the solution and come together to help solve the overserving of alcohol. Councilmember Hedrick has lived in the City of Ruston for 20 years and has taken his family to many of the establishments in the community. Councilmember Hedrick agreed with Councilmember Jensen, the public intoxication, reckless driving, noise, littering and loitering long after City quiet hours have become a nuisance that can no longer be tolerated. Councilmember Hedrick is very concerned about this issue and encouraged the establishments to come together to find a resolution and to contact Ruston Councilmembers, prior to the October 15, 2024 council meeting, to present their input.

RES 801 – RCC Interlocal Agreement – In 1992, the City of Ruston, joined Pierce County and the Cities of DuPont, Fife, Orting, Puyallup, Sumner, and University Place, in establishing an interlocal agreement for cable television and communication services known as the Rainier Cable Commission – now known as the Rainier Communications Commission (RCC). The stated purpose of the ILA was to provide superior cable television services, lower rates to users, foster competition in the cable industry, and make available better and more diverse services to users. The RCC has, since its inception, provided franchising advice to member governments and initially provided broadcasting advice, later adding broadcasting services as well as education and government broadcasting content and media production services. The RCC now also manages Pierce County Television (PCTV), acts as the Government Access television producer for the members of the ILA, serves as the direct point of contact for all cable customer complaints and as a liaison for those complaints with the cable companies, and engages in cooperative negotiation of cable franchising on behalf of the ILA members. The last update to the ILA occurred in 2003, which Ruston approved. Due to expanding services, new functions, and changes in the law, representatives of the RCC determined that another update was necessary in 2021 and negotiated the current ILA over a two-year period.

Changes were incorporated into the proposed ILA which will continue to provide historic services to members and will permit services to non-members under limited circumstances. The County and all other member-cities have adopted the changes to the ILA as of the date of this Resolution. Ruston has a separate, non-exclusive franchise agreement with Comcast to provide a cable communications system throughout the city. The City initially granted a five-year cable television franchise to Comcast on April 19, 2010 and extended the agreement for an additional five years on December 15, 2015. In 2021, the City and Comcast agreed to a ten-year, non-exclusive Franchise Agreement to construct, install, maintain, extend and operate a cable communications system. This Franchise Agreement was based in large part on the Franchise Model developed by the RCC and a committee of local elected leaders. The initial term of the current Agreement expires in 2026 with an option for renewal for an additional five-year term expiring in 2031. The current Franchise Agreement with Comcast provides many of the same benefits that would be received if Ruston approves and adopts the ILA and remains a member of RCC. Comcast is currently required to air PCTV and the City of Tacoma's local channels. Ruston does not collect PEG fees to cover video production or engage in government access programming as part of its membership with the RCC. Declining to approve the ILA will end the City's RCC membership as of January 1, 2025. Former Councilmember Deb Kristovich was the City's representative on RCC. If the Council approves the ILA, then it is recommended that a council member be chosen to participate.

Fiscal Impact of Approval: In 2024, Ruston will pay \$2,280.20 in RCC Membership Dues. Dues are calculated based on the gross revenue that Comcast collects in Ruston and are estimated to remain at \$2,280.20 for FY 2025. Under the current Franchise Agreement, Ruston will continue to collect 5% of Comcast's gross revenues for services in Ruston. This is unaffected by the RCC ILA.

Fiscal Impact of Rejection: Under the current Franchise Agreement, Ruston collects 5% from Comcast's gross revenues. No membership dues will be owed to RCC for FY 2025, but Ruston will continue to collect 5% of Comcast's gross revenues.

Councilmember Huson moved to table Resolution 801 and place it to the Council Meeting of October 15, 2024 so the Council could review the RCC Interlocal Agreement in its entirety, with a second from Councilmember Jensen, passed 4-0.

CLAIMS/PAYROLL – Councilmember Huson moved to approve Claims for October 1, 2024 and Payroll for September 20, 2024, with a second from Councilmember Jensen, passed 4-0.

MAYOR'S TIME – Was excused.

Councilmember Hedrick – Nothing at this time.

Councilmember Syler – Was excused.

Councilmember Huson – Nothing at this time.

Councilmember Jensen – Thanked Charles McKenna for his effort in gathering volunteers for a Ruston Clean Up Day initiative to be held on Saturday, October 12 at 9AM at 51st and Winnifred. Councilmember Jensen asked Mr. McKenna for additional information to place on Councilmember Jensen's Facebook page. Councilmember Jensen invited everyone to participate in the Red Cross Blood Drive at the Totem Yacht Club on October 25, 2024.

Councilmember Holland – Nothing at this time.

MEETING AJOURNED – At 8:03PM Councilmember Huson moved to adjourn, with a second from Councilmember Jensen, passed 4-0.

Mayor Hopkins

ATTEST:

Judy Grams

Good evening, I want to thank the council for bringing ordinance #1585 forward. It's very timely, just last night, in the S. end of town right after midnight, on a Monday, not even a weekend, two officers responded to what sounded like people arguing, taking it into a neighboring yard, they had come from the establishment there in the S. end.

Two weekends ago our officers responded at least twice to the establishment in the S. end in one evening alone, It is my understanding that our aid car had to be called also. In light of other recent activities involving destruction of personal property there is clearly overserving happening.

Considering what this establishment contributes monetarily to the city, is this how we want to spend our limited resources?

The street I have lived on for almost 45 years was not a busy street when I bought my house. Now it is, as are most of the streets in Ruston. Not only are there more vehicles but walkers, runners, and young families pushing strollers, young kids, dogs, skateboarders, bicyclist etc. The town council responded to this growth and the change in our town by lowering the speed limit for the betterment of the citizens of Ruston and visitors.

I want to add that when I purchased my home, almost 45 years ago, I bought a house a block away from a Tavern. In its tavern form it already had well known issues but tolerable. I am not exactly sure when, I believe it was in the early '90's, without any discussion with the council or input from citizens a former Mayor, a lobbyist for the Restaurant and Bar association, who was well aware of the concerns the neighbors already had, granted this establishment, in a residential area, a sprints license anyway and the problems worsened.

There are more homes now in the immediate neighborhood and beyond being adversely affected so now it is time for the City, to stand behind its citizens and to rectify a pass misdeed and pass ordinance #1585.

We know it won't solve all the problems but at least we know we will have some peace from midnight on.

Thank you