

**CITY OF RUSTON
REGULAR COUNCIL MEETING
TUESDAY, December 20, 2016**

MEETING CALLED TO ORDER

At 7:02PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Jane Hunt, Lyle Hardin, Deb Kristovich and Lynn Syler. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hedrick moved to approve the Agenda of December 20, 2016, with a second from Councilmember Hunt, passed 5-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting minutes of December 6, 2016, with a second from Councilmember Hunt, passed 5-0.

STAFF REPORT –

Ruston Police – Chief Celis – See attached.
Ruston Fire – Chief Torbet – See attached.

GENERAL PUBLIC COMMENTS – No public comment at this time.

BUSINESS

Ruston – Point Defiance Business District- Nothing at this time.

ORD 1456 – Critical Areas Ordinance (2nd reading). City Planner Rob White presented an overview of Ordinance 1456 at 1st reading. The City of Ruston has been engaged for the past two years in a major Comprehensive Plan Update which was adopted on March 1, 2016 by Ordinance No. 1482. The Comp Plan update was required under the State Growth Management Act, Ch. 36.70A RCW. Following the Comprehensive Plan Update, the City is also required by law to update its critical areas ordinance. The current critical areas regulations are found in Section 25.01.070 “Natural Systems” in Zoning Code portion of the Ruston Municipal Code. This section needs to be repealed and replaced with a comprehensive Title for addressing critical areas in Ruston. To this end, a new Title 30 is proposed, comprised of six distinct chapters as follows:

Chapter 30.10	General Provisions and Purpose
Chapter 30.20	Wetlands
Chapter 30.30	Critical Aquifer Recharge Areas
Chapter 30.40	Frequently Flooded Areas
Chapter 30.50	Geologically Hazardous Areas
Chapter 30.60	Fish and Wildlife Habitat Conservation Areas

The development of the Critical Areas Ordinance was spearheaded by Rob White and Susie Goett of the City’s Planning Department. The Title was developed in close concert with the State Departments of Ecology and Commerce and is based largely on the model code developed by the State which incorporates the “best available science” as required by law. As part of the Planning Commission’s work, a review and update of the Environmentally Sensitive Areas Map was done, such map is attached to Ordinance No. 1456 as Exhibit “A”. The City has followed all procedural requirements for adopting the new Critical Areas Ordinance, including: holding the required public hearing by the Ruston Planning

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Commission on May 20, 2015; performing SEPA (SEPA Determination of Non-significance was on July 3, 2015 and the comment period expired on July 17, 2015; the SEPA Appeal period has passed with no appeals filed and sending a copy of this Ordinance to the Washington State Department of Commerce on July 3, 2015 with a request for expedited review as per WAC 365-195-620(1) and RCW 36.70A.106 (such review was granted on August 3, 2015, and the required time has passed allowing adoption of this Ordinance). To remain in compliance with State law, the Critical Areas Ordinance must be adopted by the end of this calendar year. The last regular Council Meeting for adoption is December 20, 2016. The adoption of the Critical Areas Ordinance has no direct fiscal impact to the City. However, to remain in compliance with GMA, and thus be fully eligible for grants that require compliance, the Ordinance must be adopted prior to the end of this calendar year. Adoption at Second Reading on December 20, 2016 meets this deadline. No discussion. Councilmember Hedrick moved to approve Ordinance 1456, with a second from Councilmember Hunt, passed 5-0.

ORD 1491 – Adoption of 2017 Annual Budget (3rd reading). In accordance with State law, the Mayor of the City of Ruston completed and placed on file with the City Clerk-Treasurer a proposed budget and estimate of the amount of monies required to meet the public expenses, interest, reserve funds, and expense of government of the city of Ruston for the fiscal year ending December 31, 2017. The Council is required to adopt its budget ordinance prior to January 1, 2017. The City Council Budget consideration schedule for Fiscal Year 2017 is as follows:

Mayor's Budget Message to Council:	November 15, 2016
Council discussion of revenue sources:	October 18, 2016
Public Hearing on Proposed Budget:	December 6, 2016
Public Hearing on Revenue Sources:	November 15, 2016
Budget Discussion #1:	October 18, 2016
Budget Discussion #2:	November 15, 2016
Budget Discussion #3:	December 6, 2016
Budget Discussion #4:	December 20, 2016
Adoption of Tax Levy:	November 15, 2016
Adoption of Final Annual Budget for 2017:	December 20, 2016

Prior to budget adoption, the City Clerk fully complied with state law by publishing notice of the availability of the budget for public review and publishing notice of the required public hearings on the City's proposed tax levy (scheduled for November 15th) and budget (scheduled for December 6th). Approval of this Ordinance adopts the 2017 Budget and establishes the appropriations necessary to authorize expenditures for each of the City's funds as detailed in Ordinance 1491. Councilmember Hedrick moved to approve Ordinance 1491, with a second from Councilmember Hunt, passed 5-0.

RES 642 – Public Defense Services - The City is required to provide indigent defense attorney services to defendants charged by the City with a crime that carries the penalty of incarceration. The City has contracted with Pierce County Department of Assigned Counsel for many years to provide these indigent defense services to the City. The current contract was for 2015 and 2016 and is expiring and needs to be renewed. The new contract is largely the same as the last agreement (authorized in 2015) except for the following:

- Revisions to Section 4 which are shown below,
- A slight revision to Section 6 to adds a reference to State law, RCW 10.10.020(3),
- Adding “other professional services” along “expert witness” services which may result in additional costs (Section 10(a)), and
- Changing the dates for the Term of the Agreement under Section 12.

The changes to Section 4 are as follows:

4. Compensation for Services.

The City shall pay the Department for legal services the sum of ~~\$25,689.00~~ 19,500 for calendar year ~~2017~~ 2015, and ~~\$20,475~~ for calendar year ~~2016~~, for indigent defense services. This payment consists of the payment for legal services and \$1,000 each year to be used for expert services, investigations, and for retaining conflict counsel pursuant to RPC 1.8. Payments shall be made according to the schedule in subsection “a” below and may be adjusted from time-to-time in accordance with subsection “b” below.

- For ~~2017~~ 2015, The City shall pay to the County for services rendered under this Agreement the maximum annual amount of ~~\$25,689.00~~ 19,500. The payment shall be made in installments as follows: on or before June 30th, ~~2017~~ 2015, the City shall pay ~~\$12,844.509,750~~ and on or before December 31st, ~~2017~~ 2015, the City shall pay ~~\$12,844.509,750~~. For 2016, The City shall pay to the County for services rendered under this Agreement the maximum annual amount of ~~\$20,475~~. The payment shall be made in installments as follows: on or before June 30th, 2016, the City shall pay ~~\$10,237.50~~ and on or before December 31st, 2016, the City shall pay ~~\$10,237.50~~. If the Agreement is terminated in accordance with Section 13 “Termination” below, the Department shall take reasonable steps to withdraw from any pending cases and the City shall not be responsible to compensate the Department for any services provided after such withdrawal.
- The parties may review the Agreement as often as quarterly to determine whether the rate of compensation is adequate to cover the costs actually incurred by the Department in covering service to the City. If at any such review it is determined that the rate of compensation is either inadequate or in excess of actual service provided to the City, then the parties shall attempt to negotiate in good faith a reasonable adjustment to the compensation rate.

The rate of compensation is based upon the projected case-weighted number of cases currently anticipated for calendar year 2017, which is equivalent to .25 caseload of a full time equivalent (FTE) County Attorney. The parties further agree that should another source of funding become available to meet the costs contemplated herein, the total cost of any applicable portion thereof may be revised downward accordingly or may be eliminated entirely pursuant to mutual agreement of the parties. Nothing in this subsection requires the parties to change the rate of compensation during the term of this Agreement.

The Agreement expires at the end of 2017, but may be extended for additional one year periods by agreement of the parties. However, the City can terminate for any reason on 60-days' notice. The agreement also provides indemnification of the City by the County. The City is obligated to pay the County \$25,689 for calendar year 2017, paid in 50% installments on June 30th and December 31st. The Agreement also establishes that the rate of compensation is based upon the projected case-weighted number of cases currently anticipated for 2017, which is 0.25 of a full-time attorney. Because the City of Ruston is growing faster than many other parts of the County that this office services, the compensation has changed. In addition to the "set fees", if an "outside attorney" is needed due to a conflict of interest by the Department of Assigned Counsel (i.e. indigent co-defendants), the City will be required to reimburse the costs of that outside counsel. There is one annual \$1,000 credit for outside counsel already built into the Agreement which will be applied by the County prior to any over-charge being made to the City. Additionally, if a judge rules that an indigent defendant can hire expert witnesses or other professional service provider, then the City will be responsible for paying those expenses as well. Councilmember Hedrick moved to approve Ordinance 1456, with a second from Councilmember Hunt, passed 5-0.

RES 643 – Growth Management Act Compliance - The State Department of Commerce is requiring all cities that plan under the Growth Management Act to establish that the City is in compliance with the Growth Management Act ("GMA") by adoption of a resolution that outlines that the City has taken the steps required for compliance. A large part of compliance was adopting the updated Comprehensive Plan, updated land use regulations and adoption of a comprehensive critical areas ordinance. These updates must comply with GMA procedurally, by complying with public hearing and notice requirements, notice requirements to Commerce, meeting SEPA requirements, etc. The City routinely and consistently complies with GMA requirements in all of its updates of Comp Plan Policies and land use and environmental regulations. Resolution 643 outlines the efforts the City has made in adopting these update and thereby establishes the City's compliance. The adoption of this Resolution has no direct fiscal impact to the City. However, for the City to be eligible for the widest variety of State grants, compliance with GMA is required. This will establish that Ruston complies and thus will maintain eligibility. Councilmember Hedrick moved to approve Resolution 643, with a second from Councilmember Hunt, passed 5-0.

RES 644 – SMS Public Works Agreement - The City desires to have regular landscape maintenance service in its parks and along some city streets. The City used the public bidding process for obtaining the bids for this project.

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Those bids were opened at the last Council meeting and SMS was selected as the lowest responsible bidder as defined by RCW 39.04.010. The contract is for a year, but may be extended in one-year increments for up to a 5-year period. The contract requires the payment of prevailing wages, so the price may be adjusted as the prevailing wage scales are adjusted over time. A copy of the scope of work and the bid was attached to the public works contract. SMS – Superior Maintenance Solutions LLC has executed the City’s contract and the Mayor seeks authorization to execute the contract on behalf of the City. The estimated maximum contract price for the annual services is \$14,995 for the year, to be paid monthly, not including applicable Washington State Sales Tax. Councilmember Hedrick moved to approve Resolution 644, with a second from Councilmember Hunt, passed 5-0

CLAIMS/PAYROLL – Councilmember Hedrick moved to approve Claims and Payroll, with a second from Councilmember Hunt, passed 5-0.

MAYOR’S TIME – Wanted to thank Ray Johnson and City Electrician for decorating the tree which has received many compliments. Mayor Hopkins also thanked Kevin Moser for all his hard work on all the special projects Kevin has worked on for the city along with the maintenance of the Ruston School.

COUNCIL TIME –
Councilmember Hedrick –Nothing at this time.

Councilmember Hunt – Wanted to wish everyone a Merry Christmas, thanked Mayor Hopkins for all his work on the 2017 Budget and Councilmember Hardin for all his work and support in 2016. Happy New Year.

Councilmember Hardin – Thanked Ray Johnson with the Maintenance Department in being prepared for the snow that came down on city streets.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

MEETING AJOURNED -

At 7:26PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hunt, passed 5-0.

ATTEST:

Mayor Bruce Hopkins

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday December 20, 2016**

Chief of Police:

During the month of November the Police Department responded to 134 calls for service in the City of Ruston. This does not include calls for service outside the city limits. A call of note was a missing person report that evolved into what appears to be an accidental death investigation. We had a small increase in vehicle prowls, most of which were at the Point Ruston parking garage.

Other Personnel Issues:

Officer Kaeka is still out for an undetermined amount of time pending a surgery. We did hire Anders Estes as a police Sergeant. He brings 27+ years of experience with him as a patrol officer, undercover officer, gang investigator, and supervisor.

Civil Service Commission:

The Sergeant list was certified by the commission and again, Sergeant Estes was hired.

Equipment:

The new vehicle we purchased from Federal Way was recently completed and we will pick it up this week. Vehicle 1, the white impala, will be prepared for surplus and sold.

Training:

There was no training in the month of November.

Please contact me by phone (253) 761-0272 or by email victor.celis@cityofruston.net if you have any questions or concerns regarding this month's report.

Submitted By:
Victor M. Celis
Chief of Police
12/20/16



Ruston Fire Department | 5117 North Winnifred | Ruston, WA 98407

Ruston Fire Department Monthly Review for November 2016

Tuesday, December 20, 2016

Presented by Chief Torbet

Total Incidents: 7 (2 Fire/ Service, 5 Medical Aid)

Total Volunteer Hours: Total 2286 Hours November 266 Hours

Membership Roster (out of 25): 21 (14 FF, 7 Officers)

Recent Membership Changes: Remove Shannon Sanchez

State of the Business:

- The Commencement will be acquiring at least one AED and will receive training on that as well as basic CPR
- We have been continuing to drill at the training house on Bennett Street
- Kalene Brittain has passed EMT class and will be taking the National Registry test
- Total food donations this year equals 673#
- Award Winners this year are: Ryan Haverberg (EMT of the Year), Brennon Wright (FF of the Year) and Lt. Travis Sherman (Most Inspirational)
- All vehicles and fire tools are fully operational
- Recurring CPR training is offered quarterly for the Ruston community. Over 160 people have been **CPR certified** since the training has been offered. Although we didn't meet our goal of 100% CPR certification for the city, we continue to provide training as needed. As always, community members may enroll at City Hall or by emailing rustonfire@rustonwa.org.
- **Fire Station tours** are provided to the public when resources are available. Please contact rustonfire@rustonwa.org for further information.

Ruston Fire Department's Master Business Objectives for November 2016

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE %	ACTION OWNERS
Recruitment	10/2016	<i>ongoing</i>	21 of 25	WHERRETT/SHERMAN
CPR Training	10/2016	<i>ongoing</i>	100%	ANDERSON