

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, November 7, 2017**

MEETING CALLED TO ORDER

At 7:00PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Lyle Hardin, and Deb Kristovich. Councilmember Hunt and Councilmember Syler were excused. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hedrick moved to amend the Agenda to include open discussion between Council and the Public before Mayor's Time, with a second from Councilmember Hardin passed 3-0. The Agenda of November 7, 2017, as amended passed 3-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of October 17, 2017, with a second from Councilmember Hardin, passed 3-0.

STAFF REPORT –

Ruston City Engineer – Jerry Morrissette was excused.

GENERAL PUBLIC COMMENTS –

Priscilla Call – Participated in a focus group about Ruston and wanted to ask Council if the City of Ruston paid for and sponsored this focus group.

Tom Poole – President of the Commencement Owners Association came before Council to inquire about the proposed architectural standard update on parcels of landmark buildings as presented in a memo dated June 17, 2015 to the Ruston Planning Commission. Mr. Poole acknowledged the City's desire to enhance the esthetics of the neighborhood and the City itself, but Commencement residents have deep concerns about the use of the revised zoning code, the process of determining prominent places, the impact on future development in the City and the impact future development may have on resident's views, valuation and future taxation capacity in the City. The residents at the Commencement purchased their homes with the understanding that corridors and site lines were protected by City zoning codes. The four parcels directly to the north of the Commencement are currently zoned residential and would like them to remain that way subject to the current residential height restriction of thirty feet. The change to prominent or landmark buildings is not acceptable and Commencement residents are not in support of that change. Residents are not in support of changes to the Point Ruston Master Development Plan that will increase the height or usage of various parcels within the city. They are in full support working with the City of Ruston to come up with solutions on changes to codes, usages and enhancements that will benefit all the residents in the City of Ruston. In doing so everyone will come out winners.

Bradley Huson – Unless there was a wild write in, Mr. Huson will be elected to City Council as of this evening. If it were up to Mr. Huson, ten years ago, the Commencement would not exist. Mr. Huson fought against the building because he thought it ruined the fabric of the City of Ruston. The Commencement has blocked a significant amount of Mr. Huson's view and numerous other views within the City of Ruston and City of Tacoma. Now that the building is in place there isn't anything that can be done about it except to welcome Commencement residents and encourage everyone to live together and be happy.

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The City of Ruston was the only shareholder that bought into the Master Development Plan that was developed by Asarco, Town of Ruston and City of Tacoma. There are protections in the Master Development Plan on height limits, view corridors and everything else that is important related to the piece of property below the Commencement. It is Mr. Huson's opinion, and the general opinion of the Council, that as long as we are the City of Ruston, we will fight to keep the height as low as possible and keep the agreements that are in place between Point Ruston and the City of Ruston where they are now.

Kevin Moser – Thanked Councilmember Hunt for her long-time service as City of Ruston Councilmember. Before Council is Ordinance 1500 and is the update to the Public Works Standards. There were a couple of sections which references some of the City of Tacoma's standards for lighting and sidewalks. The City of Ruston has different standards and Mr. Moser would like to see the standards for City Tacoma be removed and replaced with the City of Ruston standards before the final adoption so there is no confusion.

BUSINESS –

ORD 1498 – Property Tax Levy (1st reading) – As part of the budget process, Ruston will consider a budget and the revenue sources for City operations and capital expenses. As part of that process, the City is required to hold a public hearing on this topic. The public hearing and the budget and revenue sources is currently scheduled to coincide with Second Reading of Ordinance No. 1498 on November 21, 2017. Ruston is required to adopt its property tax levy in November of each year by ordinance and transmit a certified copy of the ordinance to Pierce County Assessor-Treasurer and to the Pierce County Council no later than November 30th. A Levy Certification must also be transmitted with the Ordinance. Adoption of this Ordinance should be scheduled on the agenda for after the public hearing on the budget and revenue during the meeting on **November 21, 2017**. This levy ordinance increases the property taxes levied by Ruston by the maximum amount allowed by law (one percent plus new construction, etc.). The total estimated 2018 levy amount is **\$469,948.54**, which includes additional property tax estimated from new construction (**\$14,250.99** based on a new construction value of \$6,396,264) and the estimated additional revenue from the increase in administrative refunds (**\$13.46**). In 2017, the City collected \$451,185.70.

ORD 1500 – Update Public Works Standards Ch.12.09 RMC (1st reading) – The City first adopted public works standards in August 2013 by enacting Ordinance 1416. Since that time, some of the adopted standards have been updated. The standards that have been updated since 2013 are:

1. The Standard Specifications and Standard Plans for Road, Bridge and Municipal Construction, promulgated by the Washington State Department of Transportation (2016 version is the latest);
2. Tacoma Stormwater Management Manual (July 2016 is most recent version); and
3. Tacoma Street Utility Standards (Partial Update in 2016).

Since Ruston is surrounded on three sides by Tacoma, it makes sense for Ruston to have the same or similar standards as Tacoma. Under state law, the City is permitted to adopt the codes and standards of other government agencies by reference, including those adopted or published by the State and by other cities. The City Planner and City Engineer both have reviewed all of the public works standards proposed for adoption by the City of Ruston and support adoption.

RES 663 – WSP WIN ABIS User Agreement – Under the Interlocal Cooperation Act, the City may contract with other jurisdictions to do anything that the City is permitted to do. The Ruston Police Department has been provided the opportunity to obtain live-scan fingerprinting equipment from the Washington State Patrol (WSP) and to utilize the Western Identification Network (WIN) for Automated Biometric Identification System (ABIS) services as part of the User Agreement. Under the Agreement, WSP will furnish (on long term loan) to the City a live-scan fingerprinting machine and related equipment to capture fingerprint images and related information of a person arrested, registering as a sex or kidnapping offender, applying for licensing or employment pursuant to state or local requirements (“Applicant Submissions”), or as required for the emergency placement of children pursuant to law. WSP will also allow the City to utilize its network connection and upload images to fingerprint databases maintained by law enforcement and to obtain information from the same for law enforcement purposes. WSP will provide training to the City for using the system. The Agreement is valid until June 30, 2022 unless otherwise terminated by WSP or by mutual agreement of the parties. At termination, the City will return the equipment to WSP. The City is required pay for the costs of installation and to ensure that the system is secure. The City is also required to follow WSP security protocols for ensuring the security of the system. Under the Agreement, the City is required to indemnify WSP and the State of Washington for any claims, etc. that arise out of any misuse of the databases, errors in fingerprint identification made by the City, “or any cause of action whatsoever, and against any loss, cost, expense, and damage resulting therefrom, including attorney’s fees.” (Hold Harmless Section, p. 3.)

The lack of reciprocal termination and indemnification provisions in the Agreement are less than ideal from the City Attorney’s perspective, thus the City requested these provides be made reciprocal. The WSP has declined to amend the Agreement. The Chief believes this will be an important law enforcement tool and will save the City money, so recommends the Agreement be approved. The City would need to pay for yearly maintenance at a cost around \$1,200 and an initial installation cost of \$2,250. These are costs the City would incur if it bought its own machine. The installation cost can be shared by the police and court budgets. The police budget would be utilized for annual maintenance costs. Councilmember Hedrick moved to approve Resolution 663, with a second from Councilmember Hardin, passed 3-0.

Motion – Extend and Reopen SOQ for City Engineering Services – Procedure for hiring engineers. State law specifies a process for hiring engineers as consultants. Chapter 39.80 RCW governs this type of contract for engineering services. Under RCW 39.80.030, Ruston is required to publish an announcement for the seeking of professional services when it is for architectural or engineering services. Chapter 39.80 RCW requires that a city publish its need for architectural or engineering services in advance, concisely stating the general scope and nature of the project or work for which services are required. The notice must also provide the address of a representative of the city who can provide additional details. Compliance with this requirement may be accomplished by either: (1) publishing an announcement each time the service is needed; or (2) announcing generally to the public the city’s projected requirements for any category or type of engineering or architectural service. In compliance with State law, the City recently advertised for City Engineering services. The period for responding to this SOQ expired on October 20, 2017.

The City received two responses for City Engineering services. In order to gather a larger pool of qualified engineers for this position, the Mayor recommends re-opening the City Engineering SOQ and re-advertising, including sending the notice to many engineering firms in the area. The City would then review any new responses, along with the prior responses, in determining the “most qualified” firm to serve as City Engineer. Councilmember Hedrick moved to approve Resolution 663, with a second from Councilmember Hardin, passed 3-0.

CLAIMS/PAYROLL – Councilmember Hedrick moved to approve Claims and Payroll, with a second from Councilmember Hardin, passed 3-0.

OPEN DISCUSSION BETWEEN COUNCIL AND PUBLIC – Mayor Hopkins responded to Priscilla Call’s public comment regarding the focus group she attended and her question - did the City of Ruston sponsor/pay for this focus group. Mayor Hopkins stated the City did not sponsor nor pay for a focus group. Mr. Huson commented that he was contacted to participate in the focus group and was told specifically that the City of Ruston was sponsoring it. Mr. Huson was to attend the second session on Monday night at 7:30pm and at 3:30pm that afternoon received a call letting him know his services were no longer required after they found out that Mr. Huson was running for Ruston Council. Other residents received calls to participate and it was strongly implied the City was sponsoring the focus group. The focus group was to address thoughts on living in the City of Ruston and how residents envision the future of Ruston. Mayor Hopkins noted it was sad that a focus group was organized but found it great that the community came together with similar thoughts. Behind the scenes Mayor Hopkins met with several Councilmembers at a time, careful not to have a quorum and violate public meetings, debriefing on where the City was with the development. Many things are starting to unfold with the development and those things range from traffic impacts, improving Ruston Way, with mitigation on Baltimore St from 46th Street to 49th Street, widening the road, which is about a \$20MM construction effort and is the developer’s responsibility under the agreement. The developer has been working with Tacoma to mitigate their financial obligation as the City of Tacoma is the lead on SEPA and traffic mitigation. The City of Ruston, as the secondary participant, can only make recommendations. City of Tacoma has made overtures that they will hold the developer to their obligation. There are occupancy issues on buildings currently under construction, which includes the hotel. Doug Hammond questioned annexation and placing it on the ballot. Mayor Hopkins explained that annexation would be placed on the next voting ballot and would require twenty percent of the vote. Mayor and Council will do whatever the people want. If residents would rather have Tacoma Police, Tacoma Fire and Tacoma City Council, so be it. Mayor and Council love their City and are doing their job as volunteers with many hours spent each week on development and issues. Mayor and Council are proud of the work and accomplishments made to date. Mr. Huson spoke to the change and relatively low turmoil within the City of Ruston as a testament to the great group of people running the City. This a warm community and thanked the Mayor and Council for all their support and efforts on behalf of the people in City of Ruston. Mayor Hopkins thanked everyone in attendance, their active support and their desire in keeping the city – City of Ruston.

Mayor Hopkins responded to Mr. Poole’s public comment and encouraged everyone to take part in land use decisions. Postcards are mailed announcing when land use meetings will occur. The City employs a Hearing Examiner, Steve Causseaux, who is also Pierce County’s Hearing Examiner.

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The Hearing Examiner follows a protocol when someone wants to do something different with their property. The owner would have to follow a process to rezone their property and a Public Hearing would take place. The Hearing Examiner would listen to all sides then would make an unbiased decision.

A resident questioned Mayor Hopkins about Social Media and the Ruston website. Mayor Hopkins noted in 2018 the City will begin updating the Ruston website and improving the channel of communication between City and the Public. Mayor Hopkins is committed to overall better communication.

Marla Miller wanted to thank Mayor and Council for all that they do and appreciated the City's effort in getting the streets stripped. Mayor Hopkins will be reviewing the need for signalization and pedestrian control of 49th and Winnifred.

MAYOR'S TIME – Nothing at this time.

COUNCIL TIME –

Councilmember Hedrick – Thanked everyone for their participation in the focus group and attending tonight's Council meeting. What can you do – talk with your neighbors, send a letter to the developer, make your voices heard and stay vigilant. Councilmember Hedrick has waited a long time and is looking forward to the building of the Hotel. Councilmember Hedrick reminded residents that Councilmembers are always available to discuss any issues they need answers to and provided his telephone number.

Councilmember Hunt – Was excused.

Councilmember Hardin – Councilmember Hedrick along with all Councilmembers work diligently on behalf of the City and its residents. Councilmember Hardin noted there were studies done on response times by the Ruston Fire department. In the study there were a dozen fire departments that shared their response times. The City of Ruston Fire department response time is under 3 minutes. City of Tacoma's response time is 6 minutes. Any emergency doctor would tell you there is huge difference in response time when saving a heart attack patient.

Councilmember Kristovich – Thanked Commencement residents for meeting and the outpouring of participation regarding the focus group. Councilmember Kristovich is excited to have that neighborly connections with all residents. As a small group of people it is exciting to see everyone's love of Ruston and look forward to working together.

Councilmember Syler – Was excused.

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MEETING AJOURNED -

At 8:13PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 3-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams