

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, August 21, 2018**

MEETING CALLED TO ORDER

At 7:03PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Lyle Hardin and Bradley Huson. Councilmember Kristovich and Councilmember Syler were excused. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hedrick moved to amend the agenda, placing Resolution 688 – Court Interlocal Agreement with City of Fircrest, to Item 2 under Business. As amended, with a second from Councilmember Hardin, passed 3-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of July 17, 2018. Councilmember Huson moved to amend page 2 to replace the words Renaming Winnifred Place – Discussion Only to Court Interlocal – Discussion Only. As amended, with a second from Councilmember Hardin, passed 3-0.

STAFF REPORT –

Ruston Police – Chief Bautista – Swearing in Ruston Officers – Clayton Grubb, Sergei Andres, Jeff Evans, Shawn Hoey. See attached.

Ruston Fire – Chief Torbet – See attached.

GENERAL PUBLIC COMMENTS –

Mike Shaffer – Concerned about the speed of the cars that travel N 49th Street and wanted to know if speed bumps could be installed.

BUSINESS –

Ruston - Point Defiance Business District – Kira Mountjoy-Pepka, Event Coordinator for the Business District, provided an overview on the Ruston Art, Beer and Wine. It will be the largest event of the year to be held on Saturday, October 20, 2018. The goal was to sell 200 tickets and many Ruston businesses will participate. More to come at a later date.

RES 688 – Court Interlocal Agreement with City of Fircrest – Ruston originally established its own municipal court in 1961. Court is held one time monthly inside Ruston City Hall. The Court hears traffic infractions, parking infractions, criminal traffic cases, criminal non-traffic misdemeanors and any other matters within the jurisdiction of a Municipal Court such as criminal code enforcement cases. The growth of the City and the caseload, combined with the current inadequate court facilities has led the City to investigate contracting out for these services. Under state law a city may contract with another city for municipal court services. The City of Fircrest has a municipal court and is willing to serve as the Ruston Municipal Court. These services will include prosecution, and public defender related services.

The City currently contracts with Pierce County for Defense Services and with Ivar Gunderson for Prosecution Services. Both of these contracts have a 60-day termination provision. The City's Judge, Sandra Allen, has been appointed to a 4-year term. Her term expires on December 31, 2021. The City has agreed to negotiate with her in good faith if it converts to a contracted court system during her appointment term. This matter was brought to Council for discussion on July 17, 2018 with a draft contract. Since that time, the parties have continued to work through the agreement with some very minor changes occurring since the draft brought to Council last month. These changes include not charging for cases to exceed the 2,500-caseload limitation. Other changes were clarifications or correction and did not change the underlying terms of the contract as reviewed in July. This Agreement takes effect on January 1, 2019 and is a one-year agreement. The Agreement will automatically renew unless notice to terminate is provided by October 1st to terminate for the next fiscal year. The expected annual cost for the Court services is \$232,000 for up to 2,500 cases, with addition cases costing the City \$90 per case. This expense will be offset to some degree by Ruston receiving any/all fines or other payments made to the Court on Ruston cases. The City can terminate its prosecutors and defense attorneys on 60 days' notice. So those expenses will not continue once the Court ILA takes effect on January 1, 2019. However, the City will need to negotiate with the Judge to determine how to resolve her contract which runs through 2021. Councilmember Hedrick moved to approve Resolution 688, with a second from Councilmember Hardin, passed 3-0.

ORD 1506 – Update to Ch.9.23 – Alarm Permits (1st reading) – The City adopted the alarm system chapter since in June of 2009. There have been false alarms that summoned fire or medical emergency response in recent days. As written, Chapter 9.23 RMC only address false alarms for law enforcement. In order to ensure that the chapter covers alarms for all types of emergency services, updates are necessary to include fire and medical emergency services. In the process of updating this chapter to account for fire and EMS, housekeeping amendments were also made to change “town” to “city.” The reactivation fee (RMC 9.23.040) is being increased from \$20 to \$50. Finally, as technology has evolved, there are systems in place that should be prohibited as they create a problem for the emergency system. These are described in new section 9.23.055. The revisions in this chapter were prompted by the Fire Chief. All changes were developed with both the Fire Chief and the Police Chief, both of whom support these revisions. The permit fees are unchanged with the exception of the reactivation fee, which is increased to \$50.

ORD 1507 – Update to Ch.5.05 – General Business Licensing (1st reading)

ORD 1508 – New Chapter 5.05A – Annual Business License (1st reading)

ORD 1509 – New Chapter 5.05B – Door to Door Sales License (1st reading)

ORD 1510 – New Chapter 5.05C – Temporary Business License (1st reading)

ORD 1511 – New Chapter 5.05 D – Short Term Rental License (1st reading)

State law requires all cities with business licensing to update codes by the end of the year as set forth below.

Business license and city B&O tax simplification.

In the 2017 session, EHB 2005 (RCW 35.90) passed requiring three actions by cities with business licenses and local B&O taxes. This law does the following:

1. Requires cities with business licenses to establish a workgroup to create a model business license with a licensing threshold by July 2018 for adoption by all business license cities by January 1, 2019;
2. Requires all cities with business license to administer their business license through the state's Business Licensing System (BLS) by 2022 or File Local by 2020; and
3. Establishes a task force on local B&O tax service apportionment under RCW 35.102.130 to report to the Legislature by October 2018.

Final model ordinance for local business licenses – minimum threshold.

Cities were required to develop a model ordinance for business licensing by July 1, 2018. The ordinance includes a mandatory definition of “engaging in business” and a minimum threshold (or occasional sale) exemption to establish when out-of-town or transient businesses are required to be licensed. All business license cities must adopt it by the end of the year (RCW 35.90.080).

What is in the model?

The model threshold has two pieces: a model threshold and a definition of “engaging in business.”

1. The model business license threshold language would:
 - a. Apply a minimum threshold of \$2,000 per year in the city for businesses that do not have a location in the city;
 - b. Require a license for businesses with a location in the city without regard to the threshold;
 - c. Allow cities the option to require registration with no fee for businesses under the threshold; and
 - d. Only apply to general business licenses, not regulatory licenses or local taxes.
2. The definition of “engaging in business” includes examples of what constitutes business activities in cities that would subject a business to license requirements, as well as those activities that would not. The model language is adapted from the definition that the 45 cities with local B&O taxes have already adopted for the definition of “engaging in business” in the B&O tax model ordinance.

What are the deadlines for all cities with business licenses to adopt the model?

Cities with a business license must adopt the model by January 1, 2019. However, cities that currently partner with the state's Business Licensing Service (BLS) for business licensing administration have a deadline of October 17, 2018, because they must provide BLS 75-day notice of any changes to their business licenses (including this mandatory change).

The City is already using the State to administer its business licenses. Thus the deadline is October 17, 2018.

Revisions to the Ruston code. As the City started reviewing its business licensing code in order to comply with the state-mandated update, it became clear that the City’s code is in need of a major overhaul as it was quite out of date and lacking many procedures (such as revocation and appeal procedures) that are found in most business licensing codes. The City used the Tacoma Business Licensing Code as a model for many of the new chapters. Tacoma’s code, however, has many more additional chapters that were not included in the new ordinances either because Ruston deals with those issues already (i.e. adult entertainment, alarm permits) or because these are things the City has never specifically licensed with special licenses (i.e. food trucks, sign erectors, scrap metal dealers, gambling, septic and side sewer contractors) and thus any of these businesses would be covered under the general business license. The five ordinances addressed in this package of amendments are:

ORD #	Chapter Name/Number	Purpose
1507	Chapter 5.05 – General License Provisions	General provisions for business licensing code
1508	Chapter 5.05A – Annual Business License	Requirements for an annual business license
1509	Chapter 5.05B – Sales – Door-to-Door Soliciting	Sets forth requirements for certain door to door sales
1510	Chapter 5.05C – Temporary Business License – Sales or Shows	Sets forth requirement for occasional or special event business licensing
1511	Chapter 5.05D – Short Term Rental License	Set forth the procedures and requirements for short term rental uses (i.e. AirBnB and the like)

Ordinance No. 1511 is a new type of license to Ruston. At the time the business license code was being re-drafted, the Planning Commission was taking up zoning regulations for short term rentals in the City. Therefore, the drafting of the new Chapter 5.05D dovetails nicely timing-wise with the upcoming zoning code change to regulate this use.

Master Fee Resolution – Informational Only. Updating the licensing code also requires an update to the City’s Master Fee Resolution. Updated business license fees match what the City of Tacoma is charging and are found in Section 4 of the Master Fee Resolution. In addition, an update to the City’s overweight truck regulations, Chapter 16.07 will be forthcoming and these fees are contained in Section 7. The Master Fee Resolution is being shared as part of the business license ordinance package, but is not yet ready for action. It will be finalized and adopted when the business license ordinances are adopted, currently scheduled for September 4, 2018.

Deadline for adopting updates to business licensing code. The last Council meeting in which the business license code updates required by the State can be adopted is October 16th as these need to be transmitted to the State no later than October 17th for collection starting on January 1, 2019.

ORD 1512 – Update to Ch. 16-07 – Overweight Vehicles (1st reading) - Certain streets within the City limits have been damaged by heavy truck traffic. In most instances, there are alternate routes for heavy truck traffic on streets that can better handle the load. State law allows the City to restrict certain types of trucks from using certain streets within the City. In 2013, the City Council adopted Ordinances #1394 and #1413 to update Chapter 16.07 of the Ruston Municipal Code (“RMC”) to restrict large trucks on certain streets in the City. Since that time, the correct signage has been installed with Police issuing citations to vehicles in violation. This has been effective in reducing damage to the City’s streets. When there has been requests to use the City streets in violation of this chapter, the City has issued street excavation permits to allow such use with the conditions to repair the streets. Recently, a developer doing construction outside the City balked at obtaining a permit and has been hauling overweight vehicles on the City’s streets claiming the construction exemption under RMC 16.07.030(a)(6) which allows servicing of construction sites as an exempt use when alternate routes do not exist. In that case, the parties disputed whether alternate routes existed (the City believed they did, the developer claimed that the cost was too high and needed to use the City’s streets). In order to increase the protection for the City’s roads, a new permit system is being established to require permits and roadway repairs when hauling for a nonexempt use or for a use related to construction type permits. This permit system will require a street survey and other information to be provided prior to the hauling. (See Section 3 of Ordinance No. 1512 (RMC 16.07.035).) A performance bond will be required to ensure street repair. The applicant then will need to repair any damage that has occurred as a result of the hauling after the hauling is completed in order to obtain a release of the bond. The fees for an overweight vehicle permit range from \$360 to \$720 depending and the weight of the vehicle.

RES 689 – Deferred Compensation - The City would like to begin participation in the Washington State Deferred Compensation Program (DCP) for the Police Chief with the potential to use this for other employees. In order to authorize such participation, legislative action is necessary to approve such participation. The State has provided a resolution form that the City must complete and have the legislative body adopt. This form is attached to Resolution No. 689. In addition, in order to enroll the City, a questionnaire must be completed. This resolution requests enrollment and directs the Clerk to provide all necessary forms to the State to accomplish the commencement of this program for City employees. This is a part of the Police Chief’s contract and is cost neutral as the deferred compensation is the amount that would normally be contributed for healthcare and LEOFF for the Police Chief. Councilmember Hedrick moved to approve Resolution 689, with a second from Councilmember Hardin, passed 3-0.

RES 690 – Master Fee Resolution – Not for Action

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

MAYOR’S TIME – Mayor Hopkins thanked Council for their decision on Resolution 688, Court Interlocal Agreement, with the City of Fircrest. Mayor Hopkins gave an update on a City of Ruston letter, mailed to Pierce County Executive Dammeier, regarding the Point Ruston parking garage. The developer owes outstanding fees on this project before a Certificate of Occupancy can be issued. There has been no response to the City’s letter and Mayor Hopkins asked Councilmember Hedrick to follow up with Executive Dammeier. Mayor Hopkins will be lobbying for additional staff due to increased work load within the Clerk’s Office and Project Manager Kevin Moser’s added projects.

COUNCIL TIME –

Councilmember Hedrick – Thanked Ruston Police Chief Bautista for an outstanding police force. Councilmember Hedrick commented that the City’s relationship with Pierce County is strong and that he would be contacting Executive Dammeier’s office regarding the Point Ruston parking garage and the issuance of a Certificate of Occupancy.

Councilmember Hardin – Was concerned that a Certificate of Occupancy would be issued when so many outstanding conditions had not been met and fees were outstanding.

Councilmember Kristovich – Was excused.

Councilmember Syler – Was excused.

Councilmember Huson – Thanked Chief Bautista for taking his job seriously and appreciated Chief Bautista’s community outreach in getting better acquainted with the City of Ruston’s residents. Councilmember Huson thanked Mayor Hopkins for updates on Point Ruston and the Court initiative.

MEETING AJOURNED -

At 7:50PM 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 21, 2018**

Chief of Police:

During the month of July 2018, the Police Department responded to 195 calls for service in Ruston. This number is made up of dispatched calls, officer initiated calls, and traffic stops, and it does not include any calls for service that took place in the City of Tacoma where Ruston officers responded.

Personnel Issues:

We have a vacancy for police lieutenant; two people have applied and a selection process by the police department will begin in the coming weeks.

Civil Service Commission:

At the police department's request, the Commission is considering a change in our current contract with Public Safety Testing's handling of lateral police officer applicants. It is primarily a cost-saving move, but it will also allow the city to be more competitive with the lateral police officer applicant pool by shorting the selection period time lines.

Equipment:

The police department will modernize its personal protective equipment in the near future. Our side arms are 2 generations behind the current model line and cannot receive factory support. We are also considering our current need for TASER device upgrades.

Training:

Nothing to report.

Please contact me by phone (253) 328-1427 or by email nestor.bautista@rustonwa.org if you have any questions or concerns regarding this month's report.

Submitted By: Nestor Bautista



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

Ruston Fire Department Monthly Review for July 2018

Tuesday, August, 21th, 2018

Presented by Chief Torbet

Total Incidents: 8 (3 Fire/ Service, 5 Medical Aid)

Membership Roster (out of 25): 19 (15 FF, 4 Officers)

Recent Membership Changes: No Change

State of the Business:

- No calls for service directly attributed to the Taste of Tacoma or the Fourth of July.
- 1403 in house fire fighter class nearing completion. All written skills completed. Upcoming practical skills exam at JBLM have been delay to September 15.
- Training focus for June was Single Engine Company Operations and elevator rescue.
- Ongoing review and re-write of Fire Department SOP's.
- Recurring CPR training is offered quarterly for the Ruston community. 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 August 2018

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE %	ACTION OWNERS
Recruitment	1/2018	<i>ongoing</i>	19 of 25	TORBET/MILLER
CPR Training	12/2017	<i>ongoing</i>	100%	ANDERSON
EVIP Cert	5/18/2018	7/312018	11 of 20	TORBET