

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, December 18, 2018**

MEETING CALLED TO ORDER

At 7:02PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Lyle Hardin, Deb Kristovich, Lynn Syler and Bradley Huson. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hedrick moved to amend the agenda removing Ordinance 1514 – Amendment of Chapter 1.03 RMC (2nd reading). As amended, with a second from Councilmember Hardin, passed 5-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of December 4, 2018, with a second from Councilmember Hardin, passed 5-0.

STAFF REPORT –

Ruston Police – Chief Bautista – See attached.

Ruston Fire – Chief Torbet – See attached.

GENERAL PUBLIC COMMENTS –

BUSINESS –

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

Ordinance 1505 – Short Term Rentals Zoning (2nd reading) – There is a growing number of short-term rental agencies, such as Air BnB, Booking.com, Vacation Rentals by Owners, and the like which are creating new zoning issues for cities. Some property owners in Ruston would like to use their residential property to allow short term rentals. In other cities that have experienced this growth, the short-term rentals have created impacts on surrounding properties that have diminished the quality of life of the resident. Apart from the recently adopted business licensing requirements, the City does not currently have regulations regarding this use. In order to ensure compatibility between a residential property being used as a short-term rental and its neighbors, the Planning Commission recommends regulations be adopted to ensure for public safety, health and welfare of these surrounding properties and for any tenants utilizing a short-term rental in Ruston. The Ruston Planning Commission held a public hearing on September 18, 2018. Following the public hearing the Planning Commission voted to recommend the short-term rental regulations as contained in Ordinance No. 1505. The changes to the zoning code as proposed by the Planning Commission are described below.

RMC 25.01.020 – Definitions: Ordinance #1505 amends RMC 25.01.020 to add a definition for “short term rental.”

RMC 25.07.020 – Land Use Matrix: A line is added to the land use matrix for short term rentals reflecting that the use is permitted in the COM and COM-P zones and a conditional use in the residential zones. A footnote #10 is also added to reference the new Chapter 25.10 RMC which sets forth the regulations on short term rentals.

New Chapter 25.010 RMC: A new chapter is added to the Ruston Zoning Code to establish the regulations applicable to short term rentals. These regulations include such items as business licensing requirements, occupancy limits, parking requirements, a limitation of one unit per property, garbage, signage, complaint procedures, and permit revocation procedures.

1. Additional Information Requested by the Council.

On November 6, 2018, the City Council considered the Planning Commission’s draft Short Term Rental (STR) ordinance and directed staff to complete additional research prior to taking action. Staff proceeded to search several online vacation rental sites such as AirBnb, HomeAway and VRBO, to determine where existing rentals exist in Ruston. Staff also researched existing utility and permit records to determine where existing Accessory Dwelling Units (ADU) exist. This information was then combined onto a single map showing all STR’s (both approved and not approved), and all ADU’s. The results include 31 Accessory Dwelling Units, 5 unapproved Short-Term Rentals and 1 approved Short-Term Rental unit. The attached map contains this information. In addition, the Council suggested changes to ensure that there are not too many short-term rentals opened in Ruston due to the impact on neighbors and on the hotel business. The attached updated ordinance seeks to meet those goals.

2. Revisions to Ordinance #1505 following First Reading.

Staff updated the land use matrix to indicate that STR’s are permitted as a conditional use in the RES, COM and COM-P zones. The earlier version had the STR and outright permitted in commercial zones. The ordinance was also updated RMC 25.10.010(j) as follows:

~~**j. One Unit per Property.** On properties containing both a residential dwelling and an accessory residential dwelling, only one residential structure may be rented out as a short term rental, but not both.~~

j. Accessory Dwelling Unit Approval Required. Short Term Rental units may only be permitted within an approved Accessory Dwelling Unit. The property owner must reside on premises and may rent out either the primary unit or the Accessory Dwelling Unit, but not both. Short Term Rental unit and Accessory Dwelling Unit permit applications may be processed concurrently.

3. Additional Questions for Council to Consider.

In addition to considering the proposed revisions, Council should deliberate on the following issues:

- 1) Should STR's be limited to ADU's only, or is it acceptable to allow the primary residence to be rented out, with the owner occupying the ADU instead?

(The ordinance is currently written to allow either the ADU or the main residence to be rented provided the owner occupies one of these.)

- 2) Based on the quantity and location of ADU's shown on the map, does the Council want to limit the total quantity of allowable units? City-wide? By block?

(The ordinance as currently written does not contain this limitation.)

If additional changes are needed based on the discussion of the above, Council should provide direction to the staff for such further revisions. A study session is scheduled for 6PM on February 5, 2019 and Ordinance 1505 will be brought back for third reading at Council meeting on February 5, 2019.

Ordinance 1515 –YE2019 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, 2019. The Council is required to adopt its budget ordinance prior to January 1, 2019. The City Council Budget consideration schedule for Fiscal Year 2019 is as follows (current place in this process is show by an arrow):

Mayor's Budget Message to Council:	November 20, 2018
Council discussion of revenue sources:	October 15 & November 6, 2018
Public Hearing on Proposed Budget:	December 4, 2018
Public Hearing on Revenue Sources:	November 6, 2018
Budget Discussion #1:	November 20, 2018
Budget Discussion #2:	December 4, 2018
Budget Discussion #3:	December 18, 2018
Adoption of Tax Levy:	November 6, 2018
Adoption of Final Annual Budget for 2018:	December 18, 2018

Prior to budget adoption, the City Clerk will have 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 (November 6th) and budget (December 4th). The Final Budget's beginning balance is \$4,268,653 plus taxes, license fees, service charges, fine, forfeitures and other revenues totaling \$3,877,322.

CITY OF RUSTON
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Adding the inter-fund transfer(s) of \$500,000 are combined in the Final Budget for a total expenditures and ending balances amount of \$8,645,975. The totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined are set forth below:

Fund Name	Resources	Uses
Fund 001 – General Fund	\$1,761,690	\$1,761,690
Fund 005 – Surplus Real Estate	\$1,550,864	\$1,550,864
Fund 101 – City Street Fund	\$478,400	\$478,400
Fund 102 – Equipment Reserve	\$0	\$0
Fund 105 – Street Reserve	\$108,000	\$108,000
Fund 110 – Winnifred Street	\$1,000	\$1,000
Fund 301 – Capital Construction	\$426,400	\$426,400
Fund 401 - Electric Utility	\$967,800	\$967,800
Fund 402 – Electric Utility Reserve	\$270,000	\$270,000
Fund 403 – Sewer Utility	\$1,460,000	\$1,460,000
Fund 404 – Sewer Reserve	\$373,000	\$373,000
Fund 405 – Garbage Utility	\$367,800	\$367,800
Fund 406 – Garbage Utility Reserve	\$67,000	\$67,000
Fund 407 – Storm Sewer Utility	\$258,000	\$258,000
Fund 410 – Sewer Capital Projects	\$182,000	\$182,000
Fund 622 – WR Rust Playfield	\$37,921	\$37,921
Fund 623 – Electric Meter Deposits	\$117,800	\$117,800
Fund 624 – School Building	\$218,200	\$218,200
Total	\$8,645,975	\$8,645,975

The Public Hearing was held on for December 4, 2018. All required legal steps have been fulfilled and passage of the budget is now appropriate. The City is required to pass the budget before the end of this calendar year. Councilmember Hedrick moved to approve Ordinance 1515, with a second from Councilmember Hardin, passed 5-0.

Ordinance 1516 – Granting Point Ruston Street Vacation (2nd reading) - On December 4, 2018 the City Council held a public hearing on the petition for street vacation filed by Point Ruston, LLC. Only the applicant testified. Following the public hearing, the Council deliberated on the application and made findings on the criteria for considering a street vacation. The Council directed that the staff amend the draft ordinance to approve the vacation. In addition, the Council supported conditioning the vacation on Point Ruston’s payment of up to \$2,000 to reimburse the City for its attorney’s fees in processing the application, including preparing the required legislation and attending the Council meetings where this matter is being considered. If Council adopts Ordinance #1516 approving the vacation, then once Point Ruston meets any conditions established by the Council in the Ordinance, then the City’s transfer of title in the vacated property will be by the recording of a Declaration of Street Vacation¹ along with recording the Ordinance granting the street vacation. This action will vest the vacated area in Point Ruston LLC as both the abutting property owner on all sides of each area of the vacation. Councilmember Hedrick moved to approve Ordinance 1516, with a second from Councilmember Hardin, passed 5-0.

Resolution 694 – Acceptance of Ruston Way Improvements - Point Ruston has been in the process of re-developing the 97-acre ASARCO superfund site into a mixed-use development since 2008. Half of this site is located inside the City of Ruston. The City of Ruston has approved approximately 70 permits for this project over the past 10 years, including approval of a Master Development Plan in 2008 and a Shoreline Substantial Development Permit in 2009. As part of the Point Ruston Master Development Plan, Point Ruston constructed the following new or realigned public roads: Ruston Way, Baltimore Street and the public portion of Yacht Club Road. This was performed under the permit numbers DGP 08-09 and SEP 12-05. After several years of delay and punch list compliance work, there remains only one incomplete item which is for Point Ruston to record an easement for Catch Basin #66 as well as to pay outstanding fees due.

The City and Point Ruston LLC have entered into a settlement agreement whereby the parties agreed that if the City Council granted the Point Ruston street vacation (VAC 17-01) and accepted the Ruston Way improvements under permit numbers DGP 08-09 and SEP 12-05, that Point Ruston would record the Catch Basin #66 Easement and pay the City of Ruston \$100,000 within ten days of those actions. The effective date of the acceptance resolution is set for December 31, 2018 provided that Point Ruston records the Easement for Catch Basin #66 with the Pierce County Auditor's Office and remits to the City of Ruston \$100,000 within 10 days of the passage of the Resolution. Assuming that occurs, then after the effective date of the Resolution, all further maintenance and operations cost of said street and public utilities improvements shall be borne by the City of Ruston. If Point Ruston does not record the easement and pay the fees, then Resolution 694 will not take effect and the staff will place it onto the January 8th Council Meeting Agenda re-consideration and repeal. There is a cost to take over maintenance and operations of these street and utilities improvements. Point Ruston will remit \$100,000 to the City within 10 days of the passage of this Resolution to cover the costs of its outstanding permit fee balances. These funds will go into the City's street improvement fund. Councilmember Hedrick moved to approve Resolution 694, with a second from Councilmember Hardin, passed 5-0.

Resolution 695 – Renaming Winnifred Place to Argyle Place - Winnifred Place (location shown on the attached map) has long created confusion as it is adjacent to Winnifred Street. This confusion has caused deliveries, including US Mail, to go astray. The City Council considered renaming of Winnifred Place to resolve this issue and referred this matter to the Planning Commission to consider potential new names and to then send its recommendation back to the City Council. The Council asked the Commission to consider Barbary Lane or Madrigal Lane as possibilities but did not limit the Commission to those two possibilities. The Planning Commission met on August 8, 2018 to consider the renaming. The Commission considered the two suggested names and asked staff to research other possible names, particularly those with a historical connection to the area. After conducting this research, staff returned to the Planning Commission on September 19, 2018 with the following list:

1. Argyle Addition (Plat)
2. Clarks Addition (Plat)
3. Budinich (Plat)
4. Green Street (Former street name for what is now Winnifred Street from 51st to Park Ave)
5. Market Street (Former street name for what is now Winnifred Street from 49th to 51st)

The Argyle Addition added lots to the City of Ruston in the vicinity of Winnifred Place, and therefore provides the most relevant local historic name.

On this basis, the Planning Commission found that Argyle Place added the most historic context. Therefore, the Planning Commission recommended that the Council change the name of Winnifred Place to Argyle Place. There is one property owner that needs to be notified prior to Council taking action, if the Council provided direction to move forward. The Planning Staff notified the owners and no objection to the renaming was made. The effective date for the change is proposed for March 1, 2019 to provide 90 days for the change to be made by the owner, the City and the US Post Office. Councilmember Hedrick moved to approve Resolution 695, with a second from Councilmember Hardin, passed 5-0.

Resolution 696 – Renaming a portion of 50th Street and 50th Place - The property owner on the Southeast corner of 50th Street and Winnifred Street contacted the City recently. That 50th Street is not considered an alley in this location has created a hardship on the property owner. Therefore, this issue was brought to the Planning Commission along with the Winnifred Place street renaming. After discussing the matter, the Planning Commission recommends that the portion of 50th Street which is east of Winnifred Street where it becomes an alley be changed from 50th Street to 50th Place. The Planning Staff notified the owners and no objection to the renaming was made. The effective date for the change is proposed for March 1, 2019 to provide 90 days for the change to be made by the owner, the City and the US Post Office. Councilmember Hedrick moved to approve Resolution 696, with a second from Councilmember Hardin, passed 5-0.

MAYOR’S TIME – The Pearl Street bulb out project was planned to move forward in 2019. Working with the City Engineer and City of Tacoma the hope is the bulb outs will divert volumes of stormwater runoff which has caused flooding along Pearl Street in the past. Mayor Hopkins thanked the City Planner for working on the Complete Street Grant of \$250,000. These funds are earmarked to extend the Winnifred Street median to the south on 51st street, placing an island as protection, so pedestrians do not have to walk into traffic in front of Don’s Market. Mayor Hopkins apologized for the tardiness in the handling of the budget cycle.

COUNCIL TIME –

Councilmember Hedrick – Merry Christmas and Happy New Year. Go Dawgs.

Councilmember Hardin – Wanted clarification on the Street Vacation and outstanding fees due to the City. City Attorney Robertson explained that Point Ruston must record the Easement for Catch Basin #66 with the Pierce County Auditor’s Office and remit to the City of Ruston \$100,000 within 10 days of the passage of Resolution 694. If Point Ruston does not record the easement and pay the fees, then Resolution 694 will not take effect and it will be placed on the January 2, 2019 Council Meeting agenda for re-consideration and repeal. Councilmember Hardin wanted to know if Fircrest Court would provide their own prosecutor services and Mayor Hopkins confirmed that, as part of the contract, they would.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

Councilmember Huson – The resident requesting the renaming of Winnifred Place to Argyle Place has been directed to go to the US Post Office to work through any mail issues that may occur with the renaming to Argyle Place. Councilmember Huson noted there was no need for Mayor Hopkins to apologize for submitting the budget late. Councilmember Huson remembered, as a Councilmember fifteen or twenty years ago, he attended Council meetings where Councilmember Mary Joyce, as the head of the Finance Committee, directed the City Clerk to use one envelope with one stamp when mailing telephone bills rather than multiple envelopes and additional stamps. Councilmember Joyce also refused to pay \$125 unauthorized payment, reimbursing the Mayor at that time for painting a City truck. This kind of fiscal responsibility, on the part of the Council at that time, along with the hard work of the current Mayor, Mayor Hopkins, which has gotten the City to where it is today. The City is realizing a budget surplus and many positive things happening in our Community. Councilmember Huson expressed it was a privilege to be part of the current Council and wished all a Merry Christmas and Happy New Year.

MEETING AJOURNED -

At 8:00PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 5-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday, December 18, 2018**

Chief of Police:

During the month of November 2018, the Police Department responded to 120 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. As a comparison for the same month, Ruston officers responded to 82 calls for service inside the Point Defiance Park.

Chief Bautista has been appointed to serve as a committee member with the Washington State Criminal Justice Training Commission's (CJTC) Peace Officer Certification Program. This committee reviews and adjudicates cases in which a law enforcement officer's actions may result in revocation of his/her CJTC peace officer certification.

The Point Defiance Park director has requested the Department extend its' services to the park for 2 extra weeks in January, which we will likely grant.

Personnel Issues:

The Department has completed the background for a part-time officer who is anticipated to start in January. He is a former deputy-sheriff and city police officer, is currently a supervisor of investigations with the Washington Department of Health, and is working toward a Ph.D. in Public Policy.

Civil Service Commission:

The Civil Service secretary position is still advertised and there are no applicants at this time.

Equipment:

Nothing to report.

Training:

Nothing to report.

Please contact me by phone (253) 459-9212 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 November 2018

Tuesday, December 18th, 2018

Presented by Chief Torbet

Total Incidents: 3 (1 Fire/ Service, 2 Medical Aid)

Membership Roster (out of 25): 22 (18 FF, 4 Officers)

Recent Membership Changes: No changes. One new FF in the que.

State of the Business:

- A new 1403 class will begin in January 2019 again lasting about four months.
- The training area has been upgraded with a new forceable entry prop. The roof is now ready to prepare for ventilation training operations.
- Training focus for November was commercial fire ground operations.
- FF Michael Anderson received certification as a **Live Fire Instructor** as well as **Fire Instructor 1**. This will afford Ruston Fire Department many opportunities in the future.
- Recurring CPR training is offered quarterly for the Ruston community. We are setting dates with The Commencement to provide both bystander and certified CPR instruction. Others are welcome to join those classes.
- **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 2018

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE %	ACTION OWNERS
Recruitment	1/2018	<i>ongoing</i>	22 of 25	TORBET/MILLER
CPR Training	12/2017	<i>ongoing</i>	100%	ANDERSON
EVIP Cert	5/18/2018	12/312018	12 of 20	TORBET