

**CITY OF RUSTON  
REGULAR COUNCIL MEETING  
Tuesday, June 18, 2019**

**MEETING CALLED TO ORDER**

At 7:00PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were Lyle Hardin, Deb Kristovich, Lynn Syler and Bradley Huson. Councilmember Hedrick was excused. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hardin moved to approve the agenda, with a second from Councilmember Kristovich, passed 4-0.

**MINUTES**

Councilmember Hardin moved to approve the minutes for the Regular Council meeting of June 4, 2019, with a second from Councilmember Kristovich, passed 4-0.

**STAFF REPORT** –

Ruston Police – Chief Bautista – See attached.

Ruston Fire – Chief Allen – See attached.

**GENERAL PUBLIC COMMENTS** – Nothing at this time.

**BUSINESS** –

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

**ORD 1520 – New Chapter 5.14 RMC – Commercial Parking Tax (1<sup>st</sup> reading)** – The State Legislature has provided cities with a local option commercial parking tax. RCW 82.80.030. This tax may be levied by a city within its boundaries and by a county in the unincorporated areas. There is no limit on the tax rate and many ways of assessing the tax are allowed. If the city chooses to levy it on parking businesses, it can tax gross proceeds or charge a fixed fee per stall. If the tax is assessed on the driver of a car, the tax rate can be a flat fee or a percentage amount. Rates can vary by any reasonable factor, including location of the facility, time of entry and exit, duration of parking, and type or use of vehicle. The parking business operator is responsible for collecting the tax and remitting it to the city, which must administer it. This tax is subject to a voter referendum. The City Council received a briefing on June 19, 2019 on the Commercial Parking Tax, including different options for how to impose the tax. After spending time considering the options for imposing a commercial parking tax, the Mayor is recommending that the tax be imposed as a 20% tax on gross proceeds. Tax returns would need to be filed quarterly and payment made quarterly. The Ordinance creates a new Chapter 5.14 in the Ruston Municipal code imposing the tax.

The ordinance contains the standards due process protections for challenging the tax with appeals heard by the Hearing Examiner, violation provisions and penalties for late payment. As explained last year, the use of proceeds of a commercial parking tax is restricted to “transportation purposes.” RCW 82.80.070(1). In conformance with state law, the ordinance at Section 5.14.110 provides that the use of the proceeds of the tax “shall be strictly for transportation purposes in accordance with RCW 82.80.070.”

The sections created in this new chapter are:

- 5.14.010 Definitions.
- 5.14.020 Tax Rate - Who Must Pay.
- 5.14.030 Payment of Tax.
- 5.14.040 Tax - Collection.
- 5.14.050 Over- or Underpayment of Tax.
- 5.14.060 Penalty for Late Payment.
- 5.14.070 Violation - Penalty.
- 5.14.080 Appeal Procedure.
- 5.14.090 Confidentiality of Tax Returns.
- 5.14.100 Duties of the Mayor.
- 5.14.110 Use of Proceeds of Tax.

The tax is administered by the Mayor or designee with the Clerk being the person who accepts filing and payment.

**ORD 1521 – Shoreline Master Program (2<sup>nd</sup> reading)** – Rob White, City of Ruston Planning Director provided an overview. The State of Washington under the Shoreline Management Act has mandated that the City of Ruston update the Ruston Shoreline Master Program. WAC 173-26-090 requires periodic review of Shoreline Master Programs (SMP) at least every eight years with Ruston’s due in 2019. Over the past year, the Ruston Planning Director Rob White has worked with the Planning Commission to prepare an updated Shoreline Master Program as required by the Shoreline Management Act. The requirements of the Shoreline Management Act mandate that the City’s proposed Shoreline Master Program must be approved by the State Department of Ecology prior to taking effect. Before approval, the Director of the Department of Ecology must formally conclude that the proposed Shoreline Master Program, when implemented over its planning horizon (typically 20 years), will result in “no net loss of ecological functions necessary to sustain shoreline natural functions.” Since August of 2018, Ruston’s staff reviewed the list of updates provided by Ecology, (detailed in the attached *SMP Periodic Review Checklist: Analysis and Recommendation*). On December 12, 2018, the Planning Commission reviewed the drafts and directed staff to make minor changes which were considered at a public hearing on January 16, 2019.

Following the public hearing on the *Draft SMP Edits* document, the Planning Commission recommended approval. Staff then forwarded the SMP to Ecology for final review. Ecology had only one minor change which was made. On March 19, 2019, the City Council approved Resolution No. 699 expressing its intent to adopt the updated Shoreline Master Plan and directing the Plan be sent to Ecology for final review and approval. Ecology has completed its review and has recommended additional minor changes which have been implemented. The final version of the Plan is now ready for adoption. Planning Director White recommended that the City Council adopt the Shoreline Master Program as approved by Department of Ecology in the form attached to Ordinance No. 1521. Councilmember Hardin moved to approve Ordinance 1521, with a second from Councilmember Kristovich, passed 4-0.

**RES 702 – Public Hearing – 6-Year TIP** - The City Council held a Public Hearing on the proposed Local TIP. Following the Public Hearing, the Council adopted the updated 6-Year TIP.

**RES 702 – 2020-2025 Transportation Improvement Program (6-Year TIP)** - State law mandates all local jurisdictions to annually adopt and submit to the state a six-year program of transportation improvements, known as the Local TIP. To be eligible to seek federal and state funding, the City must comply with state law and adopt an annual TIP. The six-year Local TIP serves as a general work plan for the development of local transportation systems and, as such, represents an important planning component under the State's Growth Management Act. The Washington State Department of Transportation (WSDOT) and Puget Sound Regional Council (PSRC) use Local TIPs as a tool for coordinating the transportation programs of local jurisdictions with those of regional agencies. PSRC monitors Local TIPs for projects of regional significance (to be modeled for air quality conformity) and projects supported by federal funds. These projects are incorporated into the Regional TIP, which is then forwarded for inclusion in the State TIP. In most instances, projects must be included on a Local TIP to be eligible for state and federal grant programs. Local TIPs need not be revenue constrained, jurisdictions can include projects they would choose to implement within the timeframe, if funding were available. The City issued a SEPA Determination of Non-Significance on May 22, 2019 and the appeal period has now expired with no appeal filed. There was no direct fiscal impact of adopting the 2020-2025 Transportation Improvement Program. The projects listed on the TIP become eligible for federal and state grant funding. Councilmember Hardin moved to approve Resolution 702, with a second from Councilmember Kristovich, passed 4-0.

**RES 703 – Pierce County – Low Income Energy Assistance Program** - Pierce County Department of Community Connections provides assistance to low income people living within Pierce County in accordance with 42 U.S.C. Section 8264, the Low-Income Energy Assistance Act of 1981 (“the Act”). These assistance payments are made directly to the electricity vendor to be credited to the account of the electricity customer.

Because the City of Ruston provides electricity services to people and properties located within the City limits, it is a “vendor” under the Act. In order to comply with this Act, Pierce County must ensure that electricity vendors whose customers receive these assistance meet the requirements of the Act. This requires an agreement between the entity providing the assistance (in this case Pierce County) and the City of Ruston. The City has had an agreement with Pierce County for these purposes for many years, but the current Agreement is expiring at the end of September. Therefore, in order for people living in Ruston to be eligible for receipt of funds from the energy assistance program, the City must renew the agreement with Pierce County. The proposed agreement will run from October 1, 2019 through September 30, 2020. But unlike prior agreements which were only for two years, this Agreement will automatically review from year-to-year for up to a 5-year period. Therefore, this Agreement will run through September 30, 2024 unless either party terminates it upon 30 days written notice. This agreement will facilitate the County providing energy assistance to low income customers of the City of Ruston. Those payments will go directly to the City and be credited to the accounts of those customers. Councilmember Hardin moved to approve Resolution 703, with a second from Councilmember Kristovich, passed 4-0.

**PAYROLL** – Councilmember Hardin moved to approve Payroll, with a second from Councilmember Kristovich, passed 4-0.

**MAYOR’S TIME** – Metro Parks has invited anyone interested to attend the opening of Dune Peninsula at Point Defiance Park and Wilson Way bridge on Saturday, July 6, 2019, 8:30AM-11AM. City of Tacoma notified Planning Director Rob White that the State of Washington has decided to route funding for the filling of the tunnel directly through to the City of Tacoma then on to the developer. City of Ruston spent a lot of money and time to assist with this tunnel fill project when Point Ruston felt the City was infringing on copy writes and threatened a lawsuit against Ruston, so the City was unable to award a bid. More to come on this notification.

**COUNCIL TIME** –

**Councilmember Hardin** – Wished the City, Fire and Police Departments good luck during the upcoming Taste of Tacoma.

**Councilmember Kristovich** – Nothing at this time.

**Councilmember Syler** – Nothing at this time.

CITY OF RUSTON  
Regular Council Minutes  
June 18, 2019

**Councilmember Huson** – Nothing at this time.

**MEETING AJOURNED** -

At 7:24PM Councilmember Hardin moved to adjourn. with a second from Councilmember Kristovich, passed 4-0.

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Mayor Bruce Hopkins

ATTEST:

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Judy Grams



**Chief's Report  
Ruston Police Department  
Tuesday, June 18, 2019**

**Chief of Police:**

During the month of May 2019, the Police Department responded to 165 calls for service. Two of these contacts included arrests of career burglary and narcotic offenders, one of whom was caught just after committing a burglary in our city.

- Department planning is set for the Taste of Tacoma. I have designated Lt. Ashcraft as the incident commander as I have elected to be one of the roving officers in direct contact with our residents. You will see me on foot patrol for periods throughout the day. There will be a total of 14 officers on staff for the City of Ruston during the event, including Fircrest Police chief John Cheesman.
- In the next 30 days we anticipate one of our full-time officers will receive a conditional offer for employment with the Tacoma Police Department.
- Metropolitan Parks of Tacoma approached me in late April to talk about contract police services inside Point Defiance Park. No proposals have been configured as of yet, though it is my opinion they are being forthright and respectful in their request for our services.

Prepared by Nestor Bautista



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

## Ruston Fire Department Monthly Review for May 2019

Tuesday, June 18<sup>th</sup>, 2019

Presented by Assistant Chief Bruce Allen

**Total Incidents: 13** (3 Fire/ Service, 10 Medical Aid)

**Total Volunteer Hours: Total 4926 Hours May 1353 Hours**

**Membership Roster 20 (out of 25):** (16 FF, 4 Officers)

**Recent Membership Changes: Chad Wilder, Promoted to Lieutenant**

### State of the Business:

- We have two new EVIP instructors MSO Anderson and A. Williams
- House still unoccupied on Winnifred post kitchen fire
- We have 2 potential members in the pipeline for hire
- We are seeing an increase in homeless and drug addicted people in town that are generating aid calls
- Member Kevin Fowler has completed EMT training and is awaiting state approval
- E33 is at Hughes Fire Equipment, waiting on parts
- All fire tools are fully operational
- Recurring CPR training is offered quarterly for the Ruston community. Over 195 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](mailto:rustonfire@rustonwa.org).
- **Fire Station tours** are provided to the public when resources are available. Please contact [rustonfire@rustonwa.org](mailto:rustonfire@rustonwa.org) for further information.

### Ruston Fire Department's Master Business Objectives for May 2019

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE %	ACTION OWNERS
Recruitment	5/2019	<i>ongoing</i>	20 of 25	M.ANDERSON
CPR Training	5/2019	<i>ongoing</i>	100%	S.ANDERSON
Fire Training	5/2019	<i>ongoing</i>	100%	C. Wilder