

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, June 1, 2021**

The City Council of the City of Ruston met on this date via Virtual Teleconference

MEETING CALLED TO ORDER

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Hardin, Councilmember Kristovich, Councilmember Syler and Councilmember Huson. Following the flag salute, Mayor Hopkins moved to amend the agenda to remove Business Item 5 – Public Hearing. The objection to notices of underground electric utilities, filed by Melanie Berg, was withdrawn therefore Public Hearing was no longer necessary. Councilmember Hedrick moved to approve the agenda removing Business Item 5, with a second from Councilmember Hardin the agenda as amended, passed 5-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of May 18, 2021, with a second from Councilmember Hardin, passed 5-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS – Nothing at this time.

BUSINESS –

ORD 1546 – Street Racing Code (2nd reading) - Since the start of the pandemic, certain streets of the City of Ruston have become favorite sites for young persons to congregate in large numbers and, together with their vehicles, engage in an activity known as “racing”. This is an issue both across Pierce County and the greater region. The racing consists of driving at high speeds on certain streets and may include driving unsafely, purposely squealing tires, and other activities which disrupt and create danger for pedestrians and other vehicles. This creates a public safety hazard as well as a disturbance due to the noise. These activities have served to deprive the residents along and near these streets of the peaceful enjoyment of their property since the racing activities often occurs in the nighttime hours when the property owners are trying to sleep. These activities have also made it unsafe for residents who may walk, bike, or drive in the area. The County is working on an emphasis patrol to stop these dangerous and disturbing activities. Ruston is participating in these activities. In addition, cities in Pierce County are encouraged to adopt local ordinance to prohibit these activities. The final section of the ordinance creates new local violations for certain state laws when they occur in the “no racing” zones.

Since these are local violations, the Council will need to adopt the fines for these activities. When this ordinance is brought back for second reading and action, it will be accompanied by a resolution which sets forth the applicable fines. The fines that will be adopted will help to defer some of the enforcement costs. The suggested fines are contained in Resolution No. 728. Councilmember Hedrick moved to approve Ordinance 1546, with a second from Councilmember Hardin, passed 5-0.

RES 727 – Agreement for Legal Services – The current City Attorney, Jennifer Robertson, has long served as general counsel for Ruston. She recently left her prior law firm of Northwest Urban Law, PLLC and joined the firm Inslee Best Doezie & Ryder PS. Therefore, a new contract is needed for Ruston to continue to receive these services. In addition, Inslee Best Doezie & Ryder also provides a broader range of legal services which will allow the City to consolidate its legal services to one firm. The proposed agreement is attached to Resolution #727 and is terminable on 60-days’ notice by either party. The agreement is a blend of a flat fee agreement and an hourly agreement. The flat fee remains unchanged since 2015 which is \$5,000 per month for up to 25 hours of legal work by Ms. Robertson. Any hours over the 25-hour maximum under the flat fee or non-routine work will be compensated at the rate of \$225 per hour. Any work billed through to third parties will be compensated at the rate of \$350 per hour. Given that Ms. Robertson’s rates have not changed since February of 2015, there is a 3 percent inflator built into the agreement that will automatically take effect each January 1st. Authorizing the agreement makes the City responsible for payment of the legal fees and costs incurred until the work is completed or the services canceled. Councilmember Hedrick moved to approve Resolution 727, with a second from Councilmember Hardin, passed 5-0.

RES 728 – Fines for Violations of No Racing Zone – On June 1, 2021, the City Council will be considering adopting a new Chapter 16.01 RMC which bans street racing in Ruston, creates “no racing” zones, and creates new local violations for certain activities in those “no racing” zones.

Section 16.10.070 establishes civil violations for certain acts and therefore, the Council needs to establish the applicable penalties for these new violations. Police Chief Bautista suggests the following:

RMC Section	Violation	Penalty
16.10.070(a)	Operating a vehicle with modified exhaust in violation of RCW 46.37.390 in no racing zone.	\$95.00
16.10.070(b)	Operating a vehicle with illegal tint on windows in violation of RCW 46.37.430 in no racing zone.	\$95.00
16.10.070(c)	Operating a vehicle which qualifies as a passenger vehicle which is lowered below legal clearance in violation of RCW 46.61.680 in a no racing zone.	\$95.00

16.10.070(d)	Violating the requirement to obey traffic control devices in accordance with RCW 46.61.050 in a no racing zone.	\$115.00
16.10.070(e)	Operating a vehicle without compliance with the requirements for license plates in accordance with RCW 46.16A.200 in a no racing zone.	\$95.00

Assuming the Council agrees that these are the correct penalties for these activities, passage of Resolution #728 would be in order. The fines that will be adopted will help to defer some of the enforcement costs. Councilmember Hedrick moved to approve Resolution 728, with a second from Councilmember Hardin, passed 5-0.

6 Year TIP – Discussion - 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.

Background. 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 updated TIP reflects the movement of projects which have been funded.

Discussion. The draft TIP is being presented to the Council for consideration and discussion on June 1st, but not for action. Action cannot be taken until *after* the required Public Hearing has been held. The Council will hold the required Public Hearing on the proposed City of Ruston 2022-2027 TIP project list on June 15, 2021 after which time the Council may adopt the updated TIP. The deadline for adoption is June 30, 2021. There is no direct fiscal impact of adopting the 2022-2027 Transportation Improvement Program. However, the projects listed on the TIP become eligible for federal and state grant funding.

CLAIMS – Councilmember Hedrick move to pass Claims for June 1, 2021, with a second from Councilmember Hardin, passed 5-0.

MAYOR’S TIME – The City of Ruston has hired Associate Planner Ian Williams. Mr. Williams came on board June 1, 2021 to support planning and permitting along with code enforcement. Mayor Hopkins spoke with EPA last week regarding Point Ruston and provided an update to Council. There was no news on the settlement of all pending lawsuits. The developer continues to look for investors and funding. Mayor Hopkins did not have a timeline on the remediation; however, the developer is currently being fined for not meeting their deadlines. Mayor Hopkins will touch base with EPA every two weeks and will keep Council informed. Mayor Hopkins was looking forward to the Silver Cloud’s soft opening, the weekend of June 5, 2021, and welcomes them to the City of Ruston.

Councilmember Hedrick – Would like a presentation by EPA on Point Ruston and the Super Fund site. Councilmember Hedrick invited everyone to join in on the best holiday of the year, the 4th of July Bicycle Parade, which will be held Sunday, July 4th at noon at 51st and Winnifred Street. Bring your decorated bikes, strollers, and pets.

Councilmember Hardin – Would also like EPA to join a Council meeting for a presentation on the Point Ruston project and would like to know if the project goes into receivership what does that mean for the City of Ruston.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

Councilmember Huson – Nothing at this time.

MEETING AJOURNED – At 7:23PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 5-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams