

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, December 21, 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 and Councilmember Syler. Councilmember Kristovich and Councilmember Huson were excused. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Hardin, passed 3-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of December 7, 2021, with a second from Councilmember Hardin, passed 3-0.

STAFF REPORT

Ruston Police – Chief Bautista – See attached. Chief Bautista recognized Councilmember Hardin for his years of service and dedication to the City and his community.

Ruston Fire – Assistant Chief Allen – See attached. Assistant Chief Allen thanked Councilmember Hardin for his support as the Ruston Fire Department liaison all these years and recognized Councilmember Hardin for the good work he has done for the City of Ruston and his community.

GENERAL PUBLIC COMMENTS –

Mike Anderson - On behalf of Sara Anderson and himself, Mike Anderson thanked Councilmember Hardin, for his years of dedicated service and for being a strong advocate for the Ruston Fire Department.

BUSINESS –

ORD 1554 – FY2022 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, 2022. The Council is required to adopt its budget ordinance prior to January 1, 2022.

The City Council Budget consideration schedule for Fiscal Year 2021 is as follows:

Mayor’s Budget Message to Council:	November 2, 2021
Council discussion of revenue sources:	November 2, 2021

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 Regular Council Minutes
 December 21, 2021

Public Hearing on Revenue Sources	November 16, 2021
Adoption of Tax Levy Ordinance No. 1552	November 16, 2021
Public Hearing on Proposed Budget:	November 16, 2021
Budget Discussion #1:	November 2, 2021
Budget Discussion #2:	November 16, 2021
Budget Discussion #3:	December 7, 2021
Adoption of Final Annual Budget for 2022:	December 7 or 21, 2021

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 and budget (November 16th).

The Final Budget’s beginning balance is \$3,473,000.00 plus taxes, license fees, service charges, fine, forfeitures and other revenues totaling \$4,495,897.00, including inter-fund transfer(s) of \$419,000.00 are combined in the Final Budget for total expenditures and ending balances amount of \$4,714,383.00. The Ending Balance is projected as \$3,254,514.00.

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	2022 Interfund Transfers In	2022 Interfund
Fund 001 – General Fund	\$ 1,879,347	\$ 2,029,684		
Fund 0005 – Surplus Fund	\$ 17,000	\$		
Fund 050 – Point Ruston Development	\$	\$ 14,000		
Fund 101 – City Street Fund	\$ 289,400	\$ 256,700		
Fund 301 – Capital Construction	\$ 40,000	\$ 101,000		
Fund 401 - Electric Utility	\$ 1,234,300	\$ 999,037		\$ 100,000
Fund 402 – Electric Utility Reserve	\$	\$ 375,000	\$ 100,000	
Fund 403 – Sewer Utility	\$ 675,500	\$ 594,050		\$ 207,000

Fund 404 – Sewer Reserve	\$	\$	\$ 25,000	\$ 112,000
Fund 407 – Storm Sewer Utility	\$	57,000	\$ 56,053	
Fund 410 – Sewer Capital Projects	\$	182,000	\$ 181,215	\$ 294,000
Fund 411 – Electric Meter Deposit Fund	\$	18,000	\$ 12,000	
Fund 622 – WR Rust Playfield	\$	14,000	\$ 9,378	
Fund 624 – School Building Fund	\$	89,000	\$ 86,066	
Fund 634 – Custodial Pass through Fund	\$	350	\$ 200	
Total	\$	4,495,897	\$ 4,714,383	\$ 419,000 \$ 419,000

The Public Hearing was held on November 16, 2021. The public hearing must take place prior to adoption. The City is required to pass the budget before the end of this calendar year. Councilmember Hedrick moved to approve the Ordinance 1554, with a second from Councilmember Hardin, passed 3-0.

ORD 1556 – 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. In 2018, the City experienced issues with enforcement and therefore, the Council amended the code via Ordinance No. 1512 to ensure that permits are obtained before heavy weight hauling occurring damaging City streets. Recently, the City updated the name of 54th Street to Park Avenue. In addition, the City has been improving its streets with grant funding from the Transportation Improvement Board. The proposed amendments add more streets to the list of streets that require a permit for non-exempt heavy vehicles. The City will need to post signage at these new streets in order to enforce the code. The fees for an overweight vehicle permit range from \$383.40 to \$766.80 depending on and the weight of the vehicle. (See Section 7 of the Master Fee Resolution (RES 736) which the Council adopted on December 7, 2021.)

ORD 1545 – Comcast Franchise (2nd reading) - In accordance with State law, the City has the right to control its streets and rights of way, including the right to allow use of its rights of way by franchise agreement or other methods. On April 19, 2010, the City of Ruston granted a five-year cable television franchise to Comcast of Tacoma, Inc. (“Comcast”) by adoption of Resolution No. 469 which was accepted by Comcast on July 15, 2010. Under the Terms of the Franchise Agreement, the parties had the option to extend the Franchise Agreement for an additional five-years. The City granted the five-year extension via Ordinance No. 1480 which was passed on December 15, 2015. That extension expired on December 15, 2020, and the parties have been working to negotiate a new franchise agreement this year. The new proposed franchise will be for a ten (10) year period. The Franchise Agreement is based on the Franchise Model that was developed by RCC and a committee of local elected leaders. Councilmember Deb Kristovich serves on that committee. Ordinance No. 1545 and the franchise agreement attached to the ordinance effectuate a 10-year term subject to the acceptance by Comcast within 60 days of the adoption of the ordinance as well as continuation of the required insurance and performance bond. In addition, clarification on undergrounding has been added to this Franchise. During the course of negotiating this Franchise, it was discovered that Comcast has never had a pole attachment lease with Ruston. Therefore, a pole attachment lease has been negotiated. That agreement will come forward for Action on December 21, 2021 and is very similar to the lease Ruston has with Century Link. This Franchise Ordinance is on for First Reading. It will return for Second Reading and Adoption on December 21, 2021. After that point, the City will need to publish the ordinance and Comcast will need to accept the Franchise Extension within sixty (60) days (no later than February 19, 2022). The expiration date for the extension will be set as December 31, 2031. A copy of the new franchise agreement was included in the materials. Approval of this Ordinance will result in continuation of the financial benefits of this Franchise Agreement, including any applicable tax revenue and franchise fees. Councilmember Hedrick moved to approve the Ordinance 1545, with a second from Councilmember Hardin, passed 3-0.

RES 734 – Comcast Pole Agreement - Comcast Cable has had a franchise agreement with the City of Ruston since at least 2010. During that time, Comcast had attached its equipment to the City’s poles but has never had an agreement with the City to place its equipment on Ruston poles. During the course of negotiating a new franchise agreement with Comcast this year, it was discovered that Comcast had not been paying rent for its attachments to the City’s utility poles. Therefore, a new pole lease was required. This lease is very similar to the Century Link lease that the City executed in 2018 with the rent being the same amount as Century Link, but increased per CPI-U. The annual rate for the pole lease has been increased to \$19.56 per pole in use for 2021 and \$20.57 per pole in use for 2022. (See Section 4.1.) Comcast currently is using 96 of the City’s 149 poles, so the annual rent for the first year (2021) shall be \$1,877.76 and for

2022 the rent shall be \$1,974.72. The rent will increase annually in an amount equal to CPI-U for Seattle, Bellevue, Tacoma, or 3 percent, whichever is greater. In addition, Comcast is required to pay the City for its costs of negotiating this Agreement. (See Section 4.6.) The City must receive the reimbursement prior to executing the Agreement. Resolution #734 includes this requirement in Section 1. The Agreement is for a period of 10 years. (Section 6.) The Agreement can be terminated for default that remains uncured after notice from the City. The Agreement also includes requirements to underground or remove equipment if the City is removing all poles from an area. (Section 6.2 and 14.) The Agreement contains an indemnification provision whereby Comcast indemnifies the City. (Section 15.) Comcast is required to have insurance of \$1 million (\$2 million aggregate). (Section 16.) The City will receive annual rent for the use of the poles in the amount outlined above (\$1,877.76 for Year 1 and \$1,974.72 for Year 2) as well as reimbursement for the negotiation costs of preparing and negotiating the Agreement. Councilmember Hedrick moved to approve the Resolution 734, with a second from Councilmember Hardin, passed 3-0.

RES 733 – Clean Energy Implementation Plan Approval - The City of Ruston provides electrical power to its residents via an electrical utility in accordance with RCW 35.92.050. The City of Ruston purchases 100 percent of its power from Tacoma Public Utilities (“TPU”). In 2019 the State Legislature adopted the Clean Energy Transformation Act (CETA), Chapter 19.405 RCW. This Act requires all electrical utilities to adopt a Clean Energy Implementation Plan by the end of 2021. Under CETA, the State of Washington committed to a retail electricity supply comprised of a hundred percent renewal and non-emitting resources by 2045. This landmark law imposes clean energy mandates on electric utilities in Washington as well as planning and reporting requirements. One such requirement is that utilities compete a Clean Energy Implementation Plan (“CEIP”) by January 1, 2022, and every four years thereafter. The CEIP is a planning document to make sure that utilities are prepared to meet CETA’s clean energy requirements. Since Ruston purchases all of its power from TPU and is considered within TPU’s customer area, the City of Ruston has based its CEIP on the Tacoma Power CEIP. The Tacoma Utility Board adopted the CEIP on December 15, 2021. The City’s Electrical Engineer and Planning Department have thoroughly reviewed the Tacoma Power CEIP and have prepared the Ruston CEIP based upon the Tacoma Power CEIP. The governing body of the Ruston Electrical Utility (here, the City Council) must adopt the CEIP after a public meeting. RCW 19.405.060(2)(b). This must be approved by the end of the calendar year as it must be filed with the State Department of Commerce no later than January 1, 2022 and made available to the public. Failure to timely adopt the CEIP may result in the City being subject to monetary penalties in accordance with RCW 19.405.090. Councilmember Hedrick moved to approve the Resolution 733, with a second from Councilmember Hardin, passed 3-0.

RES 738 – Agreement for On-Call Engineering Services - The City’s contract with its On-Call Civil Engineer is expiring on December 31, 2021. On October 28, 2021 the City published a “Request for Statement of Qualifications for On-Call Engineering Services” (“RFQ”) in its official newspaper, the Tacoma Daily Index and posted this notice on its website. The closing date for the request was established as December 1, 2021. This RFQ was made in accordance with State law which specifies a process for hiring engineers or architects as consultants.

1. General Process for Hiring Engineers or Architects.

In order for the City to hire an architectural or engineering consultant, special bidding requirements are required. The City is required to publish an announcement when it is seeking of professional 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. 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. Once the RFQ materials are received, Ruston evaluates the qualifications and performance data it has on file along with the information submitted regarding a proposed project. Following the evaluation, the city invites one or more firms to meet with its officials to discuss the project and the relative benefits of various methods of providing the desired services. The city then selects the firm “most highly qualified” to provide the required services from among those firms. The price or cost of the service may not be considered by the city when determining which firm is the most highly qualified. After the most qualified firm has been chosen, the city negotiates a contract with that firm for the services at a price that it determines is fair and reasonable, considering the estimated value of the services to be rendered, as well as the scope and complexity of the project.

2. Selection of SCJ Alliance as the new City Engineer is recommended.

Ruston received two responses to the published RFQs. After a review of all of the submitted materials, the Mayor has determined that SCJ Alliance is the “most qualified.” The proposed contract is similar to the contract as had been in place previously with the prior City Engineer. A copy of the response to the RFQ is attached. The contract is for the firm to provide on-call professional engineering services, including electrical and civil, to the City for an amount not to exceed \$100,000 (one hundred thousand dollars) in any calendar year with the hourly rates set forth in Exhibit A. The contract commences on January 1, 2022 and expires on December 31, 2025. The contract requires that the firm provide to the City evidence, in the form of a Certificate of Insurance showing the contract limits set forth on page 4, before beginning work. Councilmember Hedrick moved to approve the Resolution 738, with a second from Councilmember Hardin, passed 3-0.

RES 739– Agreement for On-Call Electrical Engineering Services - The City’s contract with its On-Call Civil Engineer is expiring on December 31, 2021. On Select Power Systems, LLC, 2021 the City published a “Request for Statement of Qualifications for On-Call Electrical Engineering Services” (“RFQ”) in its official newspaper, the Tacoma Daily Index and posted this notice on its website. The closing date for the request was established as December 1, 2021. This RFQ was made in accordance with State law which specifies a process for hiring engineers or architects as consultants.

1. General Process for Hiring Engineers or Architects.

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2. Selection of Select Power Systems for City Electrical Engineer is recommended.

Ruston received three responses to the published RFQs. After a review of all of the submitted materials, the Mayor has determined that Select Power Systems, LLC (Select) is the “most qualified.” Clint Thayer will be the primary engineer serving the City. Mr. Thayer has been serving as the City Electrical Engineer (formerly under the companies of QUES and North Sky Engineering) for many years and has agreed to maintain a similar contract as had been in place previously. The contract is for the firm to provide on-call professional engineering services, including electrical and civil, to the City for an amount not to exceed \$100,000 (one hundred thousand dollars) in any calendar year with the hourly rates set forth in Exhibit A. The contract expires on December 31, 2025.

The contract requires that the firm provide to the City evidence, in the form of a Certificate of Insurance showing the contract limits set forth on page 4, before beginning work. The maximum contract price is \$100,000 per calendar year through the end of 2025. Councilmember Hedrick moved to approve the Resolution 739, with a second from Councilmember Hardin, passed 3-0.

CLAIMS/PAYROLL – Councilmember Hedrick moved to approve Accounts Payable of December 21, 2021 and Payroll of December 5 and December 20, 2021, with a second from Councilmember Hardin, passed 3-0.

MAYOR'S TIME – Mayor Hopkins invited Councilmember Hardin to take a few moments and address Council. Councilmember Hardin thanked Mayor Hopkins for his accommodation. Councilmember Hardin recognized the council meeting of December 21, 2021 as his last official meeting as a councilmember and he wanted to acknowledge and thank the following individuals whom he was truly pleased to have known, worked with and now call his friends: Steve Taylor and Steve Tucker, who are now retired, and who were loved and respected members of the Maintenance Department for as long as Councilmember has lived in Ruston. These individuals were professional in their work, and both had a sincere commitment to the City. Ray Johnson, is the City's current Maintenance Department Supervisor and has provided incomparable support to the City. Chief Nestor Bautista has organized and elevated the Ruston Police department to a place where it is envied and emulated by other cities. Councilmember Hardin was fortunate to be the liaison to the police department and was happy to spend time with Chief Bautista. Ruston Fire department under the watch of Chief Torbet was respected, and as volunteer firefighters, they were coveted and recruited by other fire departments. Councilmember Hardin thanked both Assistant Chiefs Bruce Allen and Michael Anderson for their service. Jennifer Robertson, Ruston City Attorney, is incomparable and invaluable to the City. There have been numerous city attorneys during Councilmember Hardin's time on council and Jennifer has been the best he has known and had the opportunity to worked with. Judy Grams deserves all the thanks and praise for the professionalism she brings to the City. Lynette Hopkins is invaluable to the City of Ruston. Lynette turned around many delinquent accounts, which are now current, with very little loss to the City. Lynette has worked with residents who have needed latitude during the pandemic. Most residents do not know the kind of thoughtful things Lynette does for City residents with her organizational skills and the care she provides for all City events. Bradley Huson was very kind during a previous Council meeting, recognizing Councilmember Hardin and his years of service given. In Councilmember Huson's remarks he mentioned that they had not always agreed on issues. Case in point was the 2008 election when they both ran for the same City Council position. Both disagreed on who would win. Guess who had the majority of the votes and the last word, Councilmember Huson. Lynn Syler came to the Council with her

incredible financial credentials. Lynn has always tracked the city department budget positions and her financial expertise will continue to be extremely crucial to Ruston. Deb Kristovich has worked quietly and effectively behind the scenes never wanting to be in the limelight. Councilmember Hardin wanted to recognize Deb's hard work representing the City of Ruston on the board of the Rainer Communication Commission. Both Councilmember Hardin and Councilmember Kristovich worked closely together in support of City Parks and establishing the new parking fee structure for parking in the City. Councilmember Kristovich also worked behind the scenes, making contact with City of Tacoma councilmembers, helping to defeat annexation of Ruston, not once but twice. Jim Hedrick has been like a son and attended school with Councilmember Hardin's youngest daughter. Councilmember Hedrick is invaluable to the City in his work in Olympia, keeping Ruston apprised to the pending changes in state law. Councilmember Hedrick was also instrumental in defeating annexation. Bruce Hopkins has acted as Mayor of Ruston with extreme professionalism, turning staff and departments around during his tenure, even through his personal health, it never interfered with his job as Mayor. In closing Councilmember Hardin noted the were public comments asking for more transparency in our City government. Until one serves in City government one learns there are constraints on what can be made public. Such as the many lawsuits brought on by Point Ruston Development and the City's need to hire outside attorneys to defend the interests of Ruston citizens. Councilmember Hardin recommended the Mayor and Council create a Public Relations department to inform the public about all the hard work being done and how it benefits Ruston citizens. In closing, Councilmember Hardin wished the City good luck in the future and thanked everyone for their continued work on behalf of Ruston.

Mayor Hopkins thanked Councilmember Hardin for his kind words and for all that he has done and will continue to do, especially the invaluable support he has given to Mayor Hopkins through the years. Mayor Hopkins wished Councilmember Hardin all the best.

Mayor Hopkins shared that the City received a Letter of Intent/Interest to lease as much square footage as available at the Ruston School. The company represents a daycare and preschool and is interested in a 15-year term and an option to add another 15 years. Project Manager, Kevin Moser is working with Mayor Hopkins and the City Attorney to determine the feasibility. More to come at a future time. Mayor Hopkins noted he had wanted to move to in-person council meetings at the first of the year 2022. In light of the increased COVID-Omicron variant, it is in the best interest that council meetings remain as virtual meetings, until we get better guidance from governmental agencies. The City received confirmation from EPA about remedial action at the Point Ruston site. They will be moving the big stockpile of dirt next to the Silver Cloud Hotel, also know as Lot 15, to the cooling pond. The concept is that they will bring up the cooling pond to street level from Baltimore to 51st, and will be open space.

EPA has suggested that asphalt be placed on Lot 15. The City will be writing a letter to EPA, noting that parking lots are prohibited under the current master development plan, and that grass is the better plan. Mayor Hopkins thanked Council for their support of the budget and wished all a happy holiday.

Councilmember Hedrick – Recognized Councilmember Hardin for his extraordinary and the many accomplishments delivered to the City of Ruston and its residents. Councilmember Hedrick noted how honored he was to serve alongside Councilmember Hardin throughout the years and most importantly call him “friend”.

Councilmember Hardin – Nothing at this time.

Councilmember Kristovich – Excused.

Councilmember Syler – Thanked Councilmember Hardin for his kind words and appreciated all he has done, above and beyond, in his council duties for City of Ruston. Councilmember Syler hoped that Councilmember Hardin would continue to stay involved in meetings and in his community. Councilmember Syler also noted her focus of the FY 2022 Budget and the importance of Public Safety going forward. Councilmember Syler also thanked Mayor Hopkins for sharing the City’s 5-year plan and the history of past budgets to understand the trends. Councilmember closed by wishing everyone a happy holiday.

Councilmember Huson – Excused.

MEETING AJOURNED – At 7:44PM 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, December 21, 2021**

Chief of Police:

During the previous 28 days the Police Department logged 143 calls for service. This is 24 more than last month's report and most are traffic stops.

Part-time officer Wayne Lake will fill the vacancy left by Sergei Andres' resignation beginning next month. Another officer is still in the final phase of hiring on with the Tacoma Police Department.

Prepared by Nestor Bautista

Ruston Fire Department Monthly Review for November 2021

Tuesday, December 21, 2021

Presented by Chief Bruce Allen

Total Incidents (YTD) 133, November: (2 Fire/Service, 7 Medical Aid)

Volunteer Hours: November 926 Hours, **YTD** 11,582 Hours

Membership Roster (21 out of 25): (17 Members, 4 Officers)

State of the Business:

- **Our call volume has increased to date by 38% over last year, 57% of those are daytime responses (6AM – 6PM).**
- The Toy and Food drive was a success, we beat last years food drive totals with a donation of 1305 pounds of food to Nourish of Pierce County, and lots of toys delivered to the Salvation Army
- We have 3 members finishing up the EMT class.
- All fire tools are fully operational.

Ruston Fire Department's Master Business Objectives for November 2021

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE	ACTION OWNERS
Recruitment	1/2021	<i>ongoing</i>	20 of 25	B. Allen
CPR Training	1/2021	<i>ongoing</i>	100%	S. Anderson
Fire Training	1/2021	<i>ongoing</i>	100%	M. Anderson