

**CITY OF RUSTON
REGULAR COUNCIL MEETING**

Tuesday, August 16, 2022

The City Council of the City of Ruston met on this date via In Person

MEETING CALLED TO ORDER

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Kristovich, Councilmember Syler, Councilmember Huson and Councilmember Jensen. Councilmember Hedrick was excused. Following the flag salute, Councilmember Kristovich moved to approve the agenda, with a second from Councilmember Syler, passed 4-0.

MINUTES - Councilmember Kristovich moved to approve the minutes for the Regular Council meeting of July 19, 2022, with a second from Councilmember Syler passed 4-0.

STAFF REPORT –

Ruston Police – Chief Bautista – See attached.

Ruston Fire – Chief Allen – See attached.

GENERAL PUBLIC COMMENTS –

Doug Hammond – Discussed the beautification of Ruston and updating the street signs that are “rusted in Ruston”. Mr. Hammond recommended the use of sticky backed vinyl to cover those existing street signs that show wear and rust.

Angelino Guron – Purchased a recreation vehicle to fulfill a bucket list and requested extra time, beyond the 48 hours allowed, to leave it on the street without receiving a \$150 fine. Mayor Hopkins recommended Mr. Guron speak with Police Chief Bautista.

BUSINESS –

ORD 1559 – Repeal Sewer Connection Fees Credit (2nd Reading) – The City is authorized to provide sanitary sewer services to properties within the City and has the authority to establish charges for the sanitary sewer facilities and fix the rates for sanitary sewer services, including establishing connection fees. Sewer connection fees are meant to help ensure that “growth pays for growth” and that the new customers will pay into a system that has been created by existing customers. The City currently charges \$2,000 per connection for new sewer connections in accordance with RMC 21.01.040. This rate has not been changed in at least 20 years. In the past, the City has provided credits for development of sewer infrastructure that includes construction of municipal parts of the sewer system and/or for construction private laterals that are a private part of the City’s sewer system that connects to Tacoma’s interceptor line or main line.

Since adopting the credit system under Ordinance No. 1540 on January 5, 2021, no complete application has been submitted to obtain sewer connection fee credits under the adopted code. In addition, two Washington appellate Courts have ruled on the issue of whether a city is required to offer credits for connection fees under RCW 35.92.025. Recent judicial decisions have made it clear that the City is not obligated to provide connection fee reductions, even if a customer has constructed a portion of the city's system. The recent City of Puyallup case made it clear that under the state law that allows the City to charge sewer connection fee, there is no requirement for a City to provide equitable adjustments or credits based on the unique circumstances presented by any particular parcel, including having built a portion of the system. The Court said that "Washington law does not require an equitable adjustment based on the [development] project's specific characteristics or infrastructure contributions." Since it now is clear that the City is not required to provide connect fees credits under RCW 35.92.025, the City Council may repeal the credits. If, in the future, the City finds it desirable to provide credits, it can do so via a City Council authorized development agreement with the developer in accordance with authority granted under RCW 36.70B.170. Since adopting the credit system, the City had not provided any credits for sewer connection fees, therefore, this Ordinance was not expected to have a fiscal impact. Councilmember Kristovich moved to approve Ordinance 1559, with a second from Councilmember Syler passed 4-0.

ORD 1560 – Amending RMC 9.24.010 Outdoor Seating (1st Reading) – Under RMC 9.24.010, the City has long required that businesses with open air seating areas close those areas by 10 PM in order to maintain peace and quiet for neighboring properties and people trying to sleep. The 10 PM ending time is also consistent with the City's noise code (Chapter 9.19 RMC) which requires noise to be reduced by 10 dBAs after 10 PM and requires reduced noise to be both emitted and received by residential properties. *See* RMC 9.19.050. During the COVID-19 pandemic, more businesses have opened outdoor seating areas which have been very successful. Ruston is a growing City and there is increasing demand for dining and recreation space, including outdoor seating at businesses. Where a business is located wholly in a commercial zone and not abutting a residential zone, longer outdoor operating hours may be appropriate since louder noise levels are allowed in commercial zones under the City's noise code when nearby properties are also commercial. *See* RMC 9.19.050. Allowing outdoor seating in commercial areas to remain open longer will enable more people to enjoy an evening out at Ruston businesses. Therefore, it is proposed to modify RMC 9.24.010 to allow properties that are located in a commercial zone and that are not abutting any residential zone to keep the open-air seating area open for entry and seating until midnight. However, the City's noise code will still apply, so allowing longer hours of operations will not allow violation of Chapter 9.19 RMC "Public Disturbance Noises." Ruston Council Jensen asked if there was anyone other than the businesses that have commented on the extension of hours from 10PM to 12PM besides the businesses.

Mayor Hopkins noted this was first reading and there will be opportunity between the next two weeks for the public to comment. Police Chief Bautista weighed in, recommending no spirits be served after a certain hour, and to consider the residential zone versus commercial-business zone.

RES 753 – Adopting Tacoma-Pierce County Solid Waste Plan –

1. Interlocal Agreement for Development of Plan.

Chapter 70A.205 of the Revised Code of Washington requires counties, in coordination with their cities and towns, to adopt comprehensive solid waste plans for the management, handling, and disposal of solid waste, and to keep those plans in a “current” status through periodic review, update, and amendment. Pursuant to Chapter 39.34 RCW and RCW 70A.205.040, the Ruston City Council adopted Resolution No. 735 on November 2, 2021, which authorized the City to enter into the Solid Waste Interlocal Agreement with Pierce County for the purposes of developing an updated Solid and Hazardous Waste Management Plan (hereinafter “ILA”). This ILA designated Pierce County as lead solid waste planning agency.

2. Process of Plan Development.

Pierce County, in coordination with the Pierce County Solid Waste Advisory Committee (SWAC), drafted the 2021 Plan to replace the 2000 Solid Waste Plan. The SWAC, in nine regular meetings which included a Community Conversation portion for public participation, gathered and provided public comment on the 2021 Plan. The SWAC held a public hearing and provided comments and recommended approval of the 2021 Plan. The 2021 Plan was also presented to the public for comment at community events, on the Pierce County website, and through advertisements on social media. The Pierce County Planning Commission reviewed the 2021 Plan for conformance with the Comprehensive Land Use Plan. In addition, the Washington Department of Ecology and the Washington Utilities and Transportation Commission completed reviews pursuant to Chapter 70A.205 RCW and provided comments. The 2021 Plan was submitted to cities and towns of Pierce County for review and comment, with the County providing in-person and telephone briefings to interested officials. Finally, the Pierce County Environmental Official issued A Determination of Nonsignificance (DNS) for the Programmatic Final Environmental Impact (FEIS) for the 2021 Plan in compliance with Title 18D PCC, “Development Regulations – Environmental”.

3. General Components of Plan.

The full 2021 Plan is included in the Council Packet Materials. The 2021 Plan is a strategic document, identifying goals, objectives, and actions necessary to achieve a community vision. At the outset, Pierce County’s goal was to develop and implement environmentally sound and cost-

effective solid waste management programs including waste reduction and recycling programs that reduce greenhouse gas emissions as appropriate from the disposed waste stream in cooperation and consultation with its cities. The 2021 Plan is very detailed and addresses the different types of waste streams, organics, recycling, waste reduction, moderate risk waste, miscellaneous waste streams, solid waste collection, transfer and disposal, meeting environmental goals, financial planning, administration, etc. A few items that may be of particular interest to the Council are:

- Changes in tipping fees over time (*See* p. 24)
- Planning issues regarding the life of the County landfill which may be forced to close as early as 2032 (*See* Section 1.4, p. 25)
- Funding options for programmatic needs for solid waste, including alternatives like surcharges, tipping fee changes, creation of a solid waste disposal district, etc. (*See* Section 1.4, p. 25)
- Options for extending the life of the land fill (*See* Section 10.3-10.4, pp. 87-88)

1. Adoption of 2021 Plan. The Pierce County Council adopted the 2021 Plan on April 5, 2022. The 2021 Plan is now complete and ready for adoption by the cities and towns in Pierce County. **The deadline for adoption is August 31, 2022.**

2. Recommitment to Partnership. Resolution No. 753 also contains a section recommitting the City to partnership with Pierce County on solid waste issues, specifically to implement the goals, policies, recommendations, and disposal methods set forth in the 2021 Tacoma-Pierce County Solid and Hazardous Waste Management Plan.

Councilmember Kristovich moved to approve Resolution 753, with a second from Councilmember Syler passed 4-0.

RES 754 – Emergency On-Call Engineering Services Agreement – David Evans and Associates – Ruston operates its own electrical power utility system. For approximately the past 10 years, the key personnel for Ruston Power has been Clint Thayer who is also the City’s Electrical Engineer. Last year the City issued an SOQ for electrical engineering services and selected Select Power Systems LLC which was at that time Mr. Thayer’s employer. Mr. Thayer has since left Select Power Systems, LLC and joined David Evans and Associates, Inc. Select Power Systems therefore lacks the personnel with adequate experience and knowledge to continue to manage Ruston Power and provide electrical engineering services to the City. The City has given notice to Select Power Systems that it is terminating its agreement under the terms thereof and will be issuing an SOQ for these engineering services. However, in the meantime the City has no personnel to serve the Ruston Power or provide electrical engineering services. Lack of a knowledgeable electrical engineer has created an emergency for the City and for Ruston Power. Under State law, the City is authorized to waive bidding requirements in the event of an emergency which is beyond the control of the city and will create a real, immediate threat to the proper performance of essential functions.

The lack of personnel with adequate experience and knowledge to manage Ruston Power creates a real and immediate threat to the proper performance of essential functions. Therefore, it is recommended that the City Council declare this situation an emergency and to authorize a short-term contract with Mr. Thayer's current employer (David Evans and Associates, Inc.) to ensure continued smooth operations at Ruston Power. The proposed contract will only be in effect through the end of the year or until such time as the City has completed the required SOQ process under Chapter 39.80 RCW for obtaining the on-call engineering services and has executed a longer-term agreement. The proposed contract with David Evans and Associates, Inc. is a similar contract as had been in place in prior years with the previous engineering firms, including Select Power Systems. Councilmember Jensen, along with other residents have questioned and have wanted to know more about why the City of Ruston has its own electric company. Councilmember Jensen wanted Mayor Hopkins to provide a presentation to the Ruston citizens discussing the pros and cons of owning our own power company. Mayor Hopkins explained the need to approve a short-term contract with Clint Thayer's current employer, David Evans and Associates, to ensure continued smooth operations at Ruston Power. Councilmember Kristovich moved to approve Resolution 754, with a second from Councilmember Syler passed 4-0.

RES 755 – Landscape Maintenance Agreement - BrightHorizon – The City desires to have regular landscape maintenance service in its parks and along some city streets. For a complete description of the scope of the maintenance work, please see the Scope of Work attached to the Public Works Contract which is an exhibit to the Contract attached Resolution No. 755. The City had previously awarded a landscape maintenance contracts, the most recent was in March of 2020 under Resolution No. 709. The most recent contract expired, and the City did not desire to renew it, so the City requested bids from several companies. The City used the small works roster public bidding process for obtaining the bids for this project. Five contractors were solicited. The City received three bids with BrightHorizon Lawn Care being the lowest responsible bidder as defined by RCW 39.04.010 with an annual price of \$44,194.14, sales tax included. This is more than the City had been recently paying. The contract is for a year but may be extended by four one-year increments for up to a 5-year period. The contract requires the payment of prevailing wages, so the price may be adjusted as the prevailing wage scales are adjusted over time. A copy of the scope of work and the bid is attached to the public works contract. BrightHorizon Lawn Care has executed the City's contract and the Mayor seeks authorization to execute the contract on behalf of the City. The estimated maximum contract price for the annual services is \$44,194.14 for the year, to be paid monthly. Councilmember Jensen asked if BrightHorizon is capable of providing snow removal services? Mayor Hopkins responded that BrightHorizon does not provide snow removal services. Councilmember Kristovich moved to approve Resolution 755, with a second from Councilmember Syler passed 4-0.

CLAIMS/PAYROLL – Councilmember Kristovich moved to approve Claims for August 2, 2022, Payroll for July 20, 2022, and Payroll for August 5, 2022, with a second from Councilmember Syler passed 4-0.

MAYOR’S TIME – A Ruston resident asked Mayor Hopkins to remind everyone to remain diligent with their small pets. The resident lost their pet to a coyote recently and unfortunately witnessed the entire encounter. Mayor Hopkins extended his sympathies to the family and hoped everyone remained vigilant. The City listed the Fire house and received four offers with the highest bid of \$450,000. The City will request a minimum of 2 month rent back, with the potential to go longer, which would allow for the completion of the renovation at the Fire house move to 5117 N. Winnifred Street.

Councilmember Hedrick – Excused.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

Councilmember Huson – Thanked Ruston Police Chief Bautista and Public Works Ray Johnson for investigating why his home alarm had gone off and resetting the alarm while he was away. Councilmember Huson agreed with Mr. Hammond on the need to refresh and update the existing signs, which are part of the fabric of the City. Councilmember Huson was not fond of the new black shiny signs in place around the City and would like to preserve the old signs if possible. Councilmember Huson met with the Associate City Planner to discuss the Ruston welcome sign which will be placed at the roundabout at Point Ruston. In brainstorming there were some great ideas and Councilmember Huson wanted to propose using the old street signs in conjunction with the welcome sign installation.

Councilmember Jensen – Appreciated the discussion regarding signage and the rich history of the old street signs. Councilmember Jensen was uncertain of the timeline for the replacement of signs and asked if Mr. Hammond’s suggestion, to update the old street signs with vinyl was an interim solution, and if it was a citizen’s project. Mr. Hammond responded that it was up to discussion. Mayor Hopkins noted that Commercial and Bennett street signs would be updated as part of the Baltimore Street project. The Park Avenue project was pushed out until 2023. Councilmember Jensen enjoyed National Night Out and seeing the community come together, along with the Ruston Police and Fire Departments.

CITY OF RUSTON
Regular Council Minutes
August 16, 2022

MEETING AJOURNED – At 7:42PM Councilmember Kristovich moved to adjourn, with a second from Councilmember Syler, passed 4-0.

ATTEST:

Mayor Bruce Hopkins

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday, August 16, 2022**

Chief of Police:

In the previous 28 days, the Police Department recorded 213 calls for service, which is approximately 50% more than in the same period last year. Officers conducted 63 traffic stops, which is more over 100% more than in the same period last summer. This is due to the coordinated effort by the Department to answer our citizens' call for SOAR enforcement.

In the next 30 days, the Department will interview three candidates for the last vacant full-time position. Additionally, two retired Pierce County deputy sheriffs have applied for part-time positions. We will submit them for background investigations this week.

Prepared by Nestor Bautista

Ruston Fire Department Monthly Review for July 2022

Tuesday, August 16, 2022

Presented by Chief Bruce Allen

Total Incidents (YTD) 66, June: 14(5 Fire/Service, 9 Medical Aid)

Volunteer Hours: June 718 Hours, YTD 4913 Hours

Membership Roster (17 out of 25): (14 Members, 3 Officers)

State of the Business:

- We have one new member Moises Guzman
- Mike Lundy started at the Browns Point Academy
- We have 3 strong applicants to start with the hiring process.
- Moving forward with the move into the Old City Hall
- All fire tools are fully operational.