

**CITY OF RUSTON  
REGULAR COUNCIL MEETING**

**Tuesday, June 6, 2023**

**MEETING CALLED TO ORDER**

At 7:04PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Kristovich, Councilmember Syler, Councilmember Huson and Councilmember Jensen. Following the flag salute, Councilmember Hedrick moved to approve the Agenda, with a second from Councilmember Kristovich, passed 5-0.

**MINUTES** - Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of May 16, 2023, with a second from Councilmember Kristovich, passed 5-0.

**STAFF REPORT** – Nothing at this time.

**GENERAL PUBLIC COMMENTS** –

**Resident of Point Ruston** – Has lived at the Point Ruston development for six months and enjoyed the restaurants and bars located near where she lived. The resident noted that they keep their customers happy and, should there be any issues with noise or disturbance, the establishments take care of the problem immediately. The resident pointed out that businesses were doing well, and she has encouraged friends to move to the Point Ruston development based on all the amenities in the area.

**Jeff Fryachineaud** – Owner of Coles Bar and Grill spoke in favor of extending restaurant and bar hours to midnight for outdoor seating within the commercially zoned district of Ruston.

**Marla Miller**- Wanted to thank Ray Johnson, Public Works, for his help in taking care of an issue quickly today.

**Jim Jackson** – Owner of North End on Pearl, who also represented Laura with Macaluso’s Restaurant, spoke in favor of extending restaurant and bar hours to midnight for outdoor seating within the commercially zoned district of Ruston.

**BUSINESS** –

**Pierce County Councilmember Robyn Denson- District 7** – Was pleased to have an opportunity to join a Ruston City Council meeting and present an introduction. Councilmember Denson serves the communities of Gig Harbor and Key Peninsulas, Islands, and parts of North and West. Before being elected to represent the 7th District on the Pierce County Council, Councilmember Denson was honored to serve as a Gig Harbor City Council member. Prior to that, she served four terms on the City Parks Commission.

Councilmember Denson shared her focus on community and public service and noted that District 7 needed strong representation by someone who has local government experience, strong relationships in all of the different communities/levels of government and who approaches things from a non-partisan, community-benefit standpoint. Councilmember Denson was honored to represent the City of Ruston, and thanked Council for the invitation to attend.

**ORD 1568 – New Chapter 18.06 RMC – Grant Program for Undergrounding Power (2<sup>nd</sup> Reading)** – The City of Ruston has long been engaged in a long-term effort to underground its utilities. As the electrical utility provider, Ruston has been working to move its distribution lines underground in order to increase electrical reliability to the residents and businesses in Ruston and to make the streets safer and more aesthetic by removing power poles in City right of way. By moving City electrical lines underground, the communications and cable providers in Ruston (Comcast and Century Link) are also triggered to move their lines underground which then allows Ruston to remove the utility poles. This creates significant benefit to Ruston Power and to the residents and visitors to the City of Ruston. In addition, whenever new structures are built or major renovations occur, those property owners are required to install conduit for placement of future electrical utility lines when the abutting corridor is undergrounded by the City. The City estimates that approximately fifty percent (50%) of all properties in Ruston currently have either underground power or have conduit ready for placing lines underground when the aerial lines adjacent are removed. Ruston Power has funded various conversion projects over the years. When the City undergrounds its power, customers whose residences are served by the power lines being moved underground are required, in accordance with RCW 35.96.050, to underground their lines at their own expense from the meter to their residence. If a homeowner fails to timely move their lines underground, then that home is disconnected from electrical service at the end of the notice period. Although only required to provide 90 days' notice, the City has typically provided advance outreach followed by one-year advance notice to allow residents to plan for and complete the work. To date, every resident who has received the notice has met this deadline. The cost to perform this undergrounding is typically several thousand dollars (\$5,000-\$10,000 but maybe more depending on lot configuration). Even with significant advanced notice, there may be residents who do not have the means to underground their lines, in which case these residents would face being cut off from having electric power to their homes. In accordance with state law, the City is permitted to provide reduced rates and create programs by ordinance to assist low-income customers with the costs of utilities. There are some Ruston homeowners who have household incomes that are at or below 80 percent of the Pierce County Area Median Income (AMI). These homeowners may have difficulty in paying for the undergrounding of electricity to their homes when required to do so. This Ordinance creates a grant program to assist homeowners with household incomes at or below 80 percent AMI with the undergrounding expense. This Ordinance also sets forth the standards for eligibility, application requirements, and procedures for disbursement of grant proceeds. The grant proceeds are capped at either the cost of the project to place lines underground or at \$7,500,

whichever is less. However, Council may set the maximum grant at whatever level it deems appropriate. Further, the grant program may be suspended if it is not funded by the City Council in the future. The maximum grant award is proposed at \$7,500 and would not be disbursed until after the work is completed. It is anticipated that there is unlikely to be more than three to five households eligible each year who would obtain grant funding under this program. These grant amounts can be funded out of existing funds in the electric utility accounts. Councilmember Hedrick moved to pass ORD 1568, with a second from Councilmember Kristovich, passed 4-1.

**RES 768 – 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. 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 any changes since last June as well as the movement of projects which have been funded. The City issued a SEPA Determination of Non-Significance on May 18, 2023, and the comment period has now passed. The resolution adopting the 6-Year TIP may be approved following the public hearing which will be held on June 20, 2023. The draft TIP was being presented to the Council for consideration and discussion, 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 2024-2029 TIP project list on June 20, 2023 after which time the Council may adopt the updated TIP. The deadline for adoption is June 30, 2023.

There is no direct fiscal impact of adopting the 2024-2029 Transportation Improvement Program. However, the projects listed on the TIP become eligible for federal and state grant funding. Councilmember Hedrick questioned how the TIP aligned with Tacoma and Metro Parks. City Planner Rob White has attempted to secure a meeting with Metro Parks several times without success. Councilmember Hedrick shared he would assist in securing a meeting. Councilmember Jensen thanked Mayor Hopkins for bringing the TIP before Council for discussion and shared resident concerns related to one way travel on Park Avenue.

**CLAIMS & PAYROLL** – Councilmember Hedrick moved to approve Claims for June 6, 2023, Payroll for May 20, 2023, and Payroll for June 5, 2023, with a second from Councilmember Kristovich, passed 5-0.

**MAYOR'S TIME** – Mayor Hopkins addressed Resolution 1560, which was brought before Council in first and second readings in September 2022. At that time there were sixteen residents against Ordinance 1560 and there was no representation from the business district. Mayor Hopkins noted he would look to Council if they wished to reintroduce Ordinance 1560 and would get back to with next steps. Mayor Hopkins addressed solar energy and that Ruston was able to support solar power. The current metering system cannot buy back energy but could provide energy credits. Solar installations would require permitting and L&I inspection. While Point Ruston is in litigation, Ruston legal counsel advised the City to suspend any meetings with Point Ruston until they pay their property taxes. EPA has issued a collection letter to Point Ruston for overdue oversight bills and the Department of Justice is now involved. Point Ruston was passing oversight costs to the homeowners at Point Ruston. EPA reviewed the movement of soil at the construction site located on Commercial Street. The contractor is working with EPA and the City to resolve the movement of more than 100 yards of soil. The Winnifred Street Bridge is due for its two-year inspection with the costs of inspection passed on to the City. The Tacoma Summer Blast will have road impacts in the City of Ruston. Mayor Hopkins noted that Ruston Police and Fire were prepared to handle the impacts with road closures and public safety services.

**Councilmember Hedrick** – Shared how much his family enjoyed the North End on Pearl where his kids could play pool. Councilmember Hedrick noted he would be open to re-examining Ordinance 1560. Councilmember Hedrick thanked Mayor Hopkins for his efforts on the Point Ruston development and the payment of property taxes. Councilmember Hedrick invited everyone to join the best annual City of Ruston 4<sup>th</sup> of July Bicycle parade to be held a noon at 51<sup>st</sup> and Winnifred Street.

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

**Councilmember Syler** – Was willing to revisit Ordinance 1560.

**Councilmember Huson** – Shared his thoughts on the 4<sup>th</sup> of July Summer Blast recommending the City close 51<sup>st</sup> Street completely, between 6pm and 2am, as it was not the City of Ruston's problem on what happens to all the traffic when everyone tries to leave Point Ruston. Councilmember Huson spoke to the costly inspection of the 51<sup>st</sup> Street Bridge, with the cost passed down to the City, recommending the City close the bridge to vehicles and to be used for bicycles and pedestrians only. Councilmember Huson shared that most residents did not use the bridge and that it was primarily used by people who want to cut across into Tacoma. Councilmember Huson

addressed the construction on Commercial Street and the movement of soil, stating the responsibility should be the owners who should read their building permit conditions more closely. Councilmember Huson discussed Ordinance 1560 and the vote in September 2022 and the many residents voicing their opposition to the extension of hours, with no representation from the business community in favor of Ordinance 1560, at that time. If the business district wished for Council to revisit the extension of hours Councilmember Huson instructed them to send a email to each councilmember for consideration.

**Councilmember Jensen** – Thank the business district for coming out to discuss Ordinance 1560 and was fine to revisit the extension of hours again. Councilmember Jensen wanted to remind everyone that Ordinance 1560 did not close the restaurants and bars at 10 pm, just outdoor seating, and was to protect residents from excessive noise. Councilmember Jensen shared that City of Tacoma measured noise in decibels. Councilmember Jensen stated Ruston was one mile by one mile big and that our residential and commercial zones were close in proximity. Councilmember Jensen thanked Pierce County Councilmember – District #7 Robyn Denson for taking time to tour Ruston and joining the Ruston Council meeting tonight.

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Mayor Bruce Hopkins

ATTEST:

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Judy Grams