

**CITY OF RUSTON
REGULAR COUNCIL MEETING**

Tuesday, September 19, 2023

MEETING CALLED TO ORDER

At 7:01PM 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 September 5, 2023, with a second from Councilmember Kristovich, passed 5-0. Councilmember Jensen moved to amend the regular Council Minutes of September 5, 2023 to include Maryanne Bell’s comments in the Public Comment section, to include Stephen Hopkins – Murrey’s Disposal Garbage Rate worksheet and amend language to Councilmember Jensen – Request to Create a City Volunteer Program Discussion to include “Councilmember Jensen offered to draft legal documents for review by the City Attorney to save costs. The Council supported getting a program started” and strike “rather than formalizing a program”. Councilmember Hedrick moved to table the Regular Council Meeting minutes of September 5, 2023 to next the next Council meeting of October 3, 2023, with a second from Councilmember Kristovich, passed 5-0.

STAFF REPORT –

Ruston Police Chief Bautista – See attached.

Ruston Fire Chief Allen – See attached.

GENERAL PUBLIC COMMENTS –

Karen Hirshman – Ruston Design Studio – Was happy to be part of the Ruston Community as a business owner and a tenant at the Ruston School. Ms. Hirshman invited everyone to come by Ruston Design Studio after the Council meeting for a tour and cookies. Ms. Hirshman joined the Ruston Point Defiance Business District and was happy to announce the annual North Pearl Wine Walk on Sunday, October 8, 2023 from 1-5PM, inviting the community to participate.

Kevin Moser – Was not in favor of Ordinance 1570 as it was written. The current language presented a sticky wicket as it related to residents who express a wish to alter, maintain, or remove trees in City rights-of-way, which adjoin residential property, for the purpose of improving views or reducing the trees’ impact on their property. Mr. Moser recommended language be changed from “City owned property” and striking “City rights of way”. Mr. Moser recommended the Council to send this ordinance back for revisions or that it moves to the Planning Commission for their consultation.

Mr. Moser recommended the current language be revised or suggested the initiative be moved to the Planning Commission for their consultation.

Ginger Kryger – Was not in favor of Ordinance 1570 as it was written and agreed with Mr. Moser’s comments. The Ordinance, as written, did not address tree maintenance but instead it spoke to tree removal. These are two separate issues and need to be addressed separately. Ms. Kryger agreed this initiative should go to the Planning Commission for review. Ms. Kryger read the ordinance thoroughly and suggested striking the word removal from the ordinance. No tree in the City should be removed. If a tree needs to be removed, it should be replaced within eighteen months of removal from property or parks, not two years. If the resident goes past that there should be subject to a penalty. Ms. Kryger noted that tree topping should never be allowed. Ms. Kryger was most concerned about the Winnifred Street median, which was designated as a City park. Her concern was that a resident could request to cut down a tree in the Winnifred median, to preserve their view. Ms. Kryger noted there was an appeal process in place for the applicant but there was no appeals process for the public in general. Any request to take down a tree should be publicly posted and should allow for a public appeal process.

BUSINESS –

ORD 1570 – Permit for Alteration of Street Trees – 2nd Reading – The City of Ruston has a number of trees along its roads and rights-of-way, some of which adjoin the private property of Ruston residents. From time to time, residents have expressed a wish to alter, maintain, or remove trees in City rights-of-way which adjoin residential property for the purpose of improving views or reducing the trees’ impact on their property. Instead of having informal requests, the City may create a permit process which will allow private individuals to maintain aesthetic appeal and standards of street trees within the City of Ruston under specific conditions if such action is consistent with the public interest. The attached Ordinance creates a new code, Chapter 14.11, to regulate the alteration, maintenance, and removal of street trees, requiring residents to apply for and receive a permit if they wish to alter, maintain, or remove a street tree. If granted, this will allow residents to bear the costs of alteration, maintenance, removal, and replacement of street trees, resulting in cost savings to the City. The key components of this ordinance include the following:

1. Issuance of a permit is solely in the City’s discretion as it involves alteration of the City’s property;
2. Only Ruston residents are eligible to apply for this permit;
3. If a tree is altered or replaced, it must be done or overseen by a certified arborist;
4. The tree plan must be prepared by a certified arborist;
5. Any trimming, alteration or replacement must be performed on all street trees on the block to maintain a uniform appearance; and
6. The applicant must have insurance, bonding, and indemnify the city, including replacing any replacement trees that die within 24 months.

The City would need to add this permit to its Master Fee Resolution to ensure full cost recovery for the City. In addition, to the extent this results in private individuals performing maintenance work on City trees, it may save the City these maintenance costs. Mayor Hopkins provided an overview of Ordinance 1570 and the need to memorialize a process when dealing with trees in the City right of way. Councilmembers discussed this ordinance and understood there was a need for revisions to better define the ordinance or take this initiative to the Planning Commission for their consideration. Councilmember Hedrick – Noted there were many issues that are not addressed in Ordinance 1570 and recognized it required additional review and moved to send to Planning Commission for their review. Councilmember Syler – Concurred with members and the public who voiced their concerns. Councilmember Syler agreed there were two separate issues and they should be addressed separately. Councilmember Huson – Recognized many issues. BNSF property was their property and they could do whatever they wished with their property. BNSF property has nothing to do with the City of Ruston. Councilmember Huson did not want another layer of bureaucracy by adding a permit process; did not agree with topping or cutting down trees unless the tree presented an immediate hazard or was diseased, which would require a certified arborist assessment. Councilmember Huson addressed those who wished to top or cut trees in order to preserve their views, stating that if they did not own the land on which the trees were blocking their views, they had no right to top or cut those trees down. Councilmember Huson would not vote on anything that involved a permit process as the City already has issues with code enforcement. Councilmember Huson would vote no on any pruning or removal of trees. Councilmember Jensen – Agreed to move Ordinance 1570 to the Planning Commission for their review. Councilmember Jensen noted the Planning Commission currently had a huge project on their table and that this would be the perfect time to give them some help by bringing back the tree committee. With the budget experts in the room perhaps the City could reinvigorate the tree committee, which may be a good way to address long-term goals with trees moving to parks, and assisting the Planning Commission with creating a park plan. It would be a good excuse to gather volunteers to help the Planning Commission. Councilmember Huson questioned why Ordinance 1570 should go before the Planning Commission asking if there was a certified arborist, a landscape architect, or a nursery professional on the Planning Commission. If not, the Planning Commission had no business discussing removal or pruning of trees. Councilmember Hedrick moved to table Ordinance 1570, with a second from Councilmember Kristovich, passed 5-0.

ORD 1572 – Repeal of Chapter 1.12 RMC Personnel Policy Manual Update (1st Reading) -

The City has expressed an interest in recognizing Juneteenth as a holiday for City employees. As proposed, this will replace the Columbus Day holiday. In order to implement this change, an update to the City’s personnel policy manual is required. The most recent update was on March 15, 2022. At that time, the City adopted a new personnel policy manual by adoption of Ordinance No. 1557. Section 3 of Ordinance No. 1557 specified that it was not to be codified as it was for internal use only. Unfortunately, the code reviser codified Ordinance No. 1557 notwithstanding Section 3 of the Ordinance.

Therefore, in order to update the manual, repeal of Ordinance No. 1557 and Chapter 1.12 of the Ruston Municipal Code is recommended. In addition, in order to avoid issues in the future, the personnel policy manual will be adopted by City Council Resolution going forward. This Ordinance was on for First Reading. The resolution adopting the updated personnel policy manual will come forward on October 3, 2023 when Ordinance No. 1572 is on for Second Reading and Action. Councilmembers discussed Ordinance 1572 and determined there was a need to understand the difference between state holidays versus the City of Ruston approved holidays before implementing this ordinance. Councilmember Syler and Councilmember Huson were in favor of adding Juneteenth and not removing Columbus–Indigenous Persons Day. Councilmember Jensen would like to see Juneteenth be added as long as it matched the state holidays. Councilmember Huson suggested we could remove both holidays.

ORD 1574 – Ruston Criminal Code Update (1st Reading) – The Ruston criminal code has not been updated in many years and was in need of housekeeping amendments as well as a general update. State law permits the City to adopt by reference sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes. In 1989 and 1990, the City Council adopted Ordinance Nos. 835 and 848 (codified as Chapter 9.20 RMC) which adopted by reference many different sections of Washington state statutes which constitute misdemeanor and gross misdemeanor crimes. In addition, some portions of the code are dated prior to those years. These were adopted under RCW 35.21.180 which was applicable to Towns. Since the adoption of the City’s criminal code, the Washington State Legislature has crafted new crimes, renumbered RCW sections, and repealed some statutes. Therefore, in order for Ruston to continue to prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, the City must readopt Chapter 9.20 RMC to capture new state-created misdemeanor and gross misdemeanor criminal offenses added since the criminal code was adopted over 30 years ago. In June of 2023 the State passed new legislation known as SB 5536 (also known as the “Blake Fix”) which occupied the full field of regulation of drug paraphernalia and therefore, the City’s drug paraphernalia code needs to be repealed. Finally, the City does not have anti-camping regulations. This ordinance includes such regulations which are consistent with recent controlling federal case law. This Ordinance has been reviewed by the Police Department and the Department is supportive of this update. Councilmember Jensen stated that there was a lot to review and understand and did not feel there was enough time to digest it all. This ordinance adds thirteen new code offenses and wondered why these were specifically targeted. Councilmember Jensen felt that if these new codes are added then the City should go back and clean up other sections of the code that are old and require updating. Mayor Hopkins explained that a total cleanup of code would be significant and expensive. The City Attorney reviewed other municipalities and determined the proper updates in accommodating the thirteen new codes. Councilmember Jensen recognized that the attorney wrote the law for the City however needed to fully understand it before approving ordinances. Mayor Hopkins would invite City Attorney Robertson to join the next meeting to better explain to Council Ordinance 1572.

RES 771 – Master Fee Update - The City updates its Master Fee Resolution from time-to-time. This occurs generally once per year with an effort made to consider these fees contemporaneously with the budget. The last update was December 7, 2021 with the adoption of Resolution #736. On September 19, 2023, the Council will consider adopting a new Chapter 14.11 to the Ruston Municipal Code to address alteration of street trees and creating a new permit programing. Fees for this program also need to be established. In addition, due to the high level of inflation, all fees will be increased by 8 percent (rounded to the nearest whole dollar) to account for increased costs. The updated fees will support the services provided and keep up with the City's increased costs. Councilmember Hedrick moved to approve Resolution 771, with a second from Councilmember Kristovich, passed 5-0.

PAYROLL – Councilmember Hedrick moved to approve Payroll for September 20, 2023, with a second from Councilmember Kristovich, passed 5-0.

MAYOR'S TIME – Was delighted to introduce Laurie Cassell as the new City Clerk, coming on board in December 2023. Mayor Hopkins provided an update on the TIB grant Chip Seal project on Court Street, noting the product used was much better than what was used on Rust Way project. Mayor Hopkins noted that City staff had been fielding inquiries from potential bidders on the Point Ruston properties located in Ruston. One of the Point Ruston lenders, Terra Cota, has foreclosed and been placed in receivership. Last week another lender, Aure III, received a judgement against Point Ruston in the amount of \$87 million while TerraCotta's outstanding debt was listed as \$73.8 million. This project has some significant uphill battles ahead.

Councilmember Hedrick – Thanked Councilmember Jensen for finding an old law that requires updating. Councilmember Hedrick met with Joe Beck on Thursday to discuss strategies about street racing at the Point Ruston development and collaboration efforts between Tacoma PD, Metro Parks and City of Ruston PD, related to public safety at the Point Ruston development. The homeowners of Point Ruston have secured private security. Mr. Beck was complimentary of the Ruston Police Department.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Appreciated the Ruston Police Department and supported the Fire Department's need for bullet proof vests. Councilmember Syler asked Chief Allen to research pricing and bring it forward to Council for consideration.

Councilmember Huson – Nothing at this time.

Councilmember Jensen – Agreed with Fire Chief Allen's request for bullet proof vests as a safety measure when on a first responder call.

Councilmember Jensen reminded everyone of the City Council Retreat, which was held in May. The City Attorney prepared the final report and Councilmember Jensen made copies for anyone interested in reading the outcome of the Council Retreat. Councilmember Jensen placed a copy in the Council section of the Ruston website for public viewing. Councilmember Jensen has taken the initiative and posted Council Minutes to the Ruston website and City newsletters will be posted next.

MEETING AJOURNED – At 8:02PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Kristovich, passed 5-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday, September 19, 2023**

In a previous 28 days period (Aug 17- Sept 14), the Department recorded 281 calls for service, 120 of which were traffic stops. A breakdown comparing the percent of change from the same period in 2022 is shown below:

<u>Calls/Service (non-traffic)</u>	<u>2023</u>	<u>2022</u>	<u>PERCENT OF INCREASE</u>
	281	215	31%

<u>Traffic Stops</u>	<u>2023</u>	<u>2022</u>	<u>PERCENT OF INCREASE</u>
	120	73	64%

Enforcement Rate: 76%

The Department practice of high volume traffic stops during our peak months is designed to reduce the incidents of racing ordinance violations and provide high police presence to deter criminals from frequenting our City.

Traffic Stops January 1 through August 15:

2023 - 930

2022 - 445

Percent of Increase: 109%

Calls for Service (non-traffic stop) January 1- August 15:

2023 - 1322

2022 - 998

Percent of Increase: 25%

According to courts.wa.gov, there are 22 police agencies in Pierce County. Removing the 4 largest (Tacoma, Lakewood, Pierce County, and Puyallup), we can compare Ruston PD to the remaining agencies in total Court Caseloads (misdemeanor, infraction, civil penalties, parking) January 2023 through June 2023:

1. DuPont 1065 (this total includes infractions from 2 traffic light cameras installed this year)
2. Bonney Lake 802 (includes one traffic light camera)
3. Ruston 793
4. Fircrest 769
5. Buckley 564
6. Fife 327 (*18,200 is the actual reported number but it includes traffic light and/or speed cameras)
7. Edgewood 303
8. Gig Harbor 284
9. Orting 253
10. Milton 252
11. University Place 179
12. Steilacoom 172
13. Eatonville 106
14. Roy 60
15. Wilkeson 41
16. South Prairie 14
17. University Place 4 (Unknown why reported twice in caseload)

Random Fact:

Between January 1st and June 30th of this year, **112%** of all violators received a criminal citation and/or traffic infraction.

Prepared by Nestor Bautista

Ruston Fire Department Monthly Review for August 2023

Tuesday, September 19, 2023

Presented by Chief Bruce Allen

Total Incidents (YTD) 127, August 24 (8 Fire/Service, 16 Medical Aid)

Volunteer Hours: August 2104 Hours, YTD 11,694 Hours

Membership Roster (23 out of 25): (19 Members, 4 Officers)

State of the Business

- We have surpassed last year's call volume (130) as of September 9th.
- After this past weekends call, I'm thinking we need to do something about better **BULLET PROF VESTS**, for our department.
- Fire inspections are moving along nicely.
- Engine 339 passed its annual pump test.
- We will need to replace our stretcher soon now that we are transporting.
- All fire tools are fully operational.