

**CITY OF RUSTON
REGULAR COUNCIL MEETING**

Tuesday, July 16, 2024

MEETING CALLED TO ORDER

At 7:04PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Syler and Councilmember Huson. Councilmember Jensen and Councilmember Holland were excused. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Syler, passed 3-0.

MINUTES - Councilmember Hedrick moved to approve the minutes for the regular Council Meeting of July 2, 2024, with a second from Councilmember Syler, passed 3-0.

STAFF REPORT –

Ruston Police Chief Bautista – See attached.

Ruston Fire Chief Allen – See attached.

GENERAL PUBLIC COMMENTS –

Doug Hammond – Commented on the horrific noise coming from the development and recommended that a police cruiser be placed at the roundabout as a presence and to deter this type of activity. Mr. Hammond wanted to know if there was still an opportunity to place an EV station in Ruston and any available grants that could support this project.

Maryanne Bell – See attached.

Mollie Donoghue - Commented on the traffic concerns during the 4th of July fireworks and cars driving without their lights on down Bennett Street. Ms. Donoghue recommended closing Bennett Street to car traffic at a certain time in the evening at next year's event.

BUSINESS –

RES 796 – MB Electric Contract Undergrounding Project - The City is in the process of undergrounding electrical distribution lines as funding becomes available. 49th Street is next location the City desires to underground the electrical lines. Using the small works roster process as adopted by the City under the small works roster bidding process, the City solicited bids from qualified contractors who are on the MRSC Small Works Roster. MB Electric LLC was determined to be the lowest responsible bidder with a bid of \$170,000.00, tax not included. The bids received were:

Bidder	Contract Price
MB Electric, LLC	\$170,000.00 (tax not included)
Tercom Construction, Inc.	\$481,507.40 (tax included)
Cannon Constructors, LLC	\$532,630.00 (tax included)

A copy of the scope of work, project plan set, and the bid are both attached to the public works contract. MB Electric, LLC has executed the City's contract, and the Mayor seeks authorization to (1) award the bid to MB Electric, LLC; and (2) execute the contract on behalf of the City. The maximum contract price is of \$170,000.00, tax not included. Councilmember Hedrick moved to approve RES 796, with a second from Councilmember Syler, passed 3-0.

CLAIMS/PAYROLL – Councilmember Hedrick moved to approve Claims for July 16, 2024 and Payroll for July 5, 2024, with a second from Councilmember Syler, passed 3-0.

MAYOR'S TIME – Mayor Hopkins addressed EV charging stations in the City of Ruston. The City is in the evaluation process, looking at demand, location, cost and maintenance. Mayor Hopkins agreed that traffic and noise is a huge concern and will continue to work with the Ruston Police department on ways to mitigate this issue. Point Ruston lender, TerraCotta's attorney, asked Mayor Hopkins to write a letter to EPA regarding the Department of Justice's position regarding all the building that has or has not taken place at the Point Ruston development.

Councilmember Hedrick – Wanted to give Ruston Police and Ruston Fire departments his heartfelt thanks for keeping the City safe during the 4th of July festivities. Councilmember Hedrick has stayed in contact with Joe Sharkey and family, who were victims of the Ramey arsons. The psychological impacts and hardship for their family have been difficult through the past years. Councilmember Hedrick was happy to hear about the recent Ramey conviction and hoped it would help the Sharkey family move forward, breaking ground and building their new home in Ruston.

Councilmember Syler – Addressed the Ruston Police department's need for new vehicles and questioned, now with the new speed limit changed to 20 miles per hour, could this cause vehicles to overheat. Councilmember Syler suggested the City place one new vehicle into this year's 2025 budget, then add one car each year thereafter, and evaluate the need to drive police cars home, to manage the high cost of purchasing new police vehicles.

Councilmember Huson – Commented on the 4th of July festivities and the traffic issues that come through Ruston. For years Councilmember Huson has suggested the need to close streets after a certain time in the day and divert all traffic through the City of Tacoma. Councilmember Huson suggested the City issue residential parking permits. Councilmember Huson noted the 4th of July event does not hold any benefit for the City of Ruston. Councilmember Huson reminded everyone the Ruston Car Show will be held on Saturday, August 24th from 9AM-3PM on Winnifred St.

Councilmember Jensen – Was excused.

Councilmember Holland – Was excused.

MEETING AJOURNED – At 7:44PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Syler, passed 3-0.

Mayor Hopkins

ATTEST:

Judy Grams



**Chief's Report
Ruston Police Department
Tuesday, July 16, 2024**

No 911 were made within the City of Ruston on the Fourth of July. This is astounding as it is unusual for Ruston to have no 911 calls on any given day. Thousands of event-goer's and their vehicles pass through and park within Ruston on this day, and since 2022 this Fourth of July was the second time there were no 911 calls.

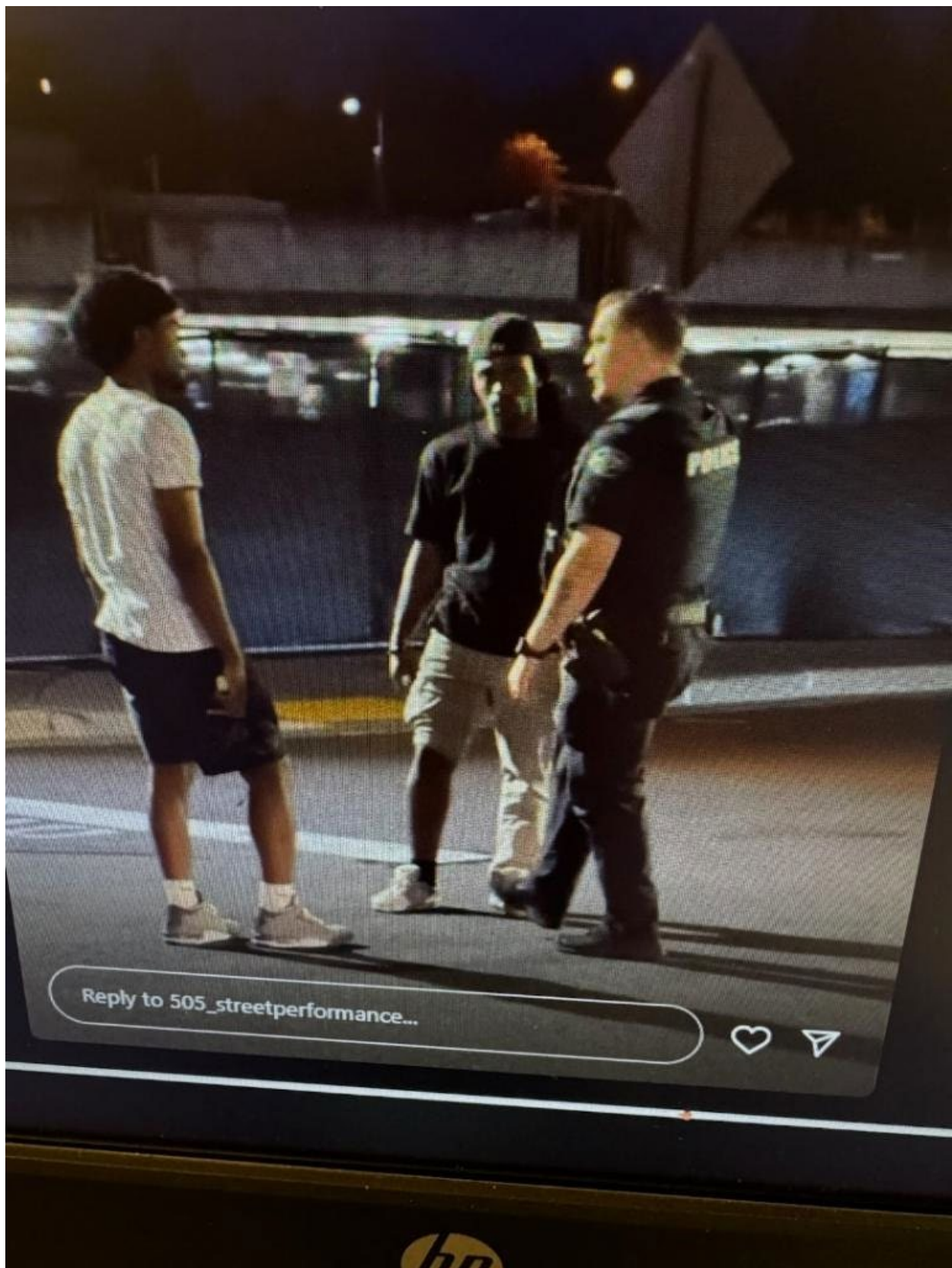
Sarah Jane Ramey set a string of fires in the Puget Sound region between late December 2021 and late January 2022, two of them resulting in fatalities. Ramey was charged in February 2022 with 1st degree murder, 2nd degree murder, and 17 counts of arson. Last week, Ramey was found guilty of first-degree murder and all but three of the arson counts. She was also found guilty of burglary, identity theft and theft of a motor vehicle.

The most impacted Ruston family was the Sharkey family, whose house was a total loss and could have easily resulted in their deaths. I was recently in contact with Mr. Sharkey and they hope to break ground on their rebuild sometime this summer.

While conducting a technique called a "social contact," which is an intentional act to ascertain a person's intentions without grounds for detention, Corporal Wayne Lake identified Sarah Ramey as she sat in a vehicle at the credit union for no apparent reason. Using available residential video from one of the arsons, Corporal Lake immediately identified the suspect as Sarah Ramey and notified BATFE arson task force. This information was the critical piece needed to allow investigators to conduct surveillance on and link the forensic evidence to Sarah Ramey.

In late 2017, the Department purchased three 2018 Dodge Charger patrol cars. As I previously reported, these three and two of 2016 Ford Explorers are past the mid-life cycle and I expressed my concern for impending major component breakdowns and repair cost. This week, we learned that one Dodge Charger is in need of a new motor and will cause \$10k-\$12k for replacement.

We are already looking for the most efficient replacements for these two generations of the fleet and we estimate the 2016's will need replacement within the next 18-20 month, with the 2018's following soon thereafter.



Prepared by Nestor Bautista

Ruston Fire Department Monthly Review for June 2024

Tuesday, July 16, 2024

Presented by Chief Bruce Allen

Total Incidents (YTD) 90, June 20 (4 Fire/Service, 16 Medical Aid)

Volunteer Hours: June 1807 Hours, YTD 11,329 Hours

Membership Roster (23 out of 25): (20 Members, 3 Officers)

State of the Business

- Patient billing is almost up and running, we got the final approval from Medicare/Medicaid.
- 3 out of 4 members have passed their National Registry for their EMT.
- Aid 33 is in the body shop having the front door hinges reinforced.
- 4th of July didn't generate any calls for service.
- All fire tools are fully operational.

Good Evening Mayor and Councilmembers – My name is Maryanne Bell and I live on Commercial Street.

Last weekend was the **annual STP (Seattle to Portland) Bicycle Ride** and I know at least one Ruston Resident who not only completed the ride, but did so on his 70th birthday. This person would like to stay anonymous – he's in the audience today. **So Congratulations to you!**

Next I would just like to **clarify for the record the Minutes of July 2nd, 2024**. It is stated in the Minutes that a Councilmember was displeased by a word (which I will not repeat because it is offensive) which was used in public comment by a resident. The only person who used that word, several times, was a Councilmember and not a member of the public.

Next: I had some questions on the **City's Standard form Contract template warranty language** which I sent on email to Mayor and the City's Legal Counsel, It concerns the default one year term for both workmanship and materials warranties. I suggested that the term of both warranties should be left blank for **customization depending on the scope of services** since a one year materials warranty on a roofing contract would be out of the norm, whereas workmanship warranties are typically shorter but depending on the work like crack sealing could be longer since it may take several freezes to see collapse from improperly filled cracks.

Next: I am also concerned that the winning bid from **EB Electric on the Undergrounding Project on N 49th ST** was so far below the next highest bids that I thought it needed looking into to determine how it is possible for this contractor to come in almost 70% below the next highest bid. (For e.g. if I was doing a kitchen remodel and if all the contractors came in above \$50,000, I would be hesitant to contract with a remodeler who came in at \$10,000 because I would want to know, all other things being equal, including a legal requirement to use labor at the prevailing WA wage rate, how it was possible for such a differential to exist in pricing their contract.

Next: I have the following questions on **the GMA and the Future of Ruston's Vacant Parcels Development at Point Ruston** since the Draft Supplemental Environmental Impact Statement being prepared by Tacoma is calling for **1,000 additional residential units on 5 vacant Ruston parcels down at the Point.**

I understand, and please correct me if I am wrong, that the GMA, **the Growth Management Act** is forcing a rezone of **single family lots** to allow up to 2 ADUs, and up to 4 and 6-plexes depending on the size of the lot. But I am not sure what the impact of the GMA is on the Point Ruston Parcels?

1. On the issue of the proposed **1000 additional residential units on 5 Ruston parcels** referenced in the draft SEIS – **are you open to resident questions, discussion and input?**

Architectural standards and quality are not really the issue. The issue is the high number of additional units. **1,000 condo** units, **2000** or more additional residents, and up to **2,000** or more additional vehicles. **Physical density. And more than 60% of property tax value – sufficient to outvote us on annexation and other important voter approval required issues.**

1. But do you know if the GMA, or any other law mandates any city, let alone a city as small as Ruston, to triple its entire housing stock in the next 5 to 10 years, even on large vacant parcels?

2. Is it safer to encourage multiple developers or rely on one developer to develop all 5 parcels? I know to a certain extent it is up to the Receiver, but hopefully there will be more than one bidder on our 5 parcels.
3. Is Ruston now, after the Developer's bankruptcy, a free agent to negotiate terms on development agreements with future developers or are we still somehow legally bound to the abandoned commitments of Point Ruston LLC or a Master development plan with a defaulting developer? What room is there for renegotiation with new developers?
4. What percentage of the anticipated 1000 units will be luxury, missing middle vs affordable housing types?
5. Aren't there legal requirements mandating a variety of housing types at the Point so they cannot all be luxury condos? I have not seen any such variety on the Tacoma side.
6. Is the City of Ruston open to considering a **smaller** scale development on Point Ruston? I understand the EPA will not allow basement parking anymore, so even a scaled back project of say 500 residential units would mean close to 1000 more parking spaces before accounting for businesses, retail and employee parking.
7. Will you be seeking resident input on the **scale** of the development since someone mentioned the last time resident input was sought was in 2008 – 16 years ago?
8. How is Ruston planning to fund the inevitable overhead expenses of keeping up with a major construction project down at the Point simultaneously with organic growth uphill? *(4 new single family homes on Commercial Street, 4 plex on 49th and 5 Townhomes on Bennett and many more years in permitting.)*
9. Has Terra Cotta asked for MFTEs or do you think they will ask for it further down the road when we are locked into commitments? It looks like the Copperline property tax abatements are up this year but the Baker and others are still ongoing. I have seen million dollar condos paying anywhere from \$600 to \$1100 PER ANNU in property taxes. Sweet deals but not for the City.
10. Where is Terra Cotta getting their funding from? Do the remediated parcels still qualify for EB-5 Foreign investment funding? I understand the investment levels have doubled from \$500k to \$1 million **per investor** but it still requires 10 jobs per investor. I haven't seen those 10 jobs per investor on the Tacoma side since the unpaid construction crews left.
11. How does Ruston avoid being left high and dry by another developer the way Tacoma and the EPA were? Are performance bonds and guaranties typical for this scale of project? How did Tacoma allow \$14 million in debt to accrue? Short of Work Stoppage, what options are there for a defaulting future developer in Ruston?
12. Where is contamination supposed to be transported to for offsite burial by future developers? I know the number quoted for repeat remediation and offsite disposal by EPA is \$6 m or \$8m, on top of their

\$32 million lien. But which Contamination burial site in Washington has that kind of capacity? If the Washington sites are overcapacity and the contamination has to be sent to Oregon, isn't that a huge financial risk for the new developer and the City of Ruston?

13. Even without property tax abatement, it will be years before Ruston sees any property tax revenue. What financial reserves or cushion do we have to handle the unexpected expenditures of managing a billion dollar development? Even Tacoma raised funds to handle infrastructure and is left holding a \$14 million debt. (I also ask because we seem to have budget deficits for a well-publicized, and **anticipated** annual 4th of July traffic event.)

BTW, Please don't shut down our roads for the 4th of July – we will never recover from the TNT's bad press the next morning; and will be labeled "UNPATRIOTIC"; not to mention it could be dangerous to trap so many cars down there with the only escape route being one lane on Ruston Way. Also, the longer it takes to steer and clear traffic to Ruston Way – the longer the hours our staff will have to be on duty to block Baltimore and 51st street and the angrier the crowd our police will be exposed to. It is self-defeating. I also think it is mean spirited on such a beautiful celebratory day, even if we warn Tacoma ahead of time and they notify the public.)

14. Some residents are strenuously opposed to the 4 plex at the end of 49th ST; others have been negatively impacted by the 5 townhomes on Bennett. How will they respond to the plans for the 5 parcels at the Point if they feel they were not given an opportunity to be heard? Not all residents were here in 2008.
15. When Tacoma failed to annex the Ruston parcels in 2018 and got an ILA for permitting instead – didn't they actually get a better deal? I mean they got all controls that came with annexation but none of the liabilities? They got to use Ruston as the dumping ground for excess contamination from their and Metro Parks' parcels; they got to move their EPA liens over to Ruston parcels; they even got to use up all the density and max out their side of the Development leaving us with nothing but onsite containments, and liens. And now, their property taxes are finally starting to trickle in.
16. **What if we turned the Tables on Tacoma?**

What if we renegotiated the ILA to subcontract the Ruston development back to Tacoma, let them continue permitting control **but ADD ON:** responsibility for all overhead SERVICES for both sides of the Point – Tacoma police/Tacoma fire/Tacoma EMS on first base at their cost – our staff can support them as needed; they implement our RMC and Comprehensive plan, they deal with all the developer headaches, loan defaults, stop work orders, they deal with the EPA and get them off our backs, they fund infrastructure, basically they function like a hired Project Manager with broader responsibility; unless we have a major dispute which goes to our Mayor and their City Manager, and Mayor has the final say.

Why would Tacoma agree to that? Because we will cut them in on future property tax revenues but only on revenue we actually receive – for every dollar we get, they get X cents. Make it a long term agreement – 20 – 30 years or shorter with renewals. It takes the Development financial and services risk off of Ruston; risk Tacoma can afford better than we can; and it is **guaranteed income for both cities**. It's what they wanted financially through annexation from the start – didn't they promise to pay us **a stipend in perpetuity** to ensure our survival as a city. Mathematically it ends up being almost the same deal. Except Ruston gets the lions share of property tax revenue instead of a pithy

stipend of course. It's also not legal annexation. It's another intercity agreement. We subcontract to them -except we have the final word on disputes.

My personal preference, **to the extent anyone is interested**, is I, personally, would like to see a much more scaled back development of about **500 units** with more public amenities, skateboard parks (to get the skateboards off the promenade), bicycle only lanes, sports courts, walking trails, a clubhouse and recreational amenities especially for elderly residents who may have mobility issues. **Most of the wealth in America is held by the elderly so we need to leverage that and cater more to them.** I am already there and most of us will be there in the blink of an eye.

I do not want to be a **NIMBY** (not in my backyard) or an “**I’ve got mine, you can’t have yours**’ type of human being.

But I also do not want to give up the serenity that we now enjoy as a small, walkable, green city for the likes of luxury unit investors and foreign airbnb’s that get property tax abatements. **I would like to see a real effort made to have middle priced and some affordable housing.**

So thank you for listening – I know you are busy and understand if you cannot get around to answering my questions. **And I won’t be offended if you laugh at my idea of hiring Tacoma for development in Ruston.** On some level I just think it makes sense for one city to manage the entire Point Ruston development as a single unit and gain some economies of scale. It’s easier for the residents and for service staff.

I know that you cannot please all the people all the time but it is always important that the people you lead feel heard.

Ruston is your legacy. Just make sure that the future development does not harm that legacy.

My family and I know that you and Laynette have the City’s best interests at heart and we want to see you succeed, whatever you decide.