

**CITY OF LAKE FOREST PARK
CITY COUNCIL REGULAR MEETING MINUTES
June 22, 2023**

It is noted this meeting was held in person in the City Council Chambers and remotely via Zoom.

Councilmembers present: Tom French, Deputy Mayor; Phillippa Kassover, Lorri Bodi, Tracy Furutani, Larry Goldman, Jon Lebo, Semra Riddle

Councilmembers absent: None

Staff present: Jeff Johnson, Mayor; Phillip Hill, City Administrator; Kim Adams Pratt, City Attorney; Lindsey Vaughn, Finance Director; Jeff Perrigo, Public Works Director; Steve Bennett, Planning Director; Cory Roche, Environmental and Sustainability Specialist; Matt McLean, City Clerk

Others present: 18 visitors

CALL TO ORDER

Mayor Johnson called the June 22, 2023 City Council regular meeting to order at 7:00 p.m.

FLAG SALUTE

Mayor Johnson led the Pledge of Allegiance.

ADOPTION OF AGENDA

Deputy Mayor French moved to approve the agenda. **Cmbr. Furutani seconded.**

Cmbr. Lebo moved to move the public comment before the presentations. **Deputy Mayor French seconded.**

The motion to approve the agenda as amended was carried unanimously.

PROCLAMATION – Declaring June 22 as Octavia Butler Day

Cmbr. Furutani read a proclamation declaring June 22 as Octavia Butler Day.

FINAL CONFIRMATION – Planning Commission

Planning Director Bennett introduced applicant Janne Kaje.

1
2 The Mayor and Council interviewed Mr. Kaje.

3
4 **Cmbr. Kassover moved** to appoint Janne Kaje to Planning Commission Position 9, a
5 partial term to expire on February 28, 2024. **Cmbr. Bodi seconded. The motion to**
6 **appoint Mr. Kaje to the Planning Commission was carried unanimously.**
7

8 **CITIZEN COMMENTS**

9

10 Mayor Johnson invited comments from the audience:

- 11
- 12 • Catherine Kernan discussed upcoming events happening at the Lake Forest Park
13 Library.
- 14

15 **PRESENTATION – King County Regional Homelessness Authority**

16

17 Alexis Mercedes Rinck from the King County Regional Homelessness Authority gave a
18 PowerPoint presentation and responded to questions.
19

20 **PUBLIC HEARING – Ordinance 23-1270/Adopting Interim Development Regulations as** 21 **Authorized by the Growth Management Act Relating to Retaining Walls**

22

23 Director Bennett and City Attorney Pratt presented the item and responded to questions.

24
25 Mayor Johnson opened the public hearing and invited comments from the audience:

- 26
- 27 • Barbara Sharkey, LFP resident, commented on the problems with Sound Transit
 - 28 • Dick Harris, LFP resident, would like to see lighting on Bothell Way.
 - 29 • Jose Vita, LFP resident, commented on the impact of the wall on wildlife.
 - 30 • Jean Reid, LFP resident, would like to have a public hearing before the permit is
31 approved.
 - 32 • Charles Amsted, LFP resident, commented on the impact of the wall.
- 33

34 There being no one else in the audience wishing to speak, Mayor Johnson closed the public
35 hearing.
36

37 City Attorney Pratt responded to comments from the public and additional questions from the
38 Council.
39

40 **PUBLIC HEARING – Draft Ordinance 23-1271/Adopting Interim Development Regulations as** 41 **Authorized by the Growth Management Act relating to Tree Canopy Preservation and** 42 **Enhancement**

1
2 Director Bennett and City Attorney Pratt presented the item and responded to questions.

3
4 Mayor Johnson opened the public hearing and invited comments from the audience:

- 5
6
 - Doug Sprugel, Vice Chair of the Tree Board, commented that the Tree Board supports the Ordinance.
 - Jean Reid, LFP resident, would like to see an option of purchasing exceptional trees to replace the trees that will be taken out.
 - Charles Amsted, LFP resident, supports the fee in lieu of replacing or replanting trees.
 - Jose Vita, LFP resident, commented on the problems with ivy killing trees.
 - Mike Dee, LFP resident, commented on what can be done with the tree fund.

13

14 There being no one else in the audience wishing to speak, Mayor Johnson closed the public hearing.

15
16
17 **Deputy Mayor French moved** to consider amendments to Ordinance 23-1270 and Ordinance 23-1271 under Ordinances and Resolutions for Action. **Cmbr. Bodi seconded.** The motion to consider action on Ordinances 23-1270 and 23-1271 was carried unanimously.

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19
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21 **CONSENT CALENDAR**

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23 **Cmbr. Riddle moved** to approve the consent calendar presented. **Cmbr. Furutani**
24 **seconded. The motion to approve the consent calendar as presented was carried**
25 **unanimously.**

- 26
27
 1. June 5, 2023 City Council Special Meeting Minutes
 2. June 8, 2023 City Council Work Session Minutes
 3. June 8, 2023 City Council Regular Meeting Minutes
 4. Approval of City Expenditures for the Period Ending June 22, 2023, covering Claims Fund Check Nos. 85002 through 85040, in the amount of \$477,378.07; Payroll Fund ACH transactions in the amount of \$171,336.66; and direct deposit transactions in the amount of \$179,842.26; additional approved transactions are Invoice Cloud, \$949.65; Lexis Nexis, \$132.60; US Bank, \$55,100.17; Washington State Excise Tax, \$27,888.88; Wex Bank, \$63.76; total approved Claims Fund transactions \$732,849.79
 5. Resolution 23-1904/Addendum to Grant Agreement between Lake Forest Park and the Center for Human Services for American Rescue Plan Act Funds
 6. Resolution 23-1905/Addendum to Grant Agreement between Lake Forest Park and Hopelink for American Rescue Plan Act Funds

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1 **Ordinance 23-1270/Adopting Interim Development Regulations as Authorized by the Growth**
2 **Management Act Relating to Retaining Walls**

3
4 Cmbr. Lebo stated that he would be recusing himself from voting on the two items since he is a
5 Sound Transit employee and did not would give the impression of a conflict.

6
7 The Council discussed suggested changes to interim regulations and adopting amendments at
8 this meeting.

9
10 Cmbr. Goldman stated he is against making amendments to the interim regulations until the
11 Council has received information regarding the noise issue to be considered with permanent
12 regulations.

13
14 **Cmbr. Bodi moved** to amend Ordinance 23-1270 to include in 12.50.020 (C)(6) “the applicant
15 shall provide documentation of how the retaining wall design satisfies, or exceeds, applicable
16 WSDOT traffic noise policy and procedures. The documentation should include an assessment
17 of noise impacts from the proposed design, including consideration of tree and vegetation
18 removal, reflected noise, and proximity to residences, as well as proposed reflection and
19 absorption techniques such as the use of tilted retaining walls to direct noise upward and
20 variations in the facade to break up low to high frequencies.” **Cmbr. Furutani seconded.**

21
22 The Council discussed the possible amendment.

23
24 **The motion to consider the amendment on Ordinances 23-1270 carried 5-1, with a dissenting**
25 **vote from Cmbr. Goldman. Cmbr. Lebo recused from the vote.**

26
27 **Ordinance 23-1271/Adopting Interim Development Regulations as Authorized by the Growth**
28 **Management Act relating to Tree Canopy Preservation and Enhancement**

29
30 **Deputy Mayor French moved** to open discussion for adoption of Ordinance 23-1271/Adopting
31 Interim Development Regulations as Authorized by the Growth Management Act relating to
32 Tree Canopy Preservation and Enhancement. **Cmbr. Furutani seconded.**

33
34 The Council discussed passing the interim regulations with option B and including a portion of
35 option A.

36
37 The Council considered the following as amending 16.14.040 (C):

38 6. Right-of-way corridor project permit applications shall include the following:

39 a. An explanation of the purposes and goals of the project including a
40 discussion of how the design prioritized healthy trees in accord with

1 LFPMC 16.14.070(D)(3) and discussion of why lower impact design
2 approaches to accomplish the project purposes and goals are not feasible.

3 b. A timeline for tree-related activity including tree removal, replacement,
4 maintenance, and monitoring.

5 c. A canopy coverage study of the projected canopy lost from the project.

6 d. A maintenance, monitoring, and watering plan for At-risk trees including
7 replacement if an At-risk tree fails.

8 e. A ROW corridor canopy replacement plan to mitigate all the tree canopy
9 lost from the project. The plan must identify all trees in the ROW corridor
10 to be removed and to be retained that are considered At-risk or within the
11 limits of disturbance. Any tree replanted in the ROW corridor shall be from
12 the "Chapter 16.14 LFPMC – General Tree List For Lake Forest Park 15'
13 to 30' Height" dated June 22, 2023. The plan must include a 3-year
14 maintenance and monitoring plan for replanted trees that includes
15 replacement of trees that fail within the monitoring period. The plan shall
16 provide documentation showing that all reasonable efforts have been
17 made to replace lost canopy by using the following prioritization of
18 replanting locations:

19 (i) Replanting in the ROW corridor where feasible. "Feasible" as
20 used LFPMC 16.14.040 means the applicant has or will obtain the private
21 property owner's permission, or in the case of ROW, the City's permission,
22 to replant in a location with conditions conducive to growth of a viable tree.

23 (ii) At applicant's option: where replanting is not feasible in the
24 ROW corridor, replanting consistent with an Off-site replanting program, or
25 replanting, where feasible, in preferred off-site replanting areas identified
26 in the ROW Corridor Off-site Replanting Areas dated June 22, 2023.

27 (iii) When it can be demonstrated that some portion of the canopy
28 replacement is not feasible by implementing priorities (i) or (ii), the
29 applicant shall pay an Off-site replanting fee for the remaining lost canopy
30 coverage associated with the ROW corridor project.

31 f. Map(s) depicting the right(s)-of-way and private properties affected by
32 the project and all significant trees (including CRZ and ICRZ) within the
33 limits of disturbance associated with the project. Maps shall also depict
34 significant trees (including CRZ and ICRZ) within the limits of the
35 disturbance. Maps shall also clearly indicate whether trees are proposed
36 for removal or retention.

1 g. Plan for trenching, construction, or an alteration of grades between the
2 critical root zone (CRZ) and the interior critical root zone (ICRZ) of a
3 protected tree; provided, that the tree protection plan approved by the
4 city's qualified arborist demonstrates that the proposed activity will not
5 adversely affect the long-term viability of the tree.

6 7. For all tree removal permit applications, the applicant shall pay the fee
7 established in the city fee schedule. An applicant shall be responsible for all
8 costs associated with the employment of qualified arborists and any review
9 conducted by city employees or city-retained consultants. The administrator may
10 require a deposit to pay for city expenses related to review of the application or
11 inspection after permit approval.

12 **Cmbr. Goldman moved** to amend Ordinance 23-1271 to option B along with paragraph iv under
13 option A as attached in the draft Ordinance included in the packet. **Cmbr. Riddle seconded. The**
14 **motion to amend Ordinance 23-1271 carried 6-0. Cmbr. Lebo recused from the vote.**

15
16 **Deputy Mayor French moved** for adoption of Ordinance 23-1271/Adopting Interim
17 Development Regulations as Authorized by the Growth Management Act relating to Tree
18 Canopy Preservation and Enhancement as amended. **Cmbr. Riddle seconded. The motion to**
19 **adopt Ordinance 23-1271 as amended carried 6-0. Cmbr. Lebo recused from the vote.**

20
21 **RESOLUTION 23-1903/Authorizing the Mayor to Sign an extension Interagency**
22 **Reimbursement Agreement between Washington State Administrative Office of the Court**
23 **and Lake Forest Park Municipal Court for Reimbursement Costs Related to the Blake Decision**

24
25 City Administrator Hill presented the item and responded to questions.

26
27 **Cmbr. Riddle moved** to approve as presented Resolution 23-1903/Authorizing the
28 Mayor to Sign an extension Interagency Reimbursement Agreement between
29 Washington State Administrative Office of the Court and Lake Forest Park Municipal
30 Court for Reimbursement Costs Related to the Blake Decision. **Cmbr. Bodi seconded.**
31 **The motion to approve as presented Resolution 23-1903 carried unanimously.**

32
33 **RESOLUTION 23-1902/Authorizing the Mayor to Sign an Agreement for Consultant Services**
34 **with DCG-Watershed for the Lakefront Improvements Design, Engineering, Environmental**
35 **Review, and Permitting Project**

36
37 Environmental and Sustainability Specialist Roche presented the item and introduced Amber
38 Mikluscak and Chuck McDowell from DCG-Watershed. They reviewed the changes to the scope
39 of work.

40
41 The Council discussed amendments they would like to see made to the scope of work.

1 **Cmbr. Lebo moved** to amend the contract to remove a section under the “Reserve
2 Funds for Stakeholder Compensation” for stakeholder compensation and add an
3 additional \$5,000 under reserves designated as other consultant services. **Deputy**
4 **Mayor French seconded. The motion to approve as presented Resolution 23-1902**
5 **carried unanimously.**
6

7 **Cmbr. Lebo moved** to approve as presented Resolution 23-1902/Authorizing the Mayor
8 to Sign an Agreement for Consultant Services with DCG-Watershed for the Lakefront
9 Improvements Design, Engineering, Environmental Review, and Permitting Project as
10 amended. **Cmbr. Furutani seconded. The motion to approve as presented Resolution**
11 **23-1902 carried unanimously.**
12

13 ADJOURNMENT

14
15 **Cmbr. Lebo moved** to adjourn. **Deputy Mayor French seconded. The motion to adjourn**
16 **carried unanimously.**
17

18 There being no further business, the meeting was adjourned at 10:30 p.m.
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22 _____
23 Jeff Johnson, Mayor
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28 _____
Matt McLean, City Clerk