

**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; Phillipa Kassoover, 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.

The Mayor and Council interviewed Mr. Kaje.

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

CITIZEN COMMENTS

Mayor Johnson invited comments from the audience:

- Catherine Kernan discussed upcoming events happening at the Lake Forest Park Library.

PRESENTATION – King County Regional Homelessness Authority

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

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

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

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

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

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

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

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

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

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

- 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.

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

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.

CONSENT CALENDAR

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

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

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

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

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

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

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

The Council discussed the possible amendment.

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

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

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

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

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

6. Right-of-way corridor project permit applications shall include the following:
 - a. An explanation of the purposes and goals of the project including a discussion of how the design prioritized healthy trees in accord with LFPMC 16.14.070(D)(3)

and discussion of why lower impact design approaches to accomplish the project purposes and goals are not feasible.

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

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

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

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

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

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

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

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

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

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

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

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

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

City Administrator Hill presented the item and responded to questions.

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

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

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

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

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

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

ADJOURNMENT

Cmbr. Lebo moved to adjourn. **Deputy Mayor French seconded. The motion to adjourn carried unanimously.**

There being no further business, the meeting was adjourned at 10:30 p.m.



Jeff Johnson, Mayor



Matt McLean, City Clerk