



City of Lake Forest Park
COUNCIL COMMITTEE OF THE WHOLE SPECIAL MEETING
MONDAY, February 14, 2022

6:00 p.m.

AGENDA

Meeting to be Held Virtually

See page 2 for information about how to participate virtually

The Council Chambers are not yet open to the public

6:00 p.m. Call to Order

1. Purchasing Policies and Procedures for Federal Awards Standards
2. Introduction and Discussion of Amendment No. 1 to Professional Services Agreement AG-21-020 with PACE Engineers, Inc., for Accessible Curb Ramp Design and Construction Management Services
3. Accessory Dwelling Units and 18.50.060, Accessory Structures and Buildings, of the Lake Forest Park Municipal Code (discussion)

Citizen Comments (Each speaker has three minutes to comment)

Click on the following link for information about how to provide oral Citizen Comments:

<https://www.cityoflfp.com/615/Virtual-Meetings-during-COVID-19>

Because the City has implemented oral comments, written comments are no longer read under Citizen Comments.

ITEM 1 ATTACHMENTS (Purchasing Policies) pp 3-13

ITEM 2 ATTACHMENTS (PACE Engineers) pp 14-23

ITEM 3 ATTACHMENTS (ADU) pp 24-32

7:30 p.m. Adjourn

Future Schedule Thursday, February 17, 2022 City Council Budget & Finance Committee Meeting
6 pm *virtual meeting*
Monday, February 21, 2022 City Offices Closed in Recognition of Presidents Day
Thursday, February 24, 2022 City Council Regular Business Meeting 7 pm *virtual meeting*

Instructions for participating in this meeting virtually are on the next page.

Instructions for participating in this meeting virtually:

When: Feb 14, 2022 06:00 PM Pacific Time (US and Canada)

Topic: Council Committee of the Whole Special Meeting 2/14/2022

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89847223587>

Or One tap mobile :

US: +12532158782,,89847223587# or +13462487799,,89847223587#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 669 900 6833

or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923

Webinar ID: 898 4722 3587

International numbers available: <https://us06web.zoom.us/u/kdJINIMgp>

Lake Forest Park City Council

Agenda Cover Sheet

Meeting Date 2/24/2022

Title Resolution XXXX/ Purchasing Policies & Procedures for Federal Award Standards

Item Type

<input checked="" type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Ordinances & Resolutions
<input type="checkbox"/> Proclamation	<input type="checkbox"/> Introduction/Referral
<input type="checkbox"/> Special Presentation	<input type="checkbox"/> Council Discussion
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Action
<input type="checkbox"/> Consent Calendar	<input checked="" type="checkbox"/> Council Discussion/Action
<input type="checkbox"/> Final Confirmation	

Originating Department Finance

Contact Person Lindsey Vaughn

Legislative History

- Committee of the Whole - February 14, 2022
- Budget & Finance Meeting – February 17, 2022
- City Council Meeting – February 24, 2022

Attachments:

1. Resolution XXXX
2. Exhibit A Purchasing Policies & Procedures for Federal Award Standards

Executive Summary

With the pandemic, many local governments have received federal funds such as CARES (Coronavirus Aid, Relief, and Economic Security) Act funds and ARPA (American Rescue Plan Act) funds. The City of Lake Forest Park has been awarded both CARES and ARPA federal funds in 2020 and 2021.

There are a specific set of accounting rules when receiving and spending federal funds. Title 2 of the Code of Federal Regulations (CFR) provides in part 200 uniform administrative requirements, cost principles, and audit requirements. (2 CFR 200) The federal procurement requirements are separate from state procurement requirements. When a government spends more than \$750,000 of federal funds in one year, a single federal audit is required from the Washington State Auditor.

Background

The City of Lake Forest Park received a federal award in the amount of \$596,250 for the CARES Act in 2020. A portion of the federal funds were shared with our community

partners to assist them during a time of great need during the beginning of the pandemic. The contracts that were completed with the community partners included all necessary language to comply with federal awards.

In 2021 the City of Lake Forest Park was awarded ARPA funds in the amount of \$3,769,614. To provide a brief summary, the City has already adopted contracts to support five of our community partners totaling \$627,000 at the January 27, 2022, regular City Council meeting. All the adopted community partner contracts included language that complies with federal award standards. The City also allocated \$335,000 to purchase and install a virtual hybrid meeting upgrade and a meeting agenda system to streamline all City Council agenda items. In addition, there will be funds allocated in the future to local businesses that meet specific requirements, City revenue loss, and internal salary allocation for ARPA management. The probability is high that the City of Lake Forest Park will spend more than \$750,000 in federal funds in 2022.

The recent award of \$3.7 million in ARPA federal funds are driving the need to adopt a policy and procedure for federal award standards at the City of Lake Forest Park.

Fiscal & Policy Implications

The Washington State Auditor requires that governments have policies and procedures for federal award standards adopted to ensure compliance with all federal purchasing standards. The last time the City of Lake Forest Park had a single federal audit was back in 2015. In 2022 the City will spend more than \$750,000 in federal dollars which will initiate the need for a single federal audit from the Washington State Auditor for the current fiscal year. Since a single federal audit will likely occur in 2022, the need to adopt the proposed federal awards standard policy and procedures is significant to stay in compliance with the Washington State Auditor.

Currently there is not a fiscal impact to the City for the requested adoption of the proposed Policies and Procedures for Federal Awards Standards.

Alternatives

Options	Results
• Adopt Resolution XXXX	Adopts appropriate Federal Grant Standards Purchasing Policy and Procedures for the City of Lake Forest Park to comply with Single Federal Audit Requirements
• Do not approve Resolution XXXX	Unless subsequently adopted, the City would not be in compliance with the Washington State Auditor for an upcoming Single Federal Audit

Staff Recommendation

Consider approval of Resolution XXXX for the purchasing policies and procedures for federal award standards.

Legal Review

Type of Document	Title of Document	Date Reviewed by Legal Counsel
Resolution and policies and procedures	<i>Resolution and Purchasing Policies & Procedures Federal Awards Standards</i>	2/10/2022

Finance Review

Fiscal & Policy Implications	Date Reviewed by Finance Director
<i>Originating Department</i>	

RESOLUTION XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, ADOPTING WRITTEN PROCUREMENT PROCEDURES IN ACCORDANCE WITH THE CODE OF FEDERAL REGULATIONS

WHEREAS, the City of Lake Forest Park (the “City”) is an active participant in federal grant applications and when the City is a recipient of Federal funds, the City has obligations to comply with certain rules, regulations, and codes; and

WHEREAS, the Code of Federal Regulations (“CFR”) is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government and 2 CFR §200.318 *General procurement standards* requires that a non-Federal entity, like the City, must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards outlined in §200.318; and

WHEREAS, the City wishes to comply with federal requirements associated with the receipt of federal funds and to adopt a procurement policy that complies with federal requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. ADOPTION PROCUREMENT POLICY. The City of Lake Forest Park hereby adopts the procurement policy attached hereto as Exhibit A. The City Council delegates to the City Finance Director the authority to make minor administrative changes to such policy, provided such changes are consistent with federal requirements.

Section 2. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this ____ day of February, 2022.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:

Exhibit A

PURCHASING POLICIES & PROCEDURES

FEDERAL AWARDS STANDARDS

Sections:

- 1.01 Purpose
- 1.02 Purchasing Code of Ethics
- 1.03 Controlling Laws
- 1.04 Internal Controls
- 1.05 Certification
- 1.06 Advance Payments and Reimbursements
- 1.07 Allowable Costs
- 1.08 Procurement
- 1.09 Grants & Federal Funding
- 1.10 Single Audit Act
- 1.11 Project Closure
- 1.12 Federal Code of Conduct

1.01 Purpose

The purpose of this policy is to establish and maintain internal controls that provide reasonable assurance that Federal awards are being managed in compliance with all Federal regulations and with the terms and conditions of the award.

1.02 Purchasing Code of Ethics

The public must have confidence in the integrity of its government. The purpose of this Code of Ethics is to apply and give guidance to all employees and elected officials so that they may conduct themselves in a manner which will be compatible with the best interest of themselves and the City of Lake Forest Park.

To instill public confidence in the award of public contracts and the expenditure of public funds, the City adopts the following code of ethics with regard to public contracting:

- Actions of City employees shall be impartial and fair.
- City decisions and policies shall be made in compliance with required procedures and within the proper channels of government structure.

- Public employment shall not be used for personal gain, and City employees shall not solicit, accept, or agree to accept any gratuity for themselves, their families or others that would or could result in personal gain. Purchasing decisions shall be made impartially, based upon the City's specifications for the contract and the responses of those bidding on the contract.
- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

1.03 Controlling Laws

The expenditure of public funds for the purchase of and contracting for goods, services, supplies, and materials shall comply with all applicable state law requirements as set forth in the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC). If the appropriate and relevant federal or state laws, regulations, grants, or debt requirements are more restrictive than these policies, the more restrictive provision shall prevail. Where this policy is silent with regards to purchasing and/or bidding requirements, state law shall prevail.

Purchases and/or contracts that include federal funding shall also comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, published under Title 2 of the Code of Federal Regulations (2 CFR 200), hereinafter referred to as the Uniform Purchasing Guidance.

1.04 Internal Controls

The City of Lake Forest Park will maintain effective internal control over the Federal award providing reasonable assurance that the City is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal Award.

The department heads shall implement, monitor, and enforce these policies. In the event of any conflict in procurement requirements or questions about proper procedure or other requirements, the matter shall be referred to the City Finance Director for further action. Willful or intentional violations of public procurement requirements may result in personal penalties, financial liabilities, criminal penalties, and/or discipline (RCW 39.30.020).

- The City will take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- The City shall also ensure that reasonable measures are taken to safeguard protected, personally identifiable information (PII) and other information the federal awarding agency or pass-through entity designates as sensitive or that the City considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.

1.05 Certification

To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreement must include a certification, signed by an official who is authorized to legally bind the City, which reads as follows:

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements, and cash receipts are for the purposes and objectives set forth in the terms and conditions of the federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise. (US Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812.)”

1.06 Advance Payments and Reimbursements

Payment methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the City of Lake Forest Park, whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

- Advanced payments must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the City of Lake Forest Park to carry out the purpose of the approved program or project. Any advanced payments must be consolidated to cover anticipated cash needs.
- The City of Lake Forest Park shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs.

1.07 Allowable Costs

Costs or expenses pursuant to Federal awards will meet the following general criteria in order to be allowable, except where otherwise authorized by statute:

- Be necessary and reasonable for the performance of the Federal award;
- Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items;
- Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the City of Lake Forest Park;
- Be accorded consistent treatment. A cost may not be assigned to a Federal Award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost;
- Be determined in accordance with generally accepted accounting principles (GAAP);
- Not be included as cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period;
- Be adequately documented.

1.08 Procurement

When procuring property and services under a Federal award, the City of Lake Forest Park will follow 2 CFR §200.318 General procurement standards through §200.326 Contract provisions. When state law or City procurement procedures and policies conflict with Federal standards of conduct, the Federal standards of conduct shall be applied.

Contracts for more than the simplified acquisition threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

Contracts and sub-grants of amounts in excess of the simplified acquisition threshold require that the City of Lake Forest Park will comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.

The City of Lake Forest Park will monitor procurements to avoid duplicative purchases. The City will also continue to enter into inter-entity agreements to realize cost savings for shared goods and services when possible.

The City will verify and document that vendors are not suspended or debarred from doing business with the Federal government. This verification and documentation will be done for all purchases and contracts that meet or exceed the dollar limit established in Federal guidelines. Before initiating any purchases or contracts with federal funds that exceed or potentially exceeds the federally established amount, the responsible administrator shall verify that the vendor is not listed on the System for Award Management (SAM) exclusion list by checking on the official U.S. government website at <https://sam.gov/SAM>. If the vendor is listed on the Excluded Parties List System (EPLS), the administrator shall not complete the purchase or contract with the vendor. If the EPLS shows no records for the vendor, the City shall print the screen, retain a copy in the department files, and proceed to process the contract or purchase order.

NOTE: Washington State Department of Enterprise Services (DES) does not check for suspension or debarment on State bid contracts.

1.09 Grant & Federal Funding

Purchases made or work performed with Federal grant funds must follow the standards identified in the Federal Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (OMB Title 2, Subtitle A, Chapter 11, Part 200.)

Please note, the federal government does not recognize Washington State's Small Works alternative procedures or thresholds. **Do not use Small Works Roster procedures or thresholds if any federal funding is included or being used.**

All grants are different, so one size does not fit all. Some grants simply require the City to use its own procurement rules, while others require the City to insert their contracting clauses into the City's contract.

Please note that all grant applications, without limitation, must be signed by the Mayor. Additionally, all Federal grant reimbursement requests must be signed by the Mayor, City Administrator, and/or Finance Director.

Prior to initiating any purchases or contracts with federal funds, the responsible administrator must document that the procurement complies with the requirements of RCW 57.08.050 and Uniform Guidance. The most restrictive procurement method will be used whether it be federal, state or local law. A copy of the documentation shall be retained in the department files.

1.10 Single Audit Act

The City of Lake Forest Park, as a recipient of Federal funds, shall adhere to the Federal regulations outlined in 2 CFR §200.501 as well as all applicable Federal and State statutes and regulations.

1.11 Project Closure

A project agreement end date will be established in accordance with 2 CFR §§200.211 and 200.309. Any costs incurred after the project agreement end date are not eligible for Federal reimbursement.

1.12 Federal Code of Conduct

PURPOSE -- The purpose of the Code of Conduct is to ensure the efficient, fair and professional administration of federal grant funds in compliance with 2 CFR §200.112, 2 CFR §200.318 and other applicable federal and state standards, regulations, and laws.

APPLICATION -- This Code of Conduct applies to all elected officials, employees or agents of the City of Lake Forest Park engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS -- No elected official, employee, or agent of the City of Lake Forest Park shall participate in the selection, award, or administration of a contract supported by federal grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when any of the following has a financial or other interest in the firm selected for award:

- The City employee, elected official, or agent; or
- Any member of their immediate family; or
- Their partner; or
- An organization which employs or is about to employ any of the above.

The City of Lake Forest Park's elected officials, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors or subcontractors.

REMEDIES -- To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Lake Forest Park's elected officials, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents. Any potential conflict of interest must be disclosed in writing to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

Lake Forest Park City Council

Agenda Cover Sheet

Meeting Date 2/14/2022

Title Resolution ____/Authorizing Mayor to Sign Amendment No. 1 to Professional Services Agreement AG 21-020 with PACE Engineers, Inc. for Accessible Curb Ramp Design and Construction Management Services

Item Type

<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Ordinances & Resolutions
<input type="checkbox"/> Proclamation	<input checked="" type="checkbox"/> Introduction/Referral
<input type="checkbox"/> Special Presentation	<input type="checkbox"/> Council Discussion
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Action
<input type="checkbox"/> Consent Calendar	<input type="checkbox"/> Council Discussion/Action
<input type="checkbox"/> Final Confirmation	

Originating Department Public Works

Contact Person Andrew Silvia (Project Manager)

Legislative History

- Council Committee of the Whole 2/14/2022

Attachments:

1. Resolution ____
2. Amendment No. 1 with PACE Engineers, Inc. (Attachment 1 to Resolution)

Executive Summary

Federal regulations require that the City install accessible curb ramps at pedestrian paths within the extents of its street pavement resurfacing work. The street resurfacing work completed by the Department of Public Works (DPW) in 2021 required the installation of several ramps, and the City staff negotiated a contract with PACE Engineers, Inc. (PACE) in Summer 2021 to provide design and construction management services supporting the installation of these ramps. Design is now complete and DPW is preparing to solicit bids from construction contractors for the ramp construction anticipated to occur in Summer 2022. The design process required PACE to perform several services not included in the scope of their original contract; therefore, DPW seeks to amend their contract to support the cost (\$9,657.00) of these additional services which puts the original contract over the \$50,000 threshold and will need to be approved by the City Council. DPW staff have negotiated the proposed contract amendment (see Attachment 1) with PACE and find the associated scope of work to be

justified and appropriately priced. This resolution would authorize the execution of the contract amendment with PACE.

Background

- The Americans with Disabilities Act (ADA) requires that local governments provide accessible curb ramps as applicable within the extents of street pavement resurfacing work. The DPW completed resurfacing of approximately 1.5 miles of City streets in 2021 through a partnership with King County's paving program. This work required the installation of ramp improvements at 11 locations within the paving extents.
- In Summer 2021, DPW procured the services of a professional engineering consultant to provide accessible curb ramp design and construction management support through a public request for qualifications (RFQ) process. This procurement process resulted in the selection of PACE and execution of professional services agreement AG 21-020 ("the contract") in the amount of \$49,892.00.
- Design work began upon execution of the contract in August 2021 and is now complete. DPW anticipates advertising the project for bid in the coming weeks and completing construction in Summer 2021.
- During the design process, PACE was required to complete several tasks not included in their contracted scope of work, including permitting, design, and project management efforts. These tasks are described in detail in Attachment 1. The need for these services arose during detailed design and could not have been identified efficiently during the negotiation of the original contract. DPW staff have evaluated PACE's proposal for additional compensation to support these services and agree as to their necessity and the appropriateness of the associated fees.

Fiscal & Policy Implications

The cost of this contract amendment, and all other anticipated project costs, are fully supported by the City's Roadway Overlays fund. The amended contract price will be \$59,549.00 and does not need any additional budget allocations.

Alternatives

<i>Options</i>	<i>Results</i>
• Adopt Resolution	The City will amend AG 21-020 with PACE for Accessible Curb Ramp Design and Construction Management Services.
• No Action	The City will not amend AG 21-020 with PACE for Accessible Curb Ramp Design and Construction Management Services as proposed herein. This risks disruption of the schedule to complete construction of the curb ramps in Summer 2022.

Staff Recommendation

Move to approve Resolution ____, Authorizing Mayor to Sign Amendment No. 1 to Professional Services Agreement AG 21-020 with Pace Engineers, Inc. for Accessible Curb Ramp Design and Construction Management Services.

Finance Review

Fiscal & Policy Implications	Date Reviewed by Finance Director
<i>Contract & Resolution</i>	<i>DD/MM/YYYY</i>

Legal Review

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<i>Contract Amendment and Resolution</i>	A Resolution Of The City Council Of The City Of Lake Forest Park, Washington, Authorizing Mayor to Sign Amendment No. 1 to Professional Services Agreement AG 21-020 with Pace Engineers, Inc. For Accessible Curb Ramp Design and Construction Management Services.	<i>DD/MM/YYYY</i>

ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AUTHORIZING MAYOR TO SIGN AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT AG 21-020 WITH PACE ENGINEERS, INC. FOR ACCESSIBLE CURB RAMP DESIGN AND CONSTRUCTION MANAGEMENT SERVICES.

WHEREAS, the Americans with Disabilities Act (ADA) requires that the City provides accessible curb ramps within the extents of its street pavement resurfacing work as outlined in the “2013 Joint Technical Assistance” guidance document issued by the U.S. Departments of Justice and Transportation; and

WHEREAS, the Department of Public Works (DPW) completed street pavement resurfacing in 2021 that necessitated the installation of several accessible curb ramps; and

WHEREAS, DPW requires professional engineering support to design the ramps in conformance with the law’s associated standards for accessible design and secured this support by executing Professional Services Agreement AG 21-020 with PACE Engineers, Inc. (PACE) on August 9, 2021; and

WHEREAS, following execution of the agreement, it was necessary for PACE to provide services not included in the agreement scope of work, and PACE has presented DPW with a request for recovery of expenses associated with these additional services; and

WHEREAS, DPW staff determined that PACE’s request was justified and appropriately priced; and has described the resulting changes to the agreement in “Amendment No. 1 to the Professional Services Agreement between the City of Lake Forest Park and PACE Engineers, Inc. Dated August 9, 2021” included herewith as Attachment 1;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

Section 1. AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 . The City Council of the City of Lake Forest Park authorizes the Mayor to sign Amendment No. 1 to the agreement with PACE Engineers, Inc. included herewith as Attachment 1.

Section 2. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this 24th day of March, 2022.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:

ATTACHMENT 1

ATTACHMENT 2 (to Agenda Cover Sheet)

Amendment No. 1 to the
Professional Services Agreement between the
City of Lake Forest Park and PACE Engineers, Inc.
Dated August 9, 2021

This first Amendment to the Professional Services Agreement between the City of Lake Forest Park and PACE Engineers, Inc., AG 21-020 (hereafter the "Agreement"), is made in consideration of the mutual benefits, terms, and conditions hereinafter specified and pursuant to Section 2 of the Agreement.

1. Section 2 of the Agreement is hereby amended as follows:

DELETE the following text:

A. The total compensation to be paid to Consultant for the Work in Exhibit A, including all services and expenses, shall not exceed Forty-Nine Thousand, Eight Hundred and Ninety-Two Dollars (\$49,892.00) as shown on Exhibit B, which shall be full compensation for the Exhibit A Work.

INSERT the following text:

A. The total compensation to be paid to Consultant for the Work in Exhibit A, including all services and expenses, shall not exceed Fifty-Nine Thousand, Five Hundred, Forty-Nine Dollars (\$59,549.00) as shown on Exhibit B, which shall be full compensation for the Exhibit A Work.

2. Exhibit B of the Agreement is hereby amended as follows:

APPEND the attached "Additional Services Agreement #1" document dated February 9, 2022 as prepared by PACE Engineers, Inc.

All other terms and conditions remain as provided in the original Agreement.

CITY OF LAKE FOREST PARK

PACE Engineers, Inc.

Signed: _____

Signed: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Dated: _____

Dated: _____



ADDITIONAL SERVICES AGREEMENT #1

TO: Andrew Silvia
City of Lake Forest Park
17425 Ballinger Way NE
Lake Forest Park, 98155

PROJECT NAME: Accessible Curb Ramp Project

FROM: Sam Chapman, P.E.
Robin Nelson, P.E.

PROPOSAL NO.: N/A

DATE: 2-9-22

SUBJECT: LFP Accessible Curb Ramps Project ASA #1

I. Scope of Services

PACE has exceeded the original budget provided in the Professional Services Agreement and is requesting to authorize the use of the Optional Services/Management reserve to recover funds for work PACE performed outside of the original contract scope. In addition, PACE would also like to recover funds for additional work at the request of the City. The additional work performed by PACE outside of the project scope include the following:

Task 1 - Project Management, Progress Meetings:

The Project scope assumed (6) monthly progress meetings for the project totaling 3 hours. PACE actually attended (12) bi-weekly meetings averaging an hour duration for a total of 12 hours. We would like to recover the costs for the extra time allotted for these meeting.

Task 2 – Curb Ramp Needs Assessment, MEF Documentation:

The Project original scope of work assumed MEF documentation required for 5 curb ramps but did not include the MEF documentation required for sidewalks. We assumed the existing conditions of the sidewalk cross slopes would meet ADA requirements, but survey concluded existing cross slopes for sidewalks exceeded ADA requirements. We request to recover the costs to complete additional MEF documentation for these circumstances. 9 hours was devoted to this additional required design documentation and design effort.

Task 4 – Survey and Mapping, Additional Survey:

PACE's survey team scheduled and completed site visits to map existing conditions on 9/27/21 and 9/28/21 in accordance with our original scope of work. We assumed in the project scope existing conditions would not change following the completion of Lake Forest Parks Department of Public Works (DPW) resurfacing program. After PACE completed the mapping, the paving at the SE corner of the intersection NE 165th St and 41st Ave resulted in the construction of an asphalt berm at the SE curb return flow line which altered site conditions. As a result, PACE was asked to provide additional survey work to capture modified site conditions, which was completed on 10/27/21.

Task 5 – Evaluate and Document Stormwater Needs, Drainage Assessment:

We would like to recover funds for the additional design effort provided to resolve a complex drainage problem located at the SE ramp of intersection of NE 165th St and 41st Ave. Existing conditions allowed stormwater runoff to surcharge onto the sidewalk and onto private property. To resolve the existing drainage issue, we performed additional work which included multiple meetings with various stakeholders, research of existing drainage facilities, and extensive work for additional alternative analysis of various proposed curb ramp and drainage options. We request to recover the costs for the additional work associated with this drainage assessment.

Task 6 – Permitting, Critical Areas Permit and Tree Permit:

We would like to recover funds for the work we provided the City with permitting assistance. We did not assume in the original project scope of work PACE would prepare and submit an application for a critical areas permit and a tree permit. At the City's request this work included multiple meetings with City staff, critical areas permit application, and creation of tree exhibits.

Task 11 – Optional Services, Management Reserve:

At the City's Request, we would also like to add the amount of **\$2,000** to Task 11 restore contingency for the construction phase of this project.

II. Fee

We request the authorization to use the Optional Services/Management Reserve fund of **\$4,500**, not including the **\$2,000** in this ASA. In addition, we request to recover the amount of **\$7,657.00** for compensation of the above-described work completed outside of the Project Scope. Client agrees to pay PACE for the above services on the basis of an hourly labor rate plus reimbursable expenses per PACE Standard Hourly Rates or Charge Rate Schedule.

All services provided within the scope of this ASA will be performed as per the terms and conditions approved under the above-mentioned base contract for the project, unless stated in the scope within this document. If you have any questions, require any additional information, or would like to discuss this project further, please do not hesitate to contact us at your earliest convenience.

2/9/2022

Andrew Silvia

City of Lake Forest Park

Page 3 of 3

City Council Committee of the Whole Special Meeting

Engineers | Surveyors

www.paceengrs.com



Authorized PACE Representative Signature

Robin Nelson, P.E.

Printed Name

Vice President

Title

2/9/2022

Date

I accept the above described Scope of Services, and
the attached PACE Terms and Conditions and Fee
Structure.

Authorized Client Representative Signature

Printed Name

Title

Date

Lake Forest Park City Council

Agenda Cover Sheet

Meeting Date 2/14/2022

Title **Ordinance 1235/AMENDING CHAPTERS 18.08, DEFINITIONS; AND
SECTIONS 18.50.050, ACCESSORY DWELLING UNITS AND
18.50.060, ACCESSORY STRUCTURES AND BUILDINGS, OF THE
LFPMC**

Item Type

<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Ordinances & Resolutions
<input type="checkbox"/> Proclamation	<input type="checkbox"/> Introduction/Referral
<input type="checkbox"/> Special Presentation	<input checked="" type="checkbox"/> Council Discussion
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Action
<input type="checkbox"/> Consent Calendar	<input type="checkbox"/> Council Discussion/Action
<input type="checkbox"/> Final Confirmation	

Originating Department Planning & Building

Contact Person Steve Bennett, Planning Director

Legislative History

- Council Discussion – Regular Meeting November 4, 2021
- Council Discussion – Work Session December 9, 2021
- Council Discussion – Committee of the Whole January 24, 2022
- Council Discussion – Regular Meeting February 10, 2022

Attachments:

1. Draft ordinance

Executive Summary

On November 4, 2021, Council received a presentation on the Planning Commission's Recommended Amendments to Accessory Dwelling Unit (ADU) and Accessory Structure Regulations which were approved by the Commission on October 12th. At the December 9, 2021 Work Session, Council continued its review of the Commission's recommended amendments.

On January 24, Council conducted an initial review of the Commission's recommendations in ordinance form with additional language proposals including an update of the zoning definition for 'family.' Councilmembers provided guidance to staff on sections needing additional work and requested additional information on land coverage,

transit frequency, and numbers of lots in various size categories. Attachment 1 is an updated version of draft Ordinance 1235 which includes options for addressing language changes discussed by the Council on 1/24 and explanatory notes in the comment column of the document. Staff will provide a presentation during the meeting with the intent of addressing Councilmember requests for additional information.

Staff Recommendation

Continue to review draft ordinance and provide guidance to the Administration on the code language options and set a public hearing for the February 24, 2022 regular Council meeting.

ATTACHMENT 1

ORDINANCE NO. 1235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTERS 18.08, DEFINITIONS; AND SECTIONS 18.50.050, ACCESSORY DWELLING UNITS AND 18.50.060, ACCESSORY STRUCTURES AND BUILDINGS, OF THE LFPMC; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake Forest Park recognizes that the City and its wider region are experiencing a shortage of housing, a lack of diversity in housing types including a lack of multigenerational housing opportunities, and a need for more affordable housing; and

WHEREAS, the City of Lake Forest Park has the authority to adopt development regulations consistent with and implementing its Comprehensive Plan pursuant to RCW 36.70A.040; and

WHERAS, the City's Comprehensive Plan includes Goal H-1 to "[e]nsure that Lake Forest Park has sufficient quantity and variety of housing types to meet projected growth and needs of the community," and includes Policy H-1.8 that specifically asks for consideration of amendments to development regulations that encourage more accessory dwelling units; and

WHEREAS, as a step toward fulfilling the housing Goals in the Comprehensive Plan, the City Council requested that the Planning Commission recommend amendments to section 18.50.050 of the Lake Forest Park Municipal Code (LFPMC), Accessory dwelling units, in order to remove unnecessary barriers for homeowners seeking to build an Assessor dwelling unit (ADU); and

WHEREAS, the Planning Commission held public meetings in 2021 to review and analyze existing and proposed regulations pertaining to ADUs during regular and special meetings on June 8, July 13, August 10, September 14 and 27, and October 12; and

WHEREAS, the Planning Commission also conducted a survey and solicited public comments on proposed changes to the ADU regulations at all of the above-mentioned meetings, and on October 12, 2021 made a recommendation to the City Council on specific amendments to the LFPMC; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter

1 197-11 WAC, and a Determination of Non-Significance ("DNS") was issued on the 21st
2 day of January, 2022; and
3

4 **WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106,
5 the City provided the Washington State Department of Commerce notice of the City's
6 intent to adopt the proposed amendments on January 26, 2022, and received notice
7 that the Department's had granted expedited review on February XX, 2022; and

8 **WHEREAS**, the City Council held public meetings to review and analyze ADUs
9 and related regulations during regular meetings, study sessions, and Committee of the
10 Whole meetings on November 4 and December 14, 2021; January 24 and February 10,
11 2022; and

12 **WHEREAS**, the City Council held a public hearing on February XX, 2022,
13 regarding the proposed amendments to the accessory dwelling unit and accessory
14 building regulations;

15 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST
16 PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

17 **Section 1. AMEND**. The City Council of the City of Lake Forest Park hereby
18 amends Chapter 18.08 LFPMC, Definitions, as follows:

19 **18.08.020 Accessory use or accessory building.**

20 "Accessory use" or "accessory building" means a subordinate use, structure, building or
21 portion of a building located on the same lot as the main use or building to which it is
22 accessory.

23 **18.08.030 Accessory dwelling unit (ADU), attached.**

24 **Attached Accessory dwelling unit**" means a dwelling unit which is subordinate to a
25 single-family dwelling unit and which:

26 **A. Is located within the or attached to a single-family dwelling unit, or**

27 **B. Is located within an accessory building.**

28 **18.08.033 Accessory dwelling unit (DADU), detached.**

29 **Detached accessory dwelling unit" means a dwelling unit which is subordinate to a
30 single-family dwelling unit and is constructed as part of an accessory building.**

31 ...

32 **18.08.310 Family**

1 "Family" means one or more persons, an individual, or two or more persons related
2 by blood or marriage, or a group of not more than eight persons including children
3 who are not related by blood or marriage, excluding employees, living together in a
4 dwelling as a single housekeeping unit jointly occupying a single-family dwelling or
5 dwelling unit, including the joint use of and responsibility for common areas, sharing
6 household activities and responsibilities such as meals, chores, household
7 maintenance, and expenses. Such persons need not be related by blood or marriage. A
8 Family does not include large institutional or congregant group living situations such as
9 dormitories, sororities, and monasteries.

Commented [SB1]: "Family" and "single housekeeping unit" definitions combined in response to 1/24/22 Council discussion.

10
11 Section 2. AMEND . The City Council of the City of Lake Forest Park hereby
12 amends section 18.50.050 LFPMC, Accessory dwelling units, as follows:

13 **18.50.050 Accessory dwelling units.**

14 Accessory dwelling units, as defined by this title, may be permitted on lots of at least
15 7,200 square feet, and provided they meet the following development criteria:

16 A. Only one accessory dwelling unit will be permitted per residential lot, except that one
17 attached and one detached accessory dwelling unit may be permitted on lots with an
18 area over one acre (43,560 square feet);

19 B. The accessory dwelling unit must be subordinate to the main dwelling unit by having
20 a floor area must be at least 300 square feet, but that does not exceed 50 percent
21 of the total floor area of the principal residence or 1,000 square feet, whichever is less;

22 C. Accessory dwelling units on lots less than 15,00010,000 square feet in area must be
23 developed within the existing primary residence attached, except that:

24 1. On lots with an area between 7,200 and 10,000 sq. ft., accessory buildings
25 existing as of the adoption date of Ordinance XXXX may be remodeled to include
26 a detached accessory dwelling unit provided that 18.50.050(C)(2) is met;

27 2. The accessory dwelling unit must meet all other provisions of this chapter and
28 there shall be no increase in the lot coverage or height of the subject accessory
29 building;

30 D. Accessory dwelling units on lots of 15,00010,000 square feet or greater may be
31 developed as an accessory structure detached or part of an accessory building;
32 provided, however, that the accessory dwelling unit shall meet the requirements of
33 LFPMC 18.50.060;

34 E. Either the primary residence or the accessory dwelling unit must be owner-occupied;

Commented [SB2]: Options giving more flexibility for smaller lots:

Option 1: delete these exceptions (C(1) and C(2)) and
change '10,000' to '9000' or '8,000' in first line of C and D
(Number of lots affected to be provided on 2/10)

Option 2: amend C.2 to state: '...or height of the subject
accessory building, except that the height can be five feet
higher than existing to accommodate the conversion of a
flat roof to a hip, ridge, or clerestory shed roof structure.'

Commented [SB3]: City Attorney Pratt notes that RCW
36.70A.696 defines owner occupied. **Option 1:** leave as is.

Option 2: Change to match RCW: "must be occupied by a
person owning at least 50 percent ownership in the lot."

Option 3: add provision similar to Kenmore regs: "... must
be owner-occupied for a minimum of six consecutive
months after the completion of the ADU. At the end of the
six-month period, the owner-occupancy requirement is
extinguished."

1 F. Garage space may be converted to an accessory dwelling unit only if the same
2 number of off-street parking spaces required by the LFPMC are provided elsewhere on
3 the Lot property;

4 **Option 1** G. One off-street parking space per accessory dwelling unit, in addition to that
5 required for a single-family dwelling, shall be provided unless the accessory dwelling
6 unit is within one-quarter mile of a major transit stop.

Commented [SB4]: Option 1 with no exception to the exception

7 **Option 2** G. One off-street parking space per accessory dwelling unit, in addition to that
8 required for a single-family dwelling, shall be provided unless the accessory dwelling
9 unit is within one-quarter mile of a major transit stop. Provided, however, that off-street
10 parking spaces may be required even if the accessory dwelling unit is within one-quarter
11 mile of a major transit stop if the Director finds the following:

12 1. the accessory dwelling unit is within an area with a lack of access to on-street
13 parking; or

14 2. other evidence that makes on-street parking infeasible for the accessory
15 dwelling unit:

16 **Option 3** G. One off-street parking space per accessory dwelling unit, in addition to that
17 required for a single-family dwelling, shall be provided unless the accessory dwelling
18 unit is within one-quarter mile of a major transit stop. Provided, however, that off-street
19 parking spaces may be required even if the accessory dwelling unit is within one-quarter
20 mile of a major transit stop if there is no legal on-street parking space within 250 feet of
21 the accessory dwelling unit.

Commented [SB6]: Option 3 has exception to the exception with a proposed maximum distance between ADU and on-street parking space.

22 H. The total number of people who may occupy the principal residence and the
23 accessory unit, together, shall not exceed the number of people who may occupy a
24 Single- one-family dwelling.

25
26 Section 3. AMEND . The City Council of the City of Lake Forest Park hereby
27 amends section 18.50.060 LFPMC, Accessory structures and buildings, as follows:

28 **18.50.060 Accessory structures and buildings.**

29 Accessory buildings and structures are permitted uses in single-family dwelling zones,
30 provided:

31 A. The accessory building or structure is subordinate to the Single-family dwelling
32 meaning:

Commented [SB7]: Options to clarify how accessory buildings are subordinate to the main dwelling/building.

33 1. The total combined lot coverage of accessory buildings shall occupy or cover
34 no floor area of all accessory buildings shall not occupy more than 10 percent of the
35 total area of the lot up to a maximum of 1,000 square feet, provided that a maximum of

Option 1: add '...and is less than that of the main building' to A(1), (2), and (3).

Option 2: Add '4. In no case shall the lot coverage, floor area, or height exceed that of the main building if it is in the front or side yard.'

10 percent of the total area of the lot up to 1,500 square feet is allowed if a detached accessory dwelling unit is included in an accessory building on the lot;

3 **2.B.** In no case shall an accessory building have a floor area of more than 1,500
4 square feet (For the purposes of this provision, 'floor area' includes floor area devoted
5 to the parking and storage of motor vehicles); and

6 3. Accessory building height shall not exceed 15 feet, except those accessory
7 buildings which include an accessory dwelling unit, which can be up to 25 feet in height
8 provided that the building meets all zoning regulations pertaining to the primary or main
9 building.

10 B. Accessory buildings that do not include an accessory dwelling unit may only be
11 placed in a rear yard;

12 C. Accessory buildings shall be 10 feet or more from the principal-main buildings.

13 D. Accessory buildings may be placed no closer than five feet to the rear lot line,
14 excluding accessory dwelling units, which may be placed no closer than 15 feet to the
15 rear property line.¹⁵

16 E. Accessory building height shall not exceed 15 feet.

17 **Section 4. SEVERABILITY.** Should any portion of this ordinance, or its
18 application to any person or circumstance, be declared unconstitutional or otherwise
19 invalid for any reason, such decision shall not affect the validity of the remaining
20 portions of this ordinance or its application to other persons or circumstances.

22 **Section 5. CORRECTIONS.** The City Clerk is authorized to make necessary
23 corrections to this ordinance including, but not limited to, the correction of
24 scrivener's/clerical errors, references, ordinance numbering, section/subsection
25 numbers and any references thereto.

25
26 **Section 6. EFFECTIVE DATE.** This ordinance shall take effect five (5) days after
27 passage and publication.
28

30 **APPROVED BY A MAJORITY** of the Lake Forest Park City Council this click
31 here to enter day of month. day of Click here to enter month., 2022.

APPROVED:

Jeff Johnson
Mayor

1 ATTEST/AUTHENTICATED:

2

3

4

5 Matthew McLean

6 City Clerk

7

8 APPROVED AS TO FORM:

9

10

11

12 Kim Adams Pratt

13 City Attorney

14

15 Introduced: _____

16 Adopted: _____

17 Posted: _____

18 Published: _____

19 Effective: _____



SPECIAL MEETING NOTICE

NOTICE IS HEREBY GIVEN that the Lake Forest Park City Council is holding a special meeting:

City Council Committee of the Whole Special Meeting
Monday, February 14, 2022, 6:00 p.m.

The purpose of the meeting is as shown on the attached agenda.

This meeting will be held virtually. The Council Chambers are currently closed to the public. *Information for participating is located on the attached meeting agenda.*

Matthew McLean
City Clerk

Dated: February 11, 2022

Posted: February 11, 2022

Attachment: Agenda for Special Committee of the Whole Meeting on February 14, 2022