

LCC Trustee Meeting
Laurelhurst Community Center, Fireside Room
December 12, 2011

Attending: Kevin Chang, Emily Dexter, Jeannie Hale, Kay Kelly, Linda Luiten, Colleen McAlleer, Stan Sorscher, Don Torrie, Maggie Weissman, Leslie Wright

Excused: Kristen Curry, Brian McMullen

Guests: Laura Heretski, General Manager, Talaris Conference Center; Lenny Zilz from Columbia Hospitality

CALL TO ORDER: The meeting was called to order at 7:05 PM, followed by introductions.

Talaris update: Lenny Zilz works for Columbia Hospitality. His vision is stewardship in managing the Talaris Conference Center. Activity on the site is mostly conferences including multi-night meetings with overnight accommodations. They host relatively few social events. Occupancy is in the mid-40% range. They have 31 guest rooms now, and 4500 sq feet of meeting space. The dining room can handle 100 people or 80 with a dance floor.

Columbia Hospitality markets the facility through the web site, mostly. UW and Kenworth and Children's Hospital are repeat customers. Columbia Hospitality also gets referrals from their other properties. They operate 27 sites in the Seattle Area, including Salish Lodge and Bell Harbor Conference Center.

Pistol Creek manages commercial tenants on the site. Pistol Creek has no long-term plans to change the site. Investments are mostly in the nature of maintenance.

Laura Horetski is the site manager at Talaris. She asked about opportunities to interact with the neighborhood and to find appropriate uses for the site. Discussion of the history of the site, past uses, past development plans and the Settlement Agreement(s). The campus has been considered for historic status. The site is really a showcase in its current form, impressive for its peaceful and inviting character.

CALLS AND CONCERNS

1. Street lamps. Leslie Wright noticed many street lights are not working. Older street lights are being replaced with LED lights on a recurring basis.
2. Occupy Seattle protest: LCC received no complaints from neighbors about the November 17 Occupy Seattle demonstration and rally on Montlake Boulevard, NE Pacific Street and the Montlake Bridge. Traffic backups projected were minimal.
3. Un-neighborly conduct: On November 21, a neighbor emailed to complain that other neighbors had been disposing of dog excrement in her waste bin. This has occurred despite the note posted on the bin stating the bin was for yard waste only. She has a very unpleasant encounter with one of the discourteous neighbors.

4. Talaris: Two neighbors emailed on November 21 and 22 to inquire whether LCC would be pursuing historic status for the Talaris property. LCC said no because of a conflict with the Settlement Agreement. One of the neighbors also inquired as to the possibility that Children's might purchase the Talaris property. LCC explained that the settlement agreement strictly prohibits the sale, lease or control of the property by a major institution and that major institutions include Children's and the UW.
5. Children's SAC meeting: A SAC member notified LCC that a SAC meeting was scheduled for December 14. Due to conflicts with the holiday season, the meeting was cancelled.
6. Christmas lights: Suzanne Moore emailed on November 30 to inquire who to contact for assistance on Christmas lighting. Information from another neighbor was provided.
7. Utility project in south Laurelhurst: Louise Louthy, Kim Dales, Carol Bromel and Jean Amick emailed about the Thursday, December 8 community meeting to brief neighbors about the City Light utility replacement project. Concerns raised include impacts upon parking, protection of neighbor's gardens and where the staging area would be located.
8. Newsletter: A neighbor emailed on December 10 to inquire about the newsletter to make sure she is on LCC's mailing list. Wright responded and is following up.

ADMINISTRATION

Minutes: The board reviewed the September 12 and October 10 minutes. **Motion** by Colleen McAleer, seconded by Kevin Chang to approve the September minutes as submitted. **Motion passed** without objection, with Maggie Weissman abstaining.

Motion by Emily Dexter, seconded by Kay Kelly to accept the October minutes as submitted. After a brief discussion of the email vote, described at the end of the October minutes, it was agreed that the details of the vote would be included in the November minutes. **Motion to accept** the minutes passed without objection, Kevin Chang abstaining.

Review of the November 14 minutes was deferred until the January trustee meeting.

Treasurer's Report: Dexter distributed the monthly treasurer's report and updated the board. Discussion of funds already committed, such as security, book, printing, 501c(3) costs, among others.

ANNOUNCEMENTS

Waterway No. 1: Well-known plant and tree expert Arthur Lee Jacobson is preparing a replanting plan for Waterway No in contemplation of removal of the big laurel hedge.

Christmas Ship: LCC invites neighbors to join in the holiday fun with the sailing of the Christmas Ship. The two events are on Monday, December 9 from 8 to 8:20 at the

Laurelhurst Beach Club and Wednesday, December 21 from 8:20 to 8:40 at Magnuson Park beach. Enjoy the bonfire, refreshments, hear the choir, and see the Christmas Ship.

REPORTS/ACTION

Crime Prevention: Linda Luiten attended the North Precinct meeting. Holiday safety tips were discussed, such as keeping your porch lights on. Terie Johnston will do home security checks, although she is booked out for several weeks. Have your street address visible. Be careful answering the door, especially after dark. If you are on vacation, let your neighbors know. Don't publicize your plans to strangers, and don't post travel plans on Facebook or other web sites. Inventory your possessions.

The City will hire a new precinct liaison person.

Sock Drive: Linda Luiten reported that Laurelhurst neighbors again donated generously this year to the SPD North Precinct Sock Drive, contributing more than 3,500 pairs of socks, hats and gloves for those in need. Laurelhurst neighbor Myrna Torrie and her knitting group contributed 60 beautiful hand-knitted hats and at least a dozen scarves. Elizabeth Graham and Maggie Weissman assisted with this year's sock drive. Donated items will go to the UW foot clinic in Pioneer Square, Solid Ground Transitional Housing, and domestic violence victims.

Emergency Preparedness: Graham updated the board on emergency preparedness planning efforts. The December *Laurelhurst News* includes an update for neighbors and a request for neighbors to volunteer as Block Watch Captains. The city was unwilling to provide the names of existing Block Watch Captains and current captains are requested to contact Graham so that LCC can put a list together to prepare for emergency preparedness.

SR 520 Update: Discussion of the design process, to date. We've had two large public meetings – one at MOHAI and the other at Mary Gates Hall at UW. Also, the neighborhood advisory group held a series of design meetings focusing on one area or another – so far Delmar at 12th Ave, the Montlake lid and lakeshore area, the Portage Bay section of the bridge, a bicycle-pedestrian trail in the Arboretum, the Hamlin-Shelby neighborhood, and the area where Lake Washington Boulevard runs from the Montlake lid to the Arboretum.

Colleen updated the Board about mitigation. Mitigation will be mostly at the Montlake side of the bridge. We are out of the running for milfoil removal. Madison Park will get a mitigation project.

Colleen reviewed the lawsuit filed in State and Federal Courts. WashDOT is moving slowly in the process. The official record is generating a lot of documents. Frank Chopp has taken an interest in the process. David Frockt is giving this his attention, too. Colleen is reaching out to our new representative, Gerry Pollet, who has a strong environmental track record.

Tolling on SR 520 starts on December 29. You can sign up for an account at QFC, Safeway or the office in the University District.

Bar Issue: For the past year and a half, the Mayor's Office has been promoting the "Seattle Nightlife Initiative" (SNI), which includes extending hours at bars to serve alcohol past the current 2 a.m. cut-off. The East Precinct Advisory Council, the West Precinct Advisory Council, the Southeast Seattle Crime Prevention Council, the Central Seattle Drug-Free Communities Coalition, the Rainier Beach Community Empowerment Coalition, The Citywide Precinct Advisory Council and Citizens For A Responsible, Not Reckless Drinking Environment (RNR) oppose this proposal.

Those supporting all-hours alcohol service at bars believe that the trouble that occurs when nightclubs close at 2:00 a.m. can be avoided by staggering closing hours. On the other side, opponents believe that other issues far outweigh any benefits. They say that the extended hours plan will mainly increase liquor revenues to nightclubs – not improve public safety or create 'a more vibrant nightlife'.

The plan is now under review by the Washington State Liquor Control Board.

Judy Lewis works with the State Liquor Control Board. She says I-1183 has taken top priority, so the bar closing issue has moved into the background. Neighborhood groups around the city have taken positions against later closing time. In the Laurelhurst area, establishments that would be affected include Varlamos, Chloe, Jax, the Ram Sports bar and maybe a few others. **Motion** by Jeannie Hale, seconded by Don Torrie that LCC oppose the change that would allow all-hours bars. **Motion passed** without objection. Maggie Weissman and Kevin Chang abstained.

Essential Public Facilities Update: The City continues to drag its feet in responding to LCC public records request and discovery request. On November 17, LCC filed a response to DPD's motion for a protective order. DPD has withheld 294 pages of documents and substantially or completely redacted another 150 pages. DPD has offered no authority or argument to justify its failure to provide the material.

DPD claims that documents are protected by the work product doctrine. But, this doctrine is not supposed to shield documents prepared in the normal course of business when litigation was not reasonably anticipated.

DPD also claims some documents are exempt from disclosure because of the attorney-client privilege. But, this exemption only applies when documents are actually prepared for the purpose of giving legal advice. LCC asked for an *in camera* review of the documents by the Hearing Examiner to determine whether the documents are actually attorney-client privileged.

DPD continues to assert that the SR 520 project is distinct from the Essential Public Facilities text amendment. There is a lot of evidence to the contrary, including the deposition of Bill Mills from DPD and material from WSDOT. There is, in fact, a direct connection between the two.

On November 23, DPD submitted a reply to LCC's response reasserting its initial position and stating that the documents in questions have been provided to the Hearing Examiner for an *in camera* review. DPD also raised entirely new claims and arguments that should have been raised in its original motion. For the first time, DPD provided a copy of the "Common Interest, Joint Defense and Confidentiality Agreement" regarding the SR 520 bridge replacement project. This was way after claiming that the SR 520 project had nothing to do with the Essential Public Facilities code amendment.

On November 28, LCC wrote to the Hearing Examiner stating that if she is willing to consider the new arguments and claims raised by the City, then LCC should have an opportunity to respond. Under the existing order, completion of discovery was set at December 12, LCC response to the motion to dismiss is due on December 21 and DPD's reply is due on January 2.

On November 30, the Hearing Examiner issued another order changing the schedules as follows:

Completion of discovery by December 15
LCC's response to motion to dismiss by December 27
DPD's reply by January 9

On December 7, LCC submitted a supplemental response to DPD's reply in support of its motion for a protective order. LCC criticized again DPD's foot-dragging and asserted that under the rules DPD has the burden of demonstrating that the documents withheld qualify under the attorney-client and work product exemptions from disclosure. DPD has not met its burden.

Despite the Joint Defense agreement that was provided late in the game, the City is not a party to the lawsuit in federal district court by the Coalition for a Sustainable 520. The City is basically trying to assert that the joint agreement presumes that the City can properly have a cognizable common interest with a permit applicant on an application prior to any City decision approving the application and during the time when the City is obligated to act as and purports to the public to be an independent regulatory authority, charged with impartially reviewing the application and applying the City code to it.

So far, the Hearing Examiner has ruled consistently for LCC. Dexter suggested that LCC invite Peter Eglick to the next trustee meeting to brief the board.

Today, the Hearing Examiner issued a new order. Our attorneys advise us that she split the baby—requiring that some city documents be provided, but not all. There are a few premises in the Order that are a bit baffling. The most glaring one is with regard to the "City's Response to WSDOT Memorandum." On that one, she does not address at all how a joint defense agreement can shield that document exchanged between an applicant and a regulatory agency when no approval decision has been issued and there is no litigation concerning the application and the litigation that now exists does not include the City/DPD as a party. All of that is just totally not addressed. LCC attorneys are still reviewing the order.

In the meantime, Hale and McAleer are working on amendments to the proposed text amendment and plan to schedule meetings with Council President Conlin and Councilmember Sally Clark, who will be the council president next year.

LCC will prepare a proposal for amending the current language for the essential public facilities. We can take that to Richard Conlin.

Meeting adjourned at 9 PM.
Minutes by Stan Sorscher