

## TOD STEERING COMMITTEE MEETING MINUTES

Wednesday, September 13, 2006 from 10:00 a.m. to Noon  
Metro (600 NE Grand Ave) Room 370A

Members present: Mark Ellsworth, Chair (Governor's Office), Vince Chiotti (Oregon Housing & Community Services), Tamira Clark (ODOT), Jillian Detweiler (TriMet), Betty Dominguez (Oregon Housing & Community Services), Rebecca Hillwig (DEQ), Dave Kunz (DEQ), Robert Liberty (Metro Council, District 6), Cheryl Twete (PDC).

Staff present: Phil Whitmore, Andy Cotugno, Joel Morton, Meganne Steele, and Lisa Hrenko.

Guests Present: Ed Gallagher (City of Gresham), Michael Jordan (Metro), Dave Leland (Leland Consulting).

### I. CALL TO ORDER

Chair Mark Ellsworth called the meeting to order at 10:02 a.m.

### II. APPROVAL OF MINUTES

Chair Ellsworth asked for any discussion on the minutes of the May 10, 2006 meeting.

Action Taken: Chair Ellsworth moved for approval of the minutes from the May 10, 2006 meeting. **The minutes were approved unanimously.**

### III. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e), DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS

Chair Ellsworth opened an Executive Session pursuant to ORS 192.660(2)(e) for the purpose of deliberating with the persons authorized to negotiate real property transactions at 10:06 a.m. to discuss Gresham Civic Neighborhood real property negotiations.

Present: Andy Cotugno, Mark Ellsworth, Vince Chiotti, Tamira Clark, Jillian Detweiler, Betty Dominguez, Ed Gallagher, Rebecca Hillwig, Lisa Hrenko, Michael Jordan, Dave Kunz, Dave Leland, Robert Liberty, Joel Morton, Meganne Steele, Cheryl Twete, Phil Whitmore.

Time Began: 10:06

Time Ended: 11:50

Chair Ellsworth ended the Executive Session in order for the Committee to take action regarding Gresham Civic Neighborhood real property negotiations.

Action Taken: Chair Ellsworth entertained a motion regarding the consideration of proposals received via the unsolicited proposal process for Gresham Civic Neighborhood. Councilor Robert Liberty motioned to enter into negotiations with CenterCal for the north parcel and with Mike Rossman for the south parcel based on the proposed Negotiating Terms with any logical modifications to Term #5 (Housing expertise). Mr. Vince Chiotti seconded. **With two members voting yes and the remaining six voting no, the motion failed.**

Action Taken: Ms. Jillian Detweiler motioned to direct Metro staff to enter into exclusive negotiations with CenterCal for the entire Gresham Civic property subject to a follow-up motion on the deal points of the proposed Negotiating Terms. Ms. Betty Dominguez seconded. **The motion passed unanimously.**

Action Taken: Ms. Dominguez motioned to direct staff in the approved negotiating period to use the draft negotiating terms (as of 9-13-06) with the following revisions as guidance towards completing an MOU: strengthening the storm water statement under #3; adding a #12 relating to design; adding a #13 relating to familiarizing CenterCal with the provisions of an DDA; adding a #14 that states that this is subject to approval of

the MOU by the TOD Steering Committee; striking the reference to Rossman under #5; and striking the timeline reference on the charette under #3. Staff will bring back the MOU to the Steering Committee. Ms. Tamira Clark seconded. **The motion passed unanimously.**

### **IIIb. GRESHAM CIVIC NEIGHBORHOOD – MODIFICATION TO CRITERIA FOR ANCHOR TENANT**

**Action Taken:** Mr. Chiotti motioned with Ms. Clark seconding to use of the following language in the option to purchase document with the modification of "a minimum of 2-story" be added to the building requirement language:

2.4 Sale Subject to Development Restrictions/Covenants. The sale by Metro to Buyer under this Option is expressly contingent on the Seller's reservation of a Transit Oriented Development Easement, Covenants and Restrictions, requiring that the Property be developed in a transit-friendly fashion. Said development easement, restriction and covenants must be acceptable to Metro in its sole discretion, but at a minimum, said transit-oriented development restrictions/covenants shall include the requirement that **a building 3-4 stories high with approximately 20,000 square feet of ground floor retail be constructed on the Property, or other retail or anchor development as approved by Metro's TOD Steering Committee with a Seven-Day Notice to the Metro Council.**

**The motion passed unanimously.**

### **IV. MILWAUKIE CENTER (FORMERLY MILWAUKIE TEXACO)**

Mr. Andy Cotugno covered information on the Metro parcel on the former Olson Brothers Texaco Station at 10700 SE McLaughlin Boulevard in downtown Milwaukie. Metro and the City of Milwaukie entered into an intergovernmental agreement for the joint development of that property and the City-owned parking lot on the other half of the block. Mr. Cotugno went over the proposed goals, development objectives, and developer selection criteria for the site.

Staff was seeking TOD Steering Committee approval of the project goals, objectives, and selection criteria before the Advisory Committee meets for the first time. This action of approving broader goals and objectives will also rescind the prior requirement of 80-100 housing units and 9,000 s.f. of retail. The Advisory Committee is comprised of 4 Metro-selected appointees and 5 City-selected appointees and will work with Metro and City of Milwaukie staff to put together a proposed project which meets these goals. The Metro Council through the Seven-Day Notice and the Milwaukie City Council will each be asked to review and approve those guidelines.

**Action Taken:** Ms. Clark moved to accept the project goals, development objectives, and developer selection criteria as set forth in Attachment D for the Milwaukie Center site. Ms. Twete seconded the motion. **With three members voting yes and the remaining four voting no, the motion failed.**

**Action Taken:** Ms. Dominguez moved to accept the project goals, development objectives, and developer selection criteria as set forth in Attachment D with the addition of minimum returns in the Business Offer portion of the RFP established for the Milwaukie Center site. Ms. Rebecca Hillwig seconded the motion. **With one member voting no and the remaining five voting yes, the motion passed.**

### **ADJOURNMENT**

There being no further business, Chair Ellsworth adjourned the meeting at 12:40 p.m.