

PLANNING COMMISSION REGULAR MEETING
Tuesday May 14, 2024 AT 6:30 PM
CORDOVA CENTER COMMUNITY ROOMS A & B

Chair

Tania Harrison

Vice Chair

Mark Hall

Commissioners

Chris Bolin

Sarah Trumblee

Kris Ranney

Gail Foode

Sean Den Adel

City Planner

Kevin Johnson

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Chair Tania Harrison, Commissioners Chris Bolin, Sarah Trumblee, Mark Hall, Kris Ranney, Gail Foode, and Sean Den Adel

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT CALENDAR

- a. Record excused absence of Sarah Trumblee from the April 12, 2024 Special Meeting

5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

6. CORRESPONDENCE

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Guest Speakers
b. Audience comments regarding agenda items (3 minutes per speaker)

8. PLANNER'S REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

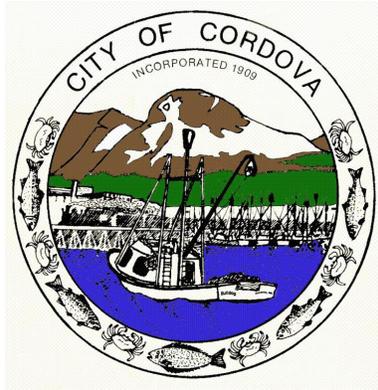
- a. Request For Proposals Planning Commission Review and Scoring Criteria Update Discussion..... Page 1

11. AUDIENCE COMMENTS

12. COMMISSION COMMENTS

13. ADJOURNMENT

You may submit written public comments via email to planning@cityofcordova.net, mail comments to City of Cordova, PO Box 1210, Cordova, AK 99574, or delivered to City Hall directly. Written public comments must be received by 4:00 p.m. on the day of the meeting



AGENDA ITEM # 10a

Planning Commission Meeting Date: 5/14/24

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 5/10/24

ITEM: Request For Proposals Planning Commission Review and Scoring Criteria Update Discussion

NEXT STEP: Review and Discuss Updating the Request for Proposals Review and Scoring Criteria

INFORMATION
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The Planning Commission, after using the existing Request for Proposals (RFP) scoring criteria at their 4/9/24 meeting, determined that the criteria should be revisited and potentially updated. It was decided that there would be a discussion about this at the next meeting to determine how to move forward with modifying the process if needed.

II. RECOMMENDED ACTION / NEXT STEP:

No motion necessary, the commission should hear staffs presentation and then discuss the topic.

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

While reviewing proposals at the 4/8/24 meeting, the Planning Commission determined that the review criteria are appeared to be unclear and may no longer align with the needs, goals, and values of the city. This was confirmed when it was realized that many commissioners had their own interpretation and meaning for the existing criteria. The commission then decided that the criteria and review process need to be examined and potentially updated to create better clarity.

The existing criteria (attached to this memo) was created over a series of meetings in 2011. The idea to create criteria came from the commission themselves. After reviewing multiple proposals with no set review process, they saw that there is a need to create a process that includes some objectivity to the process, but also recognized that ultimately it is a subjective process. In addition to providing direction for the commission in their review, they saw the creation of criteria as a way to also guide development to meet the needs and values of the community.

When creating these they had many of the same concerns as the commission today. There were concerns that there were not clear definitions and how would future commissions interpret the criteria. Ultimately it was determined that these criteria should be owned and modified by each commission as they see fit.

The following are some loose “definitions” that seemed to get general consensus from the commission at the time of creation. I have not finished combing through the records so this list is incomplete at this time.

Importance to Community: comparing proposed uses to intended zoning (flower shop vs boat repair shop in commercial zone)

Enhanced Architectural Design: Building aesthetic, building material, energy efficiency, landscaping, sidewalks, greenspaces / public spaces

Number of Employees:

VI. LEGAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

The Planning Commission has requested a time to discuss the RFP review criteria. There has been concerns stressed that they are unclear and may not be in line with the current needs and value of the city.

VIII. ATTACHMENTS:

RFP Review Criteria

ATTACHMENT A

Each proposal will be evaluated on the criteria in the table below. Each criteria will be scored from 1-10. The multiplier will then be applied to the scores to determine a final score.

A proposals score is not the final determination on if it will be chosen. City Council has ultimate discretion and may select the proposal they determine best based on their own determination. The Council may also reject any and all proposals based on their own determination.

Final Land Disposal Evaluation Criteria

Criteria	Multiplier	Proposal Rank 1-10	Subtotal for Proposal
Value of improvements	1.75		
Number of Employees	1.5		
Sales Tax Revenue	1.25		
Importance to Community	1.75		
5yr Business Plan/Timeline	0.75		
Enhanced Architectural Design	1		
Proposal Price	1		
Consistency with Comprehensive Plan	1		
Total			

Please review the attached section of Code for the permitted uses within the **Waterfront Industrial District**.
Additional Minimum Information Required (please attach separately with this proposal form):

1. Describe the development you're proposing.
2. What is the proposed square footage of the development?
3. Provide a sketch, to scale, of the proposed development in relationship to the lot. (Attachment C)
4. What is the benefit of the proposed development to the community?
5. What is the value of the proposed improvements (in dollars)?
6. What is your proposed timeline for development?

Included for your convenience:

Attachment A: Criteria used when evaluating each submitted proposal.

Attachment B: A location map showing the subject property.

Attachment C: The property parcel with measurements.

Attachment D: Cordova Municipal Code - Waterfront Industrial District

Attachment E: Sample Lease with Option to Purchase Agreement

Please mail proposals to: **City of Cordova**
 Attn: City Manager
 C/O Impound Lot Proposals
 P.O. Box 1210
 Cordova, Alaska 99574

Or email proposals to citymanager@cityofcordova.net and planning@cityofcordova.net. The email subject line shall be "Proposal for Lot 4A, Block 5," and the proposal shall be attached to the email as a PDF file.

Or deliver your proposal to the front desk at City Hall.

For questions or more information about the land disposal process, contact the City Planning Department at 424-6220, planning@cityofcordova.net, or stop by in person.

Proposals received after Friday, March 1st, 2024 at 4:30 PM will not be considered.

Chapter 5.22 DISPOSAL OF REAL PROPERTY¹

5.22.010 Disposal authority.

Except where state statute, the Charter or this code establishes a specific mandatory procedure for disposing of city real property, the city may dispose of city real property by resolution of the council.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.020 Documentation of conveyance.

Every document conveying an interest in city real property under this chapter shall include the terms that are required by this chapter and any additional terms that the council or city manager requires, and shall be executed by the city manager, attested by the clerk, and approved as to form by the city attorney.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.030 Land disposal map.

- A. The City shall maintain and update annually a map of city owned real property. The following designations shall be applied to the land disposal map:
1. Available: These properties are available to purchase or lease.
 2. Available—Subdivision Required: These properties are available to purchase or lease, but a subdivision of the land may be required.
 3. Tidelands: Tidelands are considered as "Available" designation but shall require review and recommendation from the Harbor Commission. Disposal of tidelands shall follow the procedures set forth in CMC 5.16.
 4. Not Available: These properties are currently in use for city uses and operations but can be the subject of a letter of interest per the procedures set forth in this chapter.
 5. Leased: These properties are currently under lease and not considered available but can be the subject of a letter of interest during the final year of the lease term.
- B. Once per year, the City Planner shall review, with the Planning and Zoning Commission, the land disposal map to consider possible changes to the current designations or to add or remove properties to accurately reflect the status of City real property. The Planning and Zoning Commission shall then forward a recommendation to the City Council for adoption.

¹Editor's note(s)—Ord. No. 1127, § 1, adopted May 6, 2015, repealed and replaced ch. 5.22, §§ 5.22.010—5.22.120, in its entirety. Former ch. 5.22 pertained to Disposal of City Real Property and was derived from Ord. 999 § 1(part), adopted 2007; Ord. 1003 § 1, adopted 2007 and Ord. No. 1099, § 1, adopted November 7, 2012.

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- C. The land disposal map may be modified throughout the year at the request of the public through the submission of a letter of interest, under the procedures set forth in this chapter.
 - D. The City Planner shall provide public notice when real property is added to the land disposal map, or when the "Not Available" designation is proposed to be removed from an existing property. The notice shall:
 - 1. Include the name of the proponent, the location of the property, the proposed use and project description, and information on how the public can comment on the proposal.
 - 2. Be posted on the property in a location visible and legible from the right-of-way, beginning thirty days prior to the Planning Commission delivering its recommendation to the City Council.
 - 3. Be posted at City Hall, Cordova Public Library, and the Post Office beginning thirty days prior to the Planning Commission delivering its recommendation to the City Council.
 - 4. Be mailed to all property owners within three hundred feet of the perimeter of the subject property thirty days prior to the Planning Commission delivering its recommendation to the City Council.

(Ord. No. 1202, § 1, 9-21-2022)

5.22.040 Letter of interest to lease or purchase.

- A. A person may submit a letter of interest to the city raising an interest in the purchase or lease of city property. Except as otherwise provided in this chapter, a letter of interest shall be submitted to the city manager and must include the following information:
 - 1. The name of the interested party and any other names under which the party does business;
 - 2. The interested party's mailing address and the address of the interested party's registered office in the state, if applicable;
 - 3. The use or purpose for which the interested party proposes to lease or purchase the property, and any additional information required by the city manager, school board, city planner or the planning commission.
- B. The city manager shall refer a letter of interest from a qualified interested party to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the letter of interest for review by the planning commission.
- C. The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B).
- D. The city council shall review the letter of interest and the planning commission's recommendation, and determine, in the city council's sole discretion, whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B).

(Ord. No. 1127, § 1, 5-6-2015)

5.22.050 Letter of interest to lease or purchase school building property.

- A. A letter of interest to lease or purchase an interest in a school building shall be submitted directly to the school board and shall include all the information required in Section 5.22.040.
- B. Upon receipt of a letter of interest, the school board shall have authority to draft a resolution recommending action on the letter of interest and including recommended terms and conditions for any sale or lease of city owned real property with a school located on it.

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- C. The city council shall review the letter of interest and school board's recommendation, and determine, in the city council's sole discretion, whether to offer the real property interest for disposal by one of the methods described in Section 5.22.060(B).

(Ord. No. 1127, § 1, 5-6-2015)

5.22.060 Methods of disposal.

- A. Except as this chapter provides otherwise, all disposals of interests in city real property shall be for no less than fair market value. The city may accept in exchange for an interest in city real property any consideration of sufficient value not prohibited by law.
- B. In approving a disposal of an interest in city real property, the city council shall select the method by which the city manager will conduct the disposal from among the following:
 - 1. Negotiate an agreement with the party who submitted a letter of interest to lease or purchase the property;
 - 2. Invite sealed bids to lease or purchase the property;
 - 3. Offer the property for lease or purchase at public auction;
 - 4. Request sealed proposals to lease or purchase the property.
- C. If the city elects to dispose of an interest in city real property under one of the competitive methods described in subsections (B)(2) through (B)(4), notice of the disposal shall be published in the manner which the city manager deems most likely to inform the public of the proposed disposal for a period of at least thirty days. At a minimum, the notice shall describe the interest in city real property to be disposed of, the method of disposal, and the time and place for submitting bids or proposals.
- D. An invitation for bids to lease or purchase city real property shall specify any minimum price requirement and any required terms.
- E. A request for proposals to lease or purchase city real property shall specify the criteria upon which proposals will be evaluated and the minimum rent or purchase price. All proposals submitted in response to a request for proposals shall be reviewed by the planning commission, which shall make a recommendation to the city council to accept or decline any or all of the proposals. The city council shall review the proposals and the planning commission's recommendation and accept or decline any of the proposals.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.070 Disposal for less than fair market value.

- A. The city may dispose of an interest in city real property for less than fair market value to the United States, the state of Alaska or any political subdivision thereof, or a nonprofit or tribal corporation or association, upon a finding by the council that the disposal will allow the use of the real property for a purpose beneficial to the city.
- B. The city may lease city real property for less than fair market value where a commercial or industrial facility or use will be established and maintained on a continuous, year-round basis under the lease, if the council finds each of the following:
 - 1. The reduction in rent below fair market value substantially increases the likelihood that the facility or use will be located in Cordova; and

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2. The operation of the facility or use in the city will confer an economic benefit on the city and no equivalent benefit could be obtained by leasing the real property at its fair market value.
- C. The city shall publish notice of a proposed disposal of an interest in city real property for less than fair market value at least one week before the date on which the council will consider the agreement for the disposal. At a minimum, the notice shall describe the real property, summarize the terms on which it may be disposed of, identify the proposed lessee or purchaser, and state the date and time of the meeting at which the council will consider the proposal.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.090 Disposal by lease.

In addition to the other requirements in this chapter, a lease of city real property shall conform to the following requirements:

- A. The lease may not be assigned without the approval of the city, which may be granted at the sole discretion of the city council.
- B. The term of the lease may not exceed thirty years, including renewals, unless the city council approves a longer term upon finding that the longer term will be beneficial to the city or the citizens of Cordova in light of the purpose of the lease, the use of the premises and the nature of any improvements to be constructed thereon.
- C. A lease having a term longer than two years may be subject to a rental adjustment at intervals no less frequent than every two years, but no such adjustment shall cause a reduction in the rent under the lease.
- D. A lease may grant the lessee one or more options to renew, provided that:
 1. The term, including all available renewal terms, does not exceed the term permitted under subsection (B); and
 2. Upon each renewal, the lease shall be subject to all provisions of this code in effect at the time of the renewal.
- E. The lease shall reserve to the city the right to designate or grant rights-of-way or utility easements across the leased premises without compensation; provided, that the lessee shall be compensated for any resulting, taking or destruction of improvements owned by the lessee, and provided further that the rent shall be adjusted to reflect any resulting reduction in the fair market value of the leased premises.
- F. The lessee's performance under a lease shall be secured in the manner that the city council may require, including without limitation, a security deposit, surety bond or guaranty.
- G. Unless the council provides otherwise in authorizing the lease, the lessee shall pay rent to the city on an annual basis, in advance, with payments due upon commencement of the term and on each anniversary thereof during the term.
- H. The lease shall provide for payment of interest or a late fee for rent past due, and provide for recovery by the city of attorneys' fees and costs to the maximum extent allowed by law in the event the city is required to enforce the lease in court, and such additional provisions pertaining to defaults and remedies as the city manager may determine to be in the city's interest.
- I. A lease of space within a city school building shall provide that payments received for rent shall be made payable to the school district and assigned to a special revenue fund designated by the city council in consultation with the school board.

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(Supp. No. 83)

(Ord. No. 1127, § 1, 5-6-2015)

5.22.100 Deposit—Disposal costs.

- A. When disposal of an interest in city real property is by the method in Section 5.22.060(B)(1), the interested party shall deposit the sum of one thousand dollars, and shall deposit such additional sums as the city manager may from time to time require to cover ongoing expenses incurred by the city in connection with the transaction, including without limitation staff time, appraisal costs, attorney's fees and costs, surveying and platting fees and costs, closing costs and escrow fees. The interested party shall reimburse the city in full at or before the closing of a sale or exchange, or the execution by the city of the lease or other document conveying the property interest, for all fees and costs the city incurred to third-parties in the transaction. Any unexpended deposit shall be applied to this reimbursement obligation. If negotiations with the interested party are terminated by either the city or the interested party and the disposal is not executed the city will keep the deposit to cover expenses incurred by the city in connection with the negotiation. The city will refund any unexpended part of the deposit to the interested party no later than ten days after consummation or termination of the transaction.
- B. Proposals and bids submitted to the city for disposal of city real property under Section 5.22.060(B)(2) or 5.22.060(B)(4) shall include a deposit less than or equal to ten percent of the minimum purchase price to cover costs associated with the disposal process. The amount of the required deposit shall be indicated in the bidding or proposal documents. The deposit will be put toward the fees and costs the city incurs, including without limitation city staff time, appraisal costs, attorney's fees and costs, and platting fees. In the event that the city notifies an interested party that its proposal or bid has been selected and the interested party subsequently withdraws its proposal or bid, the city will retain the interested party's entire deposit. The city will refund in full an interested party's deposit if the interested party's proposal or bid is not selected by the city or the city withdraws the invitation or request for proposal after selection. Any unexpended portion of a winning bidder's deposit shall be applied toward the property's purchase price or rental rate.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.110 Valuation—Consideration.

Prior to the disposal of any interest in city real property, the city will determine the fair market value of the interest by using a qualified appraisal, tax assessment values, comparable property values or any other method the city determines, in its sole discretion, calculates the fair market value of the interest.

- A. Where the disposal is by lease at fair market value, the minimum annual rent shall be the fair market value as determined by the city.
- B. Where the disposal is by sale or other disposition at fair market value, the minimum purchase price shall be the fair market value of the city's interest.
- C. Where the disposal is to accommodate a structure that encroaches on city property or fails to conform to code requirements in Title 18, the purchase price of the property shall be three times the property's fair market value, which value is determined by the city according to this section.
- D. Where the disposal is for less than fair market value, the city council will determine the rent, purchase price or other consideration owed to the city for the property interest.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.120 Effect of city actions.

No action or inaction by the city council, city manager or any other officer, agent or employee of the city relating to or in furtherance of the development, preparation for disposal or disposal of city real property or any interest therein shall be deemed to constitute an express or implied representation or warranty that such real property, or any interest therein, is suitable or usable for any specific purpose whatsoever. Any such action or inaction shall be deemed to be and constitute performance of a discretionary policy and planning function only and shall be immune and give no right of action as provided in AS [Section] 9.65.070, or any amendment thereto.

(Ord. No. 1127, § 1, 5-6-2015)