



# City of Lawrence

## CITY MANAGER'S OFFICE

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### CITY COMMISSION

**MAYOR**  
MIKE AMYX

**COMMISSIONERS**  
ARON E. CROMWELL  
LANCE M. JOHNSON  
MICHAEL DEVER  
ROBERT CHESTNUT

December 21, 2010

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Dever, and Johnson present. Commissioner Cromwell was absent.

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson**, to receive meeting minutes from the Lawrence Memorial Hospital Board of Trustees meeting minutes of November 17, 2010; and the Planning Commission meeting minutes of November 15, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson**, to approve claims to 274 vendors in the amount of \$2,851,624.42; payroll from December 5, 2010 to December 18, 2010, in the amount of \$1,875,096.65. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson**, to approve the drinking establishment license for Rudy's Pizzeria, 704 Massachusetts; Replay Lounge, 946 Massachusetts, Jackpot Music Hall, 943 Massachusetts; Astro's, 601 Kasold Ste: C-107; Bourgeois Pig, 6 East 9<sup>th</sup> Street; and the Class B Club License for Brandon Woods, 1501 Inverness Drive. Motion carried unanimously.

The City Commission reviewed bids for one (1) front load refuse truck for the Public Works Department. The bids were:

VENDOR	TOTAL
American Equipment, Bid A	\$153,672.00
American Equipment, Bid B	156,834.00
Elliott Equipment	156,626.00



Key Equipment	157,799.00
Downing Sales & Service	163,924.00
Downing Sales & Service, Alt 1	176,328.00
Downing Sales & Service, Alt 2	161,727.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson**, to approve the bid from American Equipment, Bid A, in the amount of \$153,672. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to waive the bidding requirements and approve the sole source purchase of protective clothing for the Fire Medical Department from Municipal Emergency Services in the amount of \$54,715. Motion carried unanimously. (2)

The City Commission reviewed bids for 2011 bus shelter maintenance services for the Lawrence Transit System. The bids were:

<u><b>Routine Services</b></u>	<u>Free State</u>	<u>Smart Building</u>	<u>Bob's</u>	<u>Monshizadeh</u>	<u>Ace</u>
Weekly Trash Removal Cost/Shelter/Instance	2.00	1.79	8.40	9.00	2.00
Weekly Trash Removal Cost All 40 Shelters/Instance	80.00	71.60	336.00	360.00	80.00
Shelter Cleaning Every-other-week Cost/Shelter/Instance	9.00	8.05	1.72	20.00	8.00
Shelter Cleaning Every-other-week Cost All 40 shelters/Instance	360.00	322.00	68.80	800.00	320.00
Total Annual Projected Routine Cost	<b>\$13,520.00</b>	<b>\$12,095.20</b>	<b>\$19,260.80</b>	<b>\$39,520.00</b>	<b>\$12,480.00</b>
<u><b>Supplemental Services</b></u>	<u>Free State</u>	<u>Smart Building</u>	<u>Bob's</u>	<u>Monshizadeh</u>	<u>Ace</u>
Deep Cleaning of Pad	20.00	15.00	25.00	45.00	25.00
Removal of Graffiti	10.00	10.00	12.00	20.00	9.00
Touch-up Paint	10.00	10.00	15.00	20.00	9.00
Secure Wall	20.00	10.00	25.00	30.00	20.00
Install Trash Can	10.00	10.00	12.00	15.00	7.00
Install Transit Decals	10.00	10.00	8.00	15.00	9.00
Install Maps	4.00	10.00	8.00	15.00	9.00
Glass Cleanup	30.00	10.00	35.00	40.00	9.00
Post Transit Notices	2.50	10.00	8.00	15.00	7.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to approve the bid from Smart Building Services, in the amount of \$12,095.20. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to adopt on first reading, Ordinance No. 8598, adopting the Code of the City of Lawrence 2011 edition as authorized by Ordinance No. 8597. Motion carried unanimously. (4)

Ordinance No. 8601, rescinding Ordinance No. 6089 that established Rhode Island Street as a one-way street from 7<sup>th</sup> Street to 8<sup>th</sup> Street for northbound traffic, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Johnson. Nay: None. Absent: Cromwell. Motion carried unanimously. (5)

Ordinance No. 8602, rescinding Ordinance No. 8537 that established stop signs on Indiana at 11<sup>th</sup> Street and established a multi-way stop at the intersection of 11<sup>th</sup> and Indiana, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Johnson. Nay: None. Absent: Cromwell. Motion carried unanimously. (6)

Ordinance No. 8492, amending Chapter 19, Article 10, of the City Code to allow the enforcement of the updated Water Conservation Plan, per Kansas Water Office requirements, was read a second time. As part of the consent agenda it was **it was moved by Chestnut, seconded by Johnson** to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Johnson. Nay: None. Absent: Crowell. Motion carried unanimously. (7)

Ordinance No. 8590, Comprehensive Plan Amendment, CPA-3-1-10, to Horizon 2020 for an update to Chapter 8 – Transportation, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Johnson. Nay: None. Absent: Cromwell. Motion carried unanimously. (8)

Ordinance No. 8594, annexing (A-9-3-10) 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended), was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by**

**Johnson** to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Johnson. Nay: None.  
Absent: Cromwell. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to concur with the Planning Commission's recommendations to approve the Preliminary Plat (PP-6-4-10) for George Subdivision No. 4 (Northwinds Apartments), a one lot residential subdivision containing approximately 1.31 acres, located at 200 North Michigan Street, for consideration of acceptance of additional utility easements. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to approve a request by BG Consultants, on behalf of the developer, Fairway, LC, for a variance from City Code 19-302(1)(B) to allow the installation of Master Water Meters for townhouse buildings of less than 13 units located at 2451 Crossgate Court. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to authorize the Mayor to sign two Releases of Mortgages for Antonia Ramirez, 235 Maple Street. Motion carried unanimously. (12)

#### **CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss said City staff organized a tour of the Kansas City Arts Incubator located at 115 West 18<sup>th</sup> Street to help interested parties to understand what was required to found an arts incubator and what it took to ensure its success; staff drafted an addendum to the 2010 Retail Market Report; and, Parks and Recreation hosted a breakfast with Santa. (13)

#### **REGULAR AGENDA**

**Consider adopting on second and final reading, Ordinance No. 8603, establishing the quorum of the Lawrence City Commission as three (3) commissioners.**

Mayor Amyx said there were times when the community's business needed to be handled immediately and was in favor of adopting this ordinance.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Chestnut, seconded by Dever**, to adopt on second reading, Ordinance No. 8603, amending Chapter 1, Article 2, Section 1-204, of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto, establishing the quorum for the conduct of City Commission business. Aye: Amyx, Dever, Chestnut, and Johnson. Nay: None. Absent: Cromwell. Motion carried unanimously.

**Award Farmland demolition, Project No. PW1015, Farmland Transitional Services, to R. D. Johnson Excavating in an amount of \$432,000 to be paid from the Farmland Remediation Fund (not to exceed \$213,000), and GO Bonds (\$219,000).**

Chuck Soules, Director of Public Works, presented the staff report which read:

On September 29, 2010 the city closed on the ownership of the former Farmland property. The City Commission authorized staff to distribute a request for proposals for demolition services on the property on September 28, 2010.

The city solicited proposals for the demolition of the structures and piping on the Farmland site. Over 30 people from various firms attended an on site pre-submittal meeting. Staff has worked with several of the responding firms to develop a recommendation to the City Commission which will accomplish the goals of the clearing of most of the unnecessary structures and equipment on the property in a cost effective manner, given the environmental obligations on the property.

Farmland Status:

The transition plan has been submitted to KDHE for approval and will need to be finalized prior to commencement of demolition per the CAD (Corrective Action Decision). Finalization of the transition plan is imminent. Once the transition plan is approved the clock starts on the completion of RD/RA Plan (Remedial Design / Remedial Action Plan). The city will have sixty (60) days to complete the RD/RA Plan.

Demolition Proposals:

The RFP included two phases of work as shown on the Exhibits A & B. Phase 1 is to be completed in four months and Phase II completed in five months. Primary items of work include:

- I. Removal of all above ground structures.
- II. Concrete foundations less than 18" above ground will remain. If over 18" the contractor will remove foundation walls to grade. There are a number of concrete pads and foundations that are less than 12" to 18" above the ground. Removal of all this concrete would have been a significant cost. City staff, as time permits, should be able to complete some of this work.
- III. Four buildings are not being removed: Lab (Building #2), Bag House (Building #124), and two nitrate warehouses (#100 and #102). These buildings may have some use for the city. As we continue to evaluate the uses/need for these buildings they could be

added to the demolition contract.

- IV. All infrastructure (lagoons, pumps, wells, piping, and tanks) necessary to maintain current environmental remediation systems are not included.
- V. Rail is not included.

Fifteen (15) proposals were received on November 2, 2010. Proposals were received from local contractors and as far away as Oklahoma, Nebraska, and Bay City, Michigan.

#### Proposals Submitted:

A pre-bid meeting was held on October 14, 2010 to allow contractors to visit the site and ask questions. Several contractors made follow-up visits. The proposals varied significantly in thoroughness of the proposed document. A few contractors were forthcoming, did a significant amount of work, described in detail their work plan, costs, salvageable material, and other issues which they identified in their discovery/site visits. Other contractors provided a lump sum bid with little or no description of their work plan. Several submitted unit prices for possible items that may be found.

The demolition has a number of complexities which must be addressed. Several items were noted during the site visits that staff addressed in two lengthy addendums. Those items include:

- There are two large boilers left from the ammonia plant and these boilers have a significant amount of asbestos insulation. (Estimates for removal of the asbestos were fairly consistent at approximately 7000 s.f. and cost of \$250,000.)
- The Administration Building also contains asbestos floor tile, transite wall panels and asbestos sheet vinyl. An asbestos survey determined the quantities and asked four contractors to submit additional pricing for this additional work; estimates ranged from \$31,000 to \$44,000 ±.
- Fluorescent lights and ballasts - there are approximately 1,930 fluorescent bulbs and 576 ballasts in the Administration Building which must be handled appropriately. The city has a contract with Waste Management through Household Hazardous Waste and we should be able to take advantage of this pricing.
- There are several tanks that have varying quantities of liquids. Due to the nature of the previous industry and site these liquids need to be tested prior to removal of the structures. While some of these materials may just be storm/rain water it is believed that some of the liquids may be caustic/acids.
- Several transformers remain on the site. Most of the transformers were drained and refilled. The oil remaining in these transformers needs to be tested for PCB's and, if found, disposed of appropriately.
- Salvageable/recyclable steel varied amongst the contractors from 1,000 ton to 5,000 ton.

After establishing the attached spreadsheet staff contacted four contractors to further discuss their proposals. The purpose of the interviews was to make sure we understood what was included and excluded from each proposal. We also wanted to confirm that the contractors understood what the city was requiring.

#### Recommendation:

After review and discussions with the contractors and checking references, staff is recommending that the city enter into an agreement with R. D. Johnson in an amount of \$432,000.

R. D. Johnson's proposal includes:  
\$399,000 for demolition

less \$180,000 credit for salvageable steel for the first 1,500 tons  
plus \$33,000 for asbestos removal in Administration Building  
plus \$180,000 for asbestos removal of two boilers  
Total Cost - \$432,000

R. D. Johnson will work with city staff for disposal of fluorescents and ballasts, which is included in the bid. The proposal estimated approximately 1,500 ton of recycled steel. If the tonnage is greater the city and contractor will split the salvage value 25/75.

This project will be a partnership between the city and contractor. Unknown issues will arise. The city and R. D. Johnson have a very good/reliable relationship which staff feels will be important as this project proceeds.

It will take approximately four months to complete the demolition once the Notice to Proceed is issued. We anticipate starting towards the end of January or first of February.

Funding:

The funding to complete this project will include \$213,000 from the City's Farmland Remediation Fund for site remediation and cleanup (asbestos removal), and \$219,000 from GO Bonds. The City Commission approved the issuance of bonds for economic development at the airport. Those bonds were to be used for the installation of water and sewer lines. Favorable bids on the waterline and deleting the force main of the sewer improvements have left sufficient funds for this project.

Action Requested:

Award Farmland demolition, Project No. PW1015, to R. D. Johnson Excavating in an amount of \$432,000 to be paid from the Farmland Remediation Fund (not to exceed \$213,000), and \$219,000 from GO Bonds.

Commissioner Chestnut said the spreadsheet in the staff report was difficult to read for cost comparison purposes.

Soules said some of those bids were high and one bid that was at the low end that had minimal information. He said when staff originally reviewed bids half of the information on that spreadsheet were obtained by phone calls.

Commissioner Chestnut said the low bid was not accepted.

Soules said correct. He said the City was responsible for all the material at that location and KDHE would want to check and balance the amount of material and where that material was going. He said the low bid was \$30,000 less, but staff did not feel the low bid was worth the risk.

Mayor Amyx said the low bid was \$30,000, but the best qualified bidder was R.D. Johnson.

Soules said R.D. Johnson was staff's recommendation.

Commissioner Dever said in reference to the total price, after he reviewed the documentation provided, he said the pricing for the boiler, insulation and removal was questionable. There was no real documentation as to whether or not there was asbestos on those boilers. The bidders were asked to assume asbestos was on those boilers when making their bids. He said the pricing for the abatement was high, mainly because the bidders did not receive concrete specifications on what to remove and how to remove it.

He said the bottom line was that the City might save \$80,000 to \$100,000 on the abatement, but the City did not know because there was no discernable asbestos identified. He said there was asbestos removed on those boilers historically on the outside. He said there was probably some asbestos hidden, but not \$180,000 worth of asbestos. He said if that price was taken out and bid separately, the price ended up being far cheaper to use R.D. Johnson because of the way that vendor was crediting the City back. He assumed that staff's plan was to remove that fee for asbestos, until reaching the total price.

Mayor Amyx called for public comment.

After receiving no public comment, Commissioner Chestnut said there were only certain expenses that were eligible to be reimbursed from the remediation fund and the rest would go toward the City's General Obligation Bonds which would be serviced out of the City's bond and interest fund.

Corliss said correct.

Commissioner Chestnut said as the City started moving toward infrastructure improvements, it would be helpful to provide the City Commission with a general understanding with the rules of engagement and what was eligible from the remediation fund and what might need financing from General Obligation Bonds. Again, it was a good anticipation for capital

budgeting going forward because there would be other things like this project and asked if that was a fair assumption.

Corliss said he believed that was correct.

Commissioner Dever said if asbestos was found in those boilers and there was demolition that was required in order to get at that material, he asked if there was anyway to justify any of those costs associated with cutting, removing, and demolishing those material that were adjacent to or the building itself in order to get access to the boiler in the event removal needed to happen.

Corliss said staff would talk to KDHE (Kansas Department of Health and Environment). He said if it was related to environmental needs, it was legitimate.

**Moved by Chestnut, seconded by Johnson,** to award Farmland demolition, Project No. PW1015, Farmland Transitional Services, to R.D. Johnson Excavating, in the amount of \$252,000. Motion carried unanimously. (15)

**Delcare an emergency and adopt on first and second reading, Ordinance No. 8607, authorizing the issuance of up to \$27 million in industrial revenue bonds for the Bowersock Mills and Power Company and repealing Ordinance No. 8599 and Ordinance No. 8604.**

David Corliss, City Manager, presented the staff report which read:

**Background:**

As the City Commission is aware, the Bowersock Mills and Power Company is planning a new powerhouse facility on the north side of the Kansas River at the location of the dam. Bowersock has held a number of public meetings concerning this project over the past year or so. The City of Lawrence has taken several formal steps to assist Bowersock with accessing special bond authority to assist with the financing of this project to date. However, it is key to point out that with Industrial Revenue Bond financing, the City only serves as a conduit for the financing and assumes no obligation whatsoever regarding the repayment of the bonds for the project. This type of financing, however, will assist the project with more favorable financing terms than conventional financing.

The City Commission held a public hearing regarding this issuance at its November 23, 2010 meeting. There have been several ordinances recently considered by the City Commission to facilitate this transaction. Recent volatility of the bond market has required the potential restructuring of the transaction and the need to preserve the ability of Bowersock to complete the transaction. Additionally, the transaction includes three possible bond sources: Recovery

Zone Facility Bonds (requires closing deadline of December 31), Qualified Energy Conservation Bonds and taxable bonds.

**Changes with current ordinance:**

The current ordinance differs from the ordinance passed on December 14 in the two following ways:

- 1) adds the ability to issue the Recovery Zone Facility Bonds as either variable or fixed rate bonds
- 2) adds the ability of Bowersock to issue the Qualified Energy Conservation Bonds and taxable bonds at a different time than the Recovery Zone Facility Bonds.

Both of these changes continue to preserve maximum flexibility for Bowersock to complete the transaction.

**Action Requested:**

Declare an emergency and approve on first and second reading an ordinance authorizing the issuance of industrial revenue bonds for the Bowersock project and repealing the two former ordinances.

Sarah Hill Nelson, Bowersock, said that due to the bond market they wanted to preserve the option to have the recovery zone bonds issued in a multi-modal format in 2010 and complete the entire bond issuance in early 2011.

Commissioner Chestnut asked if the bond issuance was being spread out to save interest.

Sarah Hill Nelson said it was not an effort to save interest, but to preserve the recovery zone bonds, the tax exempt bonds that were granted through the recovery act expired at the end of the year and those bonds had to be issued before 2010 and were critical to the project.

Mayor Amyx called for public comment.

**Moved by Johnson, seconded by Chestnut,** to declare an emergency and adopt on first and second reading, Ordinance No. 8607, authorizing the issuance of up to \$27 million in industrial revenue bonds for the Bowersock Mills and Power Company and repealing Ordinance No. 8599 and Ordinance No. 8604. Motion carried unanimously. **(16)**

**PUBLIC COMMENT: None**

**FUTURE AGENDA ITEMS:**

12/28/10      ·      City Commission meeting will start at 9:00 a.m. and plans to consist of bill paying items and consent agenda items.

- Adopt Resolution No. 6915, declaring the boundaries of the City of Lawrence, Douglas County, Kansas.

## 2011

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| 01/11/11 | <ul style="list-style-type: none"> <li>· Consider recommendation from the Traffic Safety Commission to establish no parking along the north side of Brett Drive, between Berwick Way and Haversham Drive/Stowe Drive, approved 6-1. <i>This item was continued from the 11/09/10 City Commission Meeting for 60 days.</i></li> <li>· Receive request from Airport Advisory Board to construct new T-Hangers.</li> </ul>  |
| TBD      | <ul style="list-style-type: none"> <li>· Receive update on the status of City Code compliance efforts at 1313 Haskell Avenue (deferred from 10/26/10 City Commission meeting).</li> <li>· Consider new overtime policy no later than February 15.</li> <li>· Receive proposed Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 5-4 on 9/20/10)</li> <li>· Receive proposed Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment. (PC Item 4; approved 8-1-1 on 8/23/10)</li> <li>· Receive <u>staff memo</u> regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.</li> <li>· Receive Lawrence Human Relations Commission gender identity report.</li> <li>· Consider changes to sidewalk dining requirements.</li> <li>· Menu of options for sanitation and recycling services.</li> <li>· Charter ordinance regarding arrest powers.</li> <li>· Consider issuing an RFP for a strategic retail study, and direct staff to develop a report on stand-alone databases, if appropriate.</li> <li>· Reconsider a Text Amendment, TA-4-4-10, to the City of Lawrence Land Development Code, Chapter 20, Section 20-403, and potentially other sections of the Code, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. <i>Initiated by Planning Commission on 4/26/10. Approved 6-4 by Planning Commission on 6/23/10. City Commission returned to Planning Commission on 8/3/10. Deferred by Planning Commission on 9/20/10. Adopt on first reading, Ordinance No. 8543, for Text Amendment (TA-4-4-10) to the City of Lawrence Land Development Code, Chapter 20, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. (PC Item 4; approved 7-1 on 10/27/10) Deferred by City Commission on 11/16/10.</i></li> </ul> |

**ACTION:** Approve Text Amendment (TA-4-4-10) and adopt on first reading, Ordinance No. 8543, if appropriate.

**Moved by Chestnut, seconded by Johnson** to adjourn at 7:15 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

## **CITY COMMISSION MEETING OF DECEMBER 17, 2010**

1. Bid – Front load refuse truck – to American Equipment for \$153,672.
2. Bid – sole bid for protective clothing Fire/Med to Municipal Emergency Svcs for \$54,715.
3. 2011 Bus Shelter – Smart Bldg Svcs for \$12,095.20.
4. Ordinance 8598 – 1<sup>st</sup> Read, 2011 City Code.
5. Ordinance 8601 – 1<sup>st</sup> Read, RI as 1-way 7<sup>th</sup> to 8<sup>th</sup>.
6. Ordinance 8602 – 2<sup>nd</sup> Read, Multi-way stop – 11<sup>th</sup> & Indiana.
7. Ordinance 8492 – 2<sup>nd</sup> Read, Water Conservation Plan update.
8. Ordinance 8590 – 2<sup>nd</sup> Read, CPA-3-1-10, Transportation.
9. Ordinance 8594 – 2<sup>nd</sup> Read, A-9-3-10, SW corner of N 1800 Rd (Farmers Turpike)
10. Prelim Plat (PP-6-4-10) George Sub (Northwind Apts) 1.31 acres, 200 N Mich.
11. Variance – BG Consultant, install master water meters, less than 13 units, 2451 Crossgate Ct.
12. Mortgage Releases for Ramirez, 235 Maple.
13. City Manager's Report.
14. Ordinance 8603 – 2<sup>nd</sup> Read, Quorum at 3
15. Farmland Demo - R.D. Johnson for \$432,000.
16. Ordinance No. 8607 – 1<sup>st</sup> & 2<sup>nd</sup> Read, Bowersock Project – Repeal Ord 8599 & 8604.