

AGENDA

CITY OF PLYMOUTH

City Council

REGULAR MEETING

THURSDAY OCTOBER 24, 2024

Council Chambers
9426 Main Street, Plymouth, California



Marianne Akerland, Mayor

Michael McLaughlin, Vice Mayor

Doug Sim, Council Member

Peter Amoruso, Council Member

Keith White, Council Member

PLEASE NOTE: The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. **Members of the public who wish to speak may be subject to a three (3) minute maximum time limit when addressing the Council, and/or the City may require speaker identification sheets be submitted to the Deputy City Clerk prior to being called upon by the Mayor to provide public comment.**



**CITY OF PLYMOUTH CITY COUNCIL
REGULAR MEETING AGENDA
Thursday, October 24, 2024
6:30 PM**

In-person participation by the public is permitted. Members of the public not attending in-person may submit written comments prior to the meeting by emailing your comment to the Deputy City Clerk at vmchenry@cityofplymouth.org before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the City Council and made part of the official record.

Marianne Akerland, Mayor

Michael McLaughlin, Vice Mayor
Douglas Sim, Council Member

Peter Amoruso, Council Member
Keith White, Council Member

MISSION STATEMENT

The City of Plymouth preserves our small-town atmosphere and provides fiscally responsible services that fulfill public needs while protecting their quality of life.

This meeting will be recorded. Council Chambers are wheelchair accessible. Special accommodation may be requested by contacting the Deputy City Clerk 72 hours before the meeting. **Please silence all cell phones or similar devices.**

1. **CALL TO ORDER/ROLL CALL:**
 - Roll Call
 - Pledge of Allegiance
2. **APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA OF OCTOBER 24, 2024**
3. **PUBLIC COMMENT:**

Under provisions of the Government Code, citizens wishing to address the Council for any matter not on the agenda may do so at this time. Please submit a completed Speaker Submittal Form to the Deputy City Clerk. Comments are limited to three minutes or less and speakers are requested to state their name and community of residence. For public comments on agenda items, speakers will be called by the Mayor at the point on the agenda when the item will be heard. The City Council is prohibited from materially discussing or acting on any item not on the agenda unless it can be demonstrated to be of an emergency nature or an urgent need to take immediate action arose after the posting of the agenda.

4. **PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS: NONE**
5. **CONSENT CALENDAR ITEMS:**

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

- 5.1 **CORRESPONDENCE**
- 5.2 **APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 10, 2024**

- 6. PUBLIC HEARINGS: NONE
- 7. REGULAR AGENDA ITEMS:
 - 7.1 REPORT ON THE COMMUNITY FACILITY DISTRICT (CFD) LANDSCAPE MAINTENANCE SERVICES
 - RECOMMENDATION: RECEIVE INFORMATIONAL REPORT AND PRESENTATION AND AUTHORIZE RFP FOR BID FOR LANDSCAPE SERVICES
 - 7.2 REPORT ON POTENTIAL STOP SIGN AT MAIN/LANDRUM/MILL INTERSECTION
 - RECOMMENDATION: RECEIVE REPORT AND PROVIDE DIRECTION
- 8. COUNCIL/STAFF COMMUNICATIONS – Brief reports on matters of general interest
 - 8.1 CITY MANAGER’S REPORT
 - Fire Station Improvement Update
 - Parks Grant Update
 - Public Works Update
 - Code Enforcement Update
 - 8.2 MAYOR & COUNCIL MEMBERS’ REPORTS
 - 8.3 COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS
- 9. CLOSED SESSION:
 - 9.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Gov. Code § 54956.9(d)(2)): 1 case
 - 9.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code § 54956.8)
 - Property:** APN NOS. 010-021-022-000, 010-021-016-000, 010-021-019-000, 010-177-028-000, 010-021-017-000, and 010-021-002-000
 - Agency negotiator:** Margaret Roberts
 - Negotiating parties:** Steven Prisk/Prisk Family Trust, Estey Family Living Trust, Aguirre Israel & Alonzo Teresa, Gunter Leland & Clydette, and Brown Daniel J. & Penny & Brown Meagan, and Sandy Kyles
 - Under negotiation:** Price and terms of payment
 - 9.3 Report Out from Closed Session
- 10. ADJOURNMENT

LEVINE ACT PUBLIC PARTY/APPLICANT DISCLOSURE OBLIGATIONS:

Applicants, parties, and their agents who have made campaign contributions totaling more than \$250 (aggregated) to a Council Member over the past 12 months, must publicly disclose that fact for the official record of that agenda item. Disclosures must include the amount of the campaign contribution aggregated, and the name(s) of the campaign contributor(s) and Council Member(s). The disclosure may be made either

in writing to the Deputy City Clerk prior to the agenda item consideration, or by verbal disclosure at the time of the agenda item consideration.

The foregoing statements do not constitute legal advice, nor a recitation of all legal requirements and obligations of parties/applicants and their agents. Parties and agents are urged to consult with their own legal counsel regarding the requirements of the law.

ADDITIONAL INFORMATION

Public documents related to an item on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the Deputy City Clerk’s office located in Plymouth City Hall and at the time of the meeting. Persons interested in proposing an item for the City Council Agenda should contact a member of the City Council, or the City Manager.

NOTICE:

As presiding officer for this meeting, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disruptive conduct, and to enforce the rules of the Council.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Deputy City Clerk’s Office at (209) 245-6941 prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Victoria McHenry, Deputy City Clerk for the City of Plymouth, declare that the foregoing agenda for the October 24, 2024, Regular Meeting of the Plymouth City Council was posted and available for review on October 21, 2024, at the City Hall of the City of Plymouth, 9426 Main Street, Plymouth, California, 95669. The agenda is also available on the city website at cityofplymouth.org.

Signed at Plymouth, California

//s//

Victoria McHenry
Deputy City Clerk

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PUBLIC COMMENT

5.1

CORRESPONDENCE

5.2



**CITY OF PLYMOUTH CITY COUNCIL
REGULAR MEETING MINUTES DRAFT
Thursday, October 10, 2024
6:30 PM**

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- 1. **CALL TO ORDER/ROLL CALL:** Called to order at 6:30 pm
- COUNCIL MEMBERS PRESENT:** Marianne Akerland, Michael McLaughlin, Peter Amoruso, Doug Sim, Keith White
- COUNCIL MEMBERS ABSENT:** None
- STAFF/ADVISORY PRESENT:** Margaret Roberts, City Manager, Frank Splendorio, City Attorney, Andy Heath, Finance Director, Erica Fraser, Planning Director, Victoria McHenry, Deputy City Clerk, Dana Knight, Audio/Video Technician
- STAFF/ADVISORY ABSENT:** McLean Sonnenberg, City Clerk, Joyce Czerwinsky, City Treasurer

Flag salute led by Vice Mayor McLaughlin

- 2. **APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA OF OCTOBER 10, 2024**

A motion was made by Vice Mayor McLaughlin, second by Council Member Sim to approve the City Council Regular Meeting Agenda for October 10, 2024, with Item 7.2 pulled. Motion passed with a roll call vote of 5-0.

- 3. **PUBLIC COMMENT:**

Tracey Berkner from the Amador County Council of Tourism informed us of a project they are heading that will have daffodils planted all throughout Amador County. She brought order forms for daffodil bulbs and handed them out to interested citizens. She also left some at City Hall in case anyone wanted to stop by and get one. Ms. Berkner also told the council about the Amador Burger Route which is a guide for our visitors to Amador County to all the different establishments that offer burgers.

4. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS: NONE

5. CONSENT CALENDAR ITEMS:

5.1 CORRESPONDENCE

There was correspondence from PG&E and from the Amador County Elections Department regarding their mistake in printing ballots.

5.2 APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 26, 2024

5.3 RECEIVE THE SEPTEMBER WARRANT REGISTER

5.4 RECEIVE THE LIST OF CONTRACTS SIGNED BY THE CITY MANAGER FOR THE FIRST QUARTER FOR FISCAL YEAR 2024/25

5.5 ADOPT RESOLUTION 2024-15 APPROVING A PARCEL MAP MERGER OF APN'S 010-054-005 & 006; 9402 MAIN STREET AND 18623 MINERAL STREET

A motion was made by Council Member Amoruso, second by Vice Mayor McLaughlin to approve the Consent Calendar, as presented. Motion passed with a roll call vote of 5-0.

6. PUBLIC HEARINGS:

6.1 WAIVE FIRST READING AND HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING TITLE 7 ANIMALS TO ADD CHAPTER 7.52, HEN COOP, RESIDENTIAL AND MINOR AMENDMENTS TO THE NEW CHAPTER TO TITLE 19 OF THE PLYMOUTH MUNICIPAL CODE

Wendy Cranford from Plymouth asked what the penalty might be for citizens that have more chickens than allowed. City Attorney Splendorio clarified it would most likely go through the code enforcement process if there was violation.

Planning Director Erica Fraser presented the staff report. Motion was made by Vice Mayor McLaughlin, second by Council Member Sim to waive the first reading and introduce Ordinance 2024-07 by title only Amending Title 7 Animals to add Chapter 7.52, Hen Coop, Residential and Minor Amendments to the New Chapter to Title 19 of the Plymouth Municipal Code.

7. REGULAR AGENDA ITEMS:

7.1 RECEIVE A REPORT ON THE COMMUNITY FACILITY DISTRICT (CFD) FUND ACCOUNT (THIS REPORT WILL NOT INCLUDE A DISCUSSION ON THE LANDSCAPE DISTRICT WORK – THAT WILL BE ON THE 10/24/2024 AGENDA)

RECOMMENDATION: RECEIVE REPORT

Bill Klapproth from Plymouth stated he would like to see the CFD set up like an HOA. He felt it might clarify what the CFD could be used for and set up a plan to use in the future.

Finance Director Andy Heath presented the staff report. The council received this report, and they were pleased by the great progress made by Mr. Heath in getting the CFD as well as the budget in order.

7.2 CONSIDER A PROPOSAL FROM WESTWATER RESEARCH LLC. FOR WATER MARKET ADVISORY SERVICES FOR A MONTHLY RETAINER OF \$6,500 PER MONTH PLUS INCENTIVE COMPENSATION

RECOMMENDATION: PROVIDE DIRECTION ON HOW TO PROCEED

This item was pulled from the agenda.

7.3 RECEIVE AN OVERVIEW OF THE PROCESS FOR UPDATING THE GENERAL PLAN

RECOMMENDATION: RECEIVE REPORT AND PROVIDE DIRECTION

Planning Director Erica Fraser presented the staff report. The council received the report from staff.

7.4 ADOPT A CITIZEN PARTICIPATION REQUIREMENTS FOR THE CITY OF PLYMOUTH GRANTS PROJECT PLAN

RECOMMENDATION: ADOPT THE PLAN

A motion was made by Vice Mayor McLaughlin, second by Council Member Amoruso to adopt the Citizen Participation Requirements for the City of Plymouth Community Development Block Grants Project Plan. Motion passed with a roll call vote of 5-0.

8. COUNCIL/STAFF COMMUNICATIONS – Brief reports on matters of general interest

8.1 CITY MANAGER'S REPORT

City Manager Roberts mentioned that the Frankly Bluegrass Festival was this coming weekend, and she would be giving a speech during the opening ceremony. She also mentioned that she would be going to the League of California Cities next week in Long Beach. City Manager Roberts also reminded us of the upcoming Harvest Festival on October 19th. Ms. Roberts mentioned the issue with Amador County Elections ballot misprint and wanted to make sure everyone was looking out for their new corrected ballots that should be coming in this week's mail.

8.2 MAYOR & COUNCIL MEMBERS' REPORTS

8.3

Council Member Amoruso will be with City Manager Roberts at the League of California Cities this week in Long Beach.

Council Member Sim noted that next year Plymouth will be on the ACTC board.

Vice Mayor McLaughlin mentioned a possible sidewalk down Old Sacramento Road. He also stated they had a 1st meeting with the Sheriff Department regarding services in Plymouth. Vice Mayor McLaughlin stated there was nothing to report but negotiations were underway. He also mentioned that they met with the Lone Band of Miwok Indians. Vice Mayor McLaughlin was happy to get to speak

with the HOA from Zinfandel Ridge. He felt they have a good path to move forward. Mayor Akerland mentioned that October is Breast Cancer Awareness Month. She also thanked City staff for their hard work.

8.4 COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Amoruso brought up the Hawksview issue.

Mayor Akerland also brought up the Hawksview issue.

9. CLOSED SESSION: NONE

10. ADJOURNMENT: 8:00 pm

Respectfully submitted,

//s//
Victoria McHenry
Deputy City Clerk

DRAFT

7.1



CITY COUNCIL AGENDA ITEM NO. 7.1

10/24/2024

SUBJECT: Maintenance Services Provided Under the Zinfandel Services District CFD

STAFF: City Engineer and City Attorney

TITLE

Informational Presentation regarding Maintenance Services to be Provided for the Zinfandel Services District CFD

BACKGROUND AND ANALYSIS

On October 10, 2024, the City Council received a fiscal analysis and update re Community Facilities District 2016-1 (commonly referred to as the "Zinfandel Services District"). The purpose of this update was to provide the City Council and the public with a detailed review of the fiscal activity associated with all revenues and expenditures deriving from the levy of special taxes incurred through Fiscal Year 2023-24.

At the conclusion of that presentation, it was noted that staff would be back at this meeting to discuss what maintenance services may be provided with the use of such special tax CFD monies.

Legal Background

Community Facilities District 2016-1 ("CFD") was formed in 2016 to provide maintenance services (and public safety services) for the benefit of the Project.

Community facilities districts are authorized pursuant to the Mello-Roos Community Facilities Act of 1982, commencing with Government Code, section 53311 *et seq.* (the "Act"), as amended. The Act provides an alternative method of financing certain public capital facilities and services. (Section 53311.5.) CFDs are commonly used by local government agencies throughout the State.

Pursuant to Section 53313 of the Act, CFDs may finance anyone or more of the following types of services:

- a) Police protection services, including but not limited to, criminal justice services;



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- b) Fire protection and suppression services, and ambulance and paramedic services;
- c) Recreation programs services, library services, maintenance services for K-12 school sites and structures, and the operation and maintenance of museums and cultural facilities;
- d) Maintenance and lighting of parks, parkways, streets, roads, and open space;
- e) Flood and storm protection services, including the operation and maintenance of storm drainage systems, plowing and removal of snow, and sandstorm protection systems;
- f) Removal and remediation action for cleanup of hazardous substance released or threatened to be released into the environment; and
- g) Maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the local agency directly or through a joint powers agreement with another local agency.

City's CFD

The City's CFD is considered a maintenance services CFD for the purposes of financing the ongoing maintenance services costs associated with certain public services. It is not a facilities CFD that was formed for the purpose of financing public facilities, issuing bonds, and reimbursing the developer for the construction of public facilities.

This is important because the monies cannot be used for improvements or infrastructure.

The Services authorized and set forth for CFD No. 2016-1 include two components: (i) Operations and Maintenance; and (ii) Public Safety. Each Services component is further described below:

- a) Operations and Maintenance: Include the costs of providing funding for the ongoing maintenance and operation of public roads and streets, bike lanes, parking bays, bridges/culverts, traffic signals, traffic signs, striping and legends, street lights; frontage improvements such as curbs, gutters, paths, street signs; landscaping; drainage facilities including ditches; public trails; boundary fencing as required; neighborhood parks and open space.
- b) Public Safety: Include the costs of providing funding for:
 - i. Law Enforcement – Public protection and equipment, land and buildings, cost of personnel and professional contract services and services related thereto;



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10/24/2024

ii. Fire Services – Suppression and prevention, rescue services and equipment, land and buildings, cost of personnel and professional contract services and services related thereto.

c) In addition to the above, the special taxes collected may pay for all related administrative costs, expenses, and reserves for replacement of equipment and facilities authorized for CFD No. 2016-1.

What this specifically covers now in terms of maintenance services, as applied to the built environment, will be divided into six categories. The City Engineer will prepare a map to help show these areas at the meeting.

First, “the ongoing maintenance and operation of public roads and streets, bike lanes, parking bays, bridges/culverts, traffic signals, traffic signs, striping and legends, streetlights; frontage improvements such as curbs, gutters, paths, street signs.” We can summarize this, in a word, as all the roadway-related maintenance. What this means is that all the following areas within Zinfandel Parkway that is outside of the subdivision (the “Collector Road”), and all the roadway areas inside the subdivision within Lot R (the “Local Roads”), are to be maintained: (i) curbs and gutters, (ii) traffic striping, (iii) street signs, and (iv) roadway.

In essence, CFD is to maintain the streets and related facilities (e.g., frontage improvements, paths, etc.) within these right-of-way areas at both the Collector Road and the Local Roads.

Second, is the “landscaping.” This is a little more complicated. Based upon the applicable Development Plan (as amended) and the Development Agreement, the landscaping duties within the public right-of-way are divided in two zones:

First, in the areas within the bounds of the paved roads (landscape islands), the landscaping falls to the CFD. Second, in the areas outside the edges of the paved roads and between the private property line, those are to be maintained by the private property owner, except that the area between the outer edge of the road pavement and the interior edge of a path (if any), may also be maintained by the CFD.

Third is the “drainage facilities including ditches.” All ditches within the right-of-way, or on public property, are the responsibility of the CFD. So, drainage courses on private property are to be maintained by the property owners. In practical terms, private individual property owners do not have the authority to modify or alter the drainage swales or ditches found adjacent to the paths or roadways.



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Per the Development Agreement, the City agreed to maintain the Arroyo Ditch within the project boundaries, as follows: "During times when the Arroyo Ditch is not being used by the City to convey its diverted water, but is carrying local runoff, then the Zinfandel Services District shall be responsible for operation and maintenance."

Based upon this language, the City is obligated to maintain the Arroyo Ditch with non-CFD City funds during times it is diverting water. At all other times, the CFD shall be responsible for the operations and maintenance of the Arroyo Ditch.

Fourth is the paved "paths." The paved paths along the roadways within the development are also to be maintained by the CFD.

Fifth, is the "boundary fencing as required". Boundary fencing is to be maintained by both the CFD and the HOA, depending on the location. Where the boundary fence is adjacent to an open space parcel the fence shall be maintained by CFD.

The HOA shall be responsible for maintaining all other boundary fencing and shall collect assessments from all lot owners within the HOA for purposes of maintaining the boundary fencing.

And sixth, is the "neighborhood parks and open space." Neighborhood parks and open space parcels, including trails, are to be maintained by the CFD. However, the HOA is encouraged to establish volunteer maintenance efforts or "maintenance days" organized by the HOA to reduce the CFD burden for trail and open space maintenance. In addition, Section 11.4 of the Development Agreement allows the HOA to undertake open space and neighborhood park maintenance, via contract with the CFD.

ENVIRONMENTAL DETERMINATION

This item is informational only and is therefore not considered a "Project" within the meaning of CEQA.

FISCAL IMPACT

No fiscal impact associated with presenting this information other than the time spent to research, analyze, and prepare this report and presentation.

RECOMMENDATION

Receive Informational Presentation regarding Maintenance Services to be Provided for the Zinfandel Services District CFD and Possible Direction to Prepare RFP for Landscape Services

7.2



UPDATED STAFF REPORT

SUBJECT: Potential stop sign at Main/Landrum/Mill Intersection

DEPARTMENT: City Engineer

STAFF: Matt Ospital, City Engineer

TITLE

RECEIVE REPORT ON POTENTIAL STOP SIGN AT MAIN/LANDRUM/MILL INTERSECTION

BACKGROUND

A question was posed to City staff about the possibility of making the intersection of Main Street, Landrum Street, and Mill Street a 4-way stop-controlled intersection (at the post office). The issue that was presented to staff was a sight distance safety issue for vehicles on Landrum that are trying to make a left or right turn onto Main Street. The driver is not able to see when cars are marked on Main Street (at the NE corner of this intersection). See Photo #1.

The Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways is a document issued by the Federal Highway Administration of the United States Department of Transportation. The State also has their own version of this document. In reviewing the MUTCD they classify a 4-way stop-controlled intersection as an "All-Way Stop Control". The document provides decisions making warrants that need to be considered before making an intersection "all-way stop control". These decisions are based on several factors, most notably the following warrants: crash experience, sight distance, traffic volume.

The City has three possible options moving forward:

1. No nothing, leave the intersection as is. Not recommended.
2. Remove the two parking spots on Main Street shown in Photo #1. This will allow for improved sight distance at the intersection. A new 4-way stop would not be needed for this option. This would be the simplest, and least expensive option.



CITY COUNCIL AGENDA ITEM NO. 7.2
10/24/2024

3. Making this intersection all-way stop controlled would help reduce speeding on Main Street and allow for improved sight distance for vehicles trying to make a left turn onto Main Street from Landrum (if the parking spots are not removed). To make this possible it would involve minor striping improvements (stop bar and stop legend), along with two new stop signs on Main Street. Based on the warrants in the MUTCD, this option would require an engineering study with recommendations from a Traffic Engineer to determine if this option is feasible. At this time, there is not enough information available to support this option. See attached Exhibit showing the proposed striping modification concept design.

ENVIRONMENTAL DETERMINATION

This is not a project under CEQA.

FISCAL IMPACT

There is minimal fiscal impact associated with this item. The cost of 2 new stop signs, paint for the striping and posts for the signs as well as time for the work.

RECOMMENDATION

Receive report and provide direction.

#2030



PARKING SPOTS TO BE REMOVED

PHOTO #1

8.1



SUBJECT: Update reports

DEPARTMENT: City Manager's Office

STAFF: Margaret S. Roberts, City Manager

Fire Station Update / CDBG CV Grant

The Fire Station Project is complete. We are now coordinating scheduling a grand opening with the Fire Department to spotlight the Fire Station and all of the work done with the grant.

The Prop 68 Parks Grant

The Park Improvement Plans have been approved by the City Council and the RFPs are being prepared by Weber Ghio. Once complete they will be put out for bid and the bids will come in and then they will come to the City Council to award the bids, and construction can start on the park. The two contractors will work together in coordination to make sure everything gets done efficiently.

Code Enforcement Activity

Code Enforcement closed 3 cases this month, a barking dog and 2 cases of blight. There is one ongoing case that is still active.

Public Works Update*

Public Works Truck Replacement

One of the Public Works trucks has been deemed undriveable by a mechanic. Therefore, we are looking for a replacement truck for our workers. We are currently doubling up workers which is not always the best use of our manpower.

*The remaining of Public Works report will be provided as a supplemental handout either via email or at the meeting and made a part of the permanent record.

