

MINUTES
REGULAR MEETING
CALIFORNIA CITY PLANNING COMMISSION
TUESDAY, DECEMBER 22, 2009, 6:00 P.M.
COUNCIL CHAMBERS, 21000 HACIENDA BOULEVARD

A. OPENING

The meeting was called to order at 6:00 p.m. by the Chairman followed with the Pledge of Allegiance.

Roll Call:
PRESENT:

Buford Land, Drew Piuma arrived late at 6:15 p.m., Vice Chairman Bill Dennis, Chairman Al Greer

ABSENT: Diana Ballestero

B. CONSENT ITEMS

1. **ADOPT AGENDA:** The Chairman called for a motion and vote. Motion action of Dennis, second by Land to adopt the agenda as presented. MOTION CARRIED. Vote 3-0, 2 Absent.

2. **MINUTES:** Motion action of Land, second by Dennis to adopt the minutes from December 8, 2009, as presented. MOTION CARRIED. Vote 3-0, 2 Absent.

C. ANNOUNCEMENTS/PRESENTATIONS

3. Staff: None.

4. Civic: None.

5. Public: None.

D. CONTINUED BUSINESS: None

6. Continued Public Hearing to Consider Conditional Use Permit (CUP) 09-04 for Corrections Corporation of America (CCA), 22844 Virginia Boulevard in the North one-half of Section 13, T32S, R38E, MDB&M, (APN 350-031-02), to operate a 2,200-bed facility in the event CCA is awarded a contract.

Recommendation: Conduct the public hearing, take public testimony, approve CUP 09-04 by Resolution 12-09-2009PC.

The Chairman opened the public hearing, read the item and called for the staff report.

The City Manager gave the staff report. She explained that CCA is a private competitive prison and solicits bids and proposals for new prison facilities in California City, in the event CCA is awarded a contract. The City's Municipal Code allows

prison facilities and services in the Open Space/Residential Agricultural (O/RA) zone with a conditional use permit. The CUP is consistent with the general plan and City's zoning code. The project has been reviewed by the Development Review Committee (DRC) on several occasions and all improvements will be in accordance with City and County Standards.

The City Manager reviewed the findings made by DRC and set forth in the Resolution for the Planning Commission.

The new facility would be within their existing 320-acre site. A Final Environmental Impact Report (EIR) was filed in 1997 for the original 105-acre site of which 70 acres has been built. Addendum No. 1 to California City Prison Project Final Subsequent Environmental Impact Report dated December 2009 incorporates the new 2,200-bed prison.

The new facility will be connected to City sewer. An economic feasibility study on the viability of continuing operation of the current propane system versus converting to natural gas, would be completed prior to construction of any new facility.

CCA shall implement a waste food separation system for the prison. Prior to any inmates occupying the new 2,200-bed prison, CCA shall provide a water pump to serve the Phase II area of the City water system. If CCA does not request building permits for the proposed prison within 3 years, CCA shall conduct a feasibility study to determine the need for water system upgrades.

CCA shall participate on a fair-share basis to re-surface Mojave/Randsburg Road from Mendiburu Road to Cemetery. Construction of the cells would be done onsite at the existing prison facility.

The project is within the R2508 Restricted Airspace Complex. An individual Avigation Easement shall be obtained from Edwards Air Force Base prior to construction. All newly constructed lights shall face downward to reduce glare.

CUP 09-04 allows for construction and operation of a 2,200-bed prison facility. There shall be no expiration date associated with CUP 09-04. A mitigation monitoring and reporting plan to document compliance with all mitigation measures and permit requirements set forth in the 2006 Subsequent EIR and CUP 09-04 shall be prepared during project design and construction and submitted to the City Planning Department prior to any inmates occupying the 2,200-bed prison.

Concluding her report she noted CCA personnel and representatives were present to answer any questions.

The Chairman opened the public hearing to public comments at 6:10 p.m.

Walley Melendez, California City. Mr. Melendez asked if this was a new building?

The City Manager responded yes.

Kim Collins, California City. Mr. Collins asked if the prison could be state or federal?

The City Manager responded yes, it depends on what contract is available.

Eleanor Owens, North Edwards. Ms. Owens asked where did the idea of adding a new prison come from, was it CCA or the City?

Brad Wiggins, Senior Director, Site Acquisition and Development for CCA Prison. Mr. Wiggins explained CCA wished to utilize the existing site for future expansion.

There being no further public comments the Chairman closed the public hearing.

The Chairman called for Commission comments.

Commissioner Piuma arrived at 6:15 p.m. Commissioner Piuma said he had several concerns and one of them was receiving the information on Friday. He said he was told it would be to them sooner. The recording secretary reported the information was provided 72 hours prior to the meeting which is within the law and it was emailed to all the Commissioners. Commissioner Piuma said it was his understanding that it would be sent much sooner and he had been sick and out of town.

The City Manager replied that if Commissioner Piuma or any of the Commissioners would like the packets emailed to a different email address they need to provide the email information to the recording secretary.

Commissioner Piuma said his concerns included the road improvements and the "R" value. He also asked about the Aviagation Easement and if anyone at Edwards had been notified. The recording secretary reported that Hank Rigol, Encroachment Prevention Manager at Edwards Air Force Base was sent the packet by email on Friday and the packet on December 8th. Mr. Rigol receives all the Planning Commission agendas and if it pertains to Edwards AFB, he receives the packet. The recording secretary said she had not received any comments from Mr. Rigol. She also explained the standard Aviagation Easement used by the City had been prepared in cooperation with the Plans and Policy Division at Edwards Air Force Base.

Commissioner Piuma asked if the figures in the resolution reflected current pricing?

The City Manager responded yes.

Brad Wiggins, Senior Director, Site Acquisition and Development for CCA Prison addressed Commissioner Piuma and introduced representatives with him included JR Comer, Attorney and James Hunter, Principal Project Manager. In response to the current pricing it does reflect current pricing. Mr. Hunter had researched the pricing data. CCA has over 66 prison facilities throughout the United States and strives to be good neighbors and an asset to the communities that their facilities are in.

Commissioner Land said if Commissioner Piuma had concerns to put them in writing.

Vice Chairman Dennis recommended adding Commissioner Piuma's written concerns as an exhibit to the resolution.

The recording secretary reiterated the minutes are not verbatim.

Vice Chairman Dennis said his concern was addressed with the building of the cells onsite.

The Chairman asked if the Commission was ready to vote?

Commissioner Piuma asked if the CUP was going to City Council for their approval, since he had no input into the conditions of approval and no one had asked him for his input?

The recording secretary responded this is a CUP that does not require Council approval.

Commissioner Piuma said he did not feel comfortable approving it. He wanted it continued to give more time for review of the conditions, due to the holidays and both the Director of Public Works and the new City Manager, Tom Weil were not present.

Vice Chairman Dennis replied he was ready to make a motion.

There being no further comments, the Chairman called for a motion.

Motion action of Dennis, second by Land to approve CUP 09-04 by Resolution 12-09-2009PC and to add Commissioner Piuma's written concerns as Exhibit B.

Roll Call:

Commissioner Ballestero	ABSENT
Commissioner Land	YES
Commissioner Piuma	NO
Vice Chairman Dennis	YES
Chairman Greer	YES

MOTION CARRIED. Vote 3-1, 1 Absent.

E. **NEW BUSINESS:** None.

F. COMMISSION REPORTS/REQUESTS:

The Chairman mentioned the new grocery store in town. He extended happy holidays to everyone and said that he had enjoyed working with Mrs. Linda Lunsford, City Manager.

G. ADJOURNMENT

The Chairman called for a motion to adjourn.

Motion action of Dennis, second by Land to adjourn at 6:45 p.m. **MOTION CARRIED.** Vote 4-0, 1 Absent.