

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
December 17, 2020**

The Imperial County Planning Commission convened a Meeting on Thursday, December 17, 2020 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

**Staff present:** Planner IV, David Black/Clerk, Gabriela Robb/ Office Assistant, Kimberly Noriega/GIS Tech Derek Newland.

Chairman Rudy Schaffner called meeting to order at 9:00 a.m.

**I. Roll Call: Commissioners present:** Schaffner, Bergh, and Cabañas in attendance.

**Zoom Call:** Kalin, Wright, Medina, Zuno, Roben

**Absent:** None.

**II. Pledge of Allegiance:**

**III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the November 19, 2020 meeting as submitted by staff. Motion was made by Commissioner **Kalin** seconded by Commissioner **Cabañas** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes).

**Chairman Schaffner,** We will be starting with agenda item #1, jump to item #3, and then we will come back to item #2.

**1. Consideration of General Plan Amendment #20-0003** as submitted by Imperial County Planning and Development Services Department (ICPDS). The intent is to include the updated Multi-Jurisdictional Hazard Mitigation Plan into the Imperial County's Safety Element as an Appendix pursuant to Assembly Bill 2140 and as required by recent State law. The project is exempt from CEQA per Section 15061 (b)(3). This is a Countywide project. (All Supervisorial Districts). The Commission took the following actions:

**Jim Minnick, Director,** gave a brief description of the project, and introduced David Black, Planner IV, to read the project into the record.

**David Black, Planner IV,** read the project into the record and was there for any questions from the Commission. Introduced Office of Emergency Services as a lead on the update and informed commission they are available to answer any questions from the Commission.

**Chairman Schaffner,** opened/closed the public portion of the meeting, there were no public comment and then turned it over to the commission for any questions or comments and entertained a motion.

**A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval General Plan Amendment #20-0003 as recommended by staff.**

- B. Motion made by Commissioner **Kalin** and seconded by Commissioner **Roben**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of Variance #20-0001 as recommended by staff.

**Jim Minnick, Director**, stated General Plan Amendment #20-0003 stand approved for recommendation to Board of Supervisors. Project will move forward to Board of Supervisors next month. There is no appeal for this recommendation.

**Chairman Schaffner**, We are jumping forward to agenda item #3.

- 3a. Consideration of **Conditional Use Permit #20-0009** as submitted by Gordons Well II, LLC. Project Applicant is requesting Conditional Use Permit #20-0009 for a new well for a total allocation of 640 acre feet of water yearly, at 6626 Evan Hewes Highway (etal), Winterhaven, CA The property is described as a portion of the Section 26, Township 16 South, Range 19 East, SBB&M, Assessor Parcel Numbers 056-210-001, 008, 042, 044, 052, 053, 061, 063, 066 and 067-000,(Supervisorial District #5).
- 3b. Consideration of **Conditional Use Permit #20-0010** as submitted by Gordons Well II, LLC. Project Applicant is requesting Conditional Use Permit #20-0010 to increase in the current permitted water allocation per CUP #10-0018, from 15 acre feet to 200 acre feet of water yearly, at 6626 Evan Hewes Highway (etal), Winterhaven, CA The property is described as a portion of the Section 26, Township 16 South, Range 19 East, SBB&M, Assessor Parcel Numbers 056-210-001, 008, 042, 044, 052, 053, 061, 063, 066 and 067-000,(Supervisorial District #5).
- 3c. Consideration of **Conditional Use Permit #20-0011** as submitted by Gordons Well II, LLC. Project Applicant is requesting Conditional Use Permit #20-0011, to increase in the current permitted water allocation per CUPs #1205-96(B) from 5 acre feet to 20 acre feet of water yearly, at 6626 Evan Hewes Highway (etal), Winterhaven, CA The property is described as a portion of the Section 26, Township 16 South, Range 19 East, SBB&M, Assessor Parcel Numbers 056-210-001, 008, 042, 044, 052, 053, 061, 063, 066 and 067-000,(Supervisorial District #5).
- 3d. Consideration of **Conditional Use Permit #20-0012** as submitted by Gordons Well II, LLC. Project Applicant is requesting Conditional Use Permit #20-0012 to increase in the current permitted water allocation per CUPs #10-0021 from 25 acre feet to 140 acre feet, at 6626 Evan Hewes Highway (etal), Winterhaven, CA The property is described as a portion of the Section 26, Township 16 South, Range 19 East, SBB&M, Assessor Parcel Numbers 056-210-001, 008, 042, 044, 052, 053, 061, 063, 066 and 067-000,(Supervisorial District #5). The Commission took the following actions:

**Jim Minnick, Director**, gave a brief description of the project, and introduced Joe Hernandez, Planner IV, to read the project into the record.

**Joe Hernandez, Planner IV**, read the project into the record and was there for any questions from the Commission.

**Chairman Schaffner**, asked if there were representatives for this project present to state their name and address for the record.

**Jurg Heuberger**, representing Ron Pratte, Gordons Well II, LLC, introduced himself and stated that Mr. Joe Hernandez submitted new language on the CUP agreements.

**Joe Hernandez, Planner IV**, confirmed. Commissioners should have received four (4) amended CUPs. Changes were underlined under condition S1 regarding allocation of the water should ownership change to the property.

**Jurg Heuberger**, thank you, Joe. I wanted to make sure we got that on the record. For the record, Mr. Pratte now owns all of the property in the area including the previously owned McMillen RV Park area. The only parcels he doesn't own are the 10-acre parcel owned by BLM and a 10-acre parcel owned by Mr. Garzon, which will also be coming for a CUP in short order. Mr. Pratte has reviewed the revised conditions and as of yesterday has indicated he was in agreement with the conditions.

**Chairman Schaffner**, opened/closed the public portion of the meeting, there were no public comment and then turned it over to the commission for any questions or comments and entertained a motion.

**Commissioner Kalin**, asked Mr. Heuberger to give an idea of what Mr. Pratte's plans are to use all this water.

**Jurg Heuberger**, referenced the site plan shown in the presentation. The original plan was to plant citrus crops. However, that plan has been modified to do any type of agricultural use that has commercial value. Substantial amount of the water would be for agricultural type uses. However, he also does an extensive amount of dust control on his property. He has three (3) ten-thousand gallon water trucks that he uses daily to water everything. So that's principally the uses he has in mind at the present time.

**Commissioner Bergh**, The wells he has now, do not suffice to do any plans in the future?

**Jurg Heuberger**, No, the current wells he has don't supply the water he uses or needs to do simple dust control.

**Commissioner Bergh**, S2 zones allow agriculture?

**Jurg Heuberger**, Yes.

**Commissioner Bergh**, I read the hydrologic well summary and it reads almost like an attorney wrote it. The purpose of the report is to establish a ground water quality and quantity will not adverse impact use. Yet the IID has concerns with it.

**Jurg Heuberger**, The IID letter has concerns because Mr. Pratte has not applied to purchase the water from them versus getting an agreement with Needles.

**Commissioner Bergh**, Where does the water originate from?

**Jurg Heuberger**, Allegedly, according to the report, it's Colorado River water, which means you have to get a contract from the Lower Colorado River Board which is handled by the City of Needles. Which is what Mr. Pratte has for his current wells. IID's position, when I spoke with Justina, was that they believe he should be applying to purchase water from the IID versus Needles.

**Commissioner Bergh**, How large is the aquifer underground?

**Jurg Heuberger**, Potentially millions of acre-feet. The county has had several groundwater studies done for that area and just to east, you have about a 3,000-acre farm and I believe they were allowed 3,000 acre-feet. When that groundwater study was done over thirty years it would drop the aquifer about half a foot. The issue with the IID is that they believe the applicant should have to go through IID for the water instead of Needles, which he may opt to do depending on the rates. But that's his call.

**Commissioner Bergh**, The IID is asking us not to approve this.

**Jurg Heuberger**, Well, of course. If you could sell the water, wouldn't you want them to buy from you?

**Chairman Schaffner**, How many years did the Gofield try to make a deal with the IID to get some water out there?

**Jurg Heuberger**, A long time, Mr. Chairman.

**Commissioner Castillo**, Does Mr. Pratte also own the RV park to the west?

**Jurg Heuberger**, Yes, originally Mr. McMillen purchased that land back in the 70's and developed a small RV park and subsequently got it improved. I believe the current permit is good for a ninety-nine space RV park. Mr. Pratte purchased that land this year from Mr. McMillen.

**Commissioner Castillo**, I heard a rumor that Mr. Pratte is planning to sell that. The only reason I'm asking is because this request may have some effect on that trailer park.

**Jurg Heuberger**, As far as I know he is trying to upgrade the park. He has applied for electrical permits with the Planning Department to upgrade the electrical service and he is cleaning the park up. The last I spoke with him about it, he was looking for a park manager to run the park. He has not indicated to me that he is planning to sell it. His goal has been to own that entire section.

**Commissioner Castillo**, As a matter of trivia, that thousand acre feet is not a lot in comparison to Brock Experimental Farms which has an equivalency of thirteen thousand acre feet a year. So, one thousand feet isn't too much for that particular area. Is Brock still in operation?

**Jurg Heuberger**, No, Brock has closed down.

**Commissioner Castillo**, So, the thousand acre-feet would not make too much of a difference in the groundwater.

**Chairman Schaffner**, entertained a motion.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of Conditional Use Permit #20-0009 as recommended by staff.
- B. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of Conditional Use Permit #20-0010 as recommended by staff.
- C. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of Conditional Use Permit #20-0011 as recommended by staff.
- D. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of Conditional Use Permit #20-0012 as recommended by staff.

**Jim Minnick, Director**, stated Conditional Use Permits #20-0009 through #20-0012 stand approved by this commission. Any member of the public or applicant may appeal this decision by following the

appropriate appeal within the next ten days.

**Chairman Schaffner**, stated that Commissioner Cabañas will be excusing himself for item #2.

**Commissioner Cabañas**, I will be excusing myself for item #2. I have a conflict of interest because it is submitted by Ormat.

- 2a. Consideration of the **Water Supply Assessment (WSA)**, as submitted by ORNI 33, LLC, proposing a Water Supply Assessment for the Wister Solar Energy Facility project. This Water Supply Assessment has determined that the ground water supply is adequate to meet the project demand for the Wister Solar Energy Facility project. The foreseeable planned demands for the 1 source of water for the Project have been noted in this Water Supply Assessment. Assessor Parcel Numbers: 003-240-001-000. The Project is located approximately 3 miles northeast of the Townsite of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. (Supervisory District #4).
- 2b. Consideration of the **Final Environmental Impact (FEIR SCH2018041058)**, as submitted for ORNI 33, LLC, that includes Wister Solar Energy Facility Mitigation Monitoring & Reporting Program, and Conditional Use Permit #18-0040 and Conditional Use Permit #20-0006; (collectively the "Project" generating approximately 20 MW's), located approximately 3 miles north of the Townsite of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Number 003-240-001, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4).
- 2c. Consideration of **Mitigation Monitoring & Reporting Program (MM&RP)** for the Wister Solar Energy Facility project. A mitigation monitoring and reporting program for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment (CCR §15097). This program will be designed to ensure that these measures are carried out during project construction and operation. Assessor Parcel Number 003-240-001-000. The project is generally located approximately 3 miles north of the Townsite of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Number 003-240-001-000, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4),
- 2d. Consideration of **General Plan Amendment #19-0001** as submitted by ORNI 33, LLC, proposing an Amendment to include/classify Assessor Parcel Number 002-240-001-000 into the Renewable Energy (RE) Overlay Zone. Specific renewable energy project not located in the Renewable Energy (RE) Overlay Zone. The project is generally located approximately 3 miles north of the Townsite of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Number 003-240-001-000, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4).

- 2e. Consideration of Zone Change #19-0001 as submitted by ORNI 33, LLC, proposing a Zone Change to include/classify Assessor Parcel Number 003-240-001-000 (which includes the solar energy facility) into the RE Overlay Zone. The project is generally located approximately 3 miles north of the Townsite of of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Numbers 003-240-001-000, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4).
- 2f. Consideration of Conditional Use Permit (CUP #18-0040) as submitted by ORNI 33, LLC, proposing the Wister Solar Energy Facility Project, which is a 20-megawatt alternating current, solar photovoltaic (PV) energy generation facility on one parcel, totaling approximately 160 acres, approximately 100 acres (area within the fence line) would be developed. Assessor Parcel Numbers 003-240-001-000. The project is generally located approximately 3 miles north of the Townsite of of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Numbers 003-240-001-000, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4).
- 2g. Consideration of Conditional Use Permit (CUP #20-0006) as submitted by ORNI 33, LLC, proposing a water well for the construction and operation of the Wister Solar Energy Facility Project. Assessor Parcel Numbers 003-240-001-000. The project is generally located approximately 3 miles north of the Townsite of of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Numbers 003-240-001-000, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4).
- 2h. Consideration of Variance #20-0003 as submitted by ORNI 33, LLC, proposing a Variance for any transmission structures exceeding the existing maximum height limit of 40 feet. The project is generally located approximately 3 miles north of the Townsite of of Niland, in the unincorporated area of Imperial County. The project site is generally surrounded on the north, east and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east and an agricultural field lies to the northwest of the project site. Assessor's Parcel Numbers 003-240-001-000, located at 8601 Wilkins Road, Niland, CA. (Supervisory District #4). The commission took the following actions:

**Jim Minnick, Director**, gave a brief description of the project, and introduced Patricia Valenzuela, Planner IV, to read the project into the record.

**Patricia Valenzuela, Planner IV**, read the project into the record and was there for any questions from the Commission.

**Chairman Schaffner**, asked if there were representatives for this project present to state their name and address for the record.

**Tim Gnibus**, representing Wister Solar, introduced himself and stated that comment letters were received correspondence from Kyle Jones from Citizens Solar dated December 17th and December 16th.

Detailed written responses have been provided in today's package. In summary, they do not bring up any new issues that have not been addressed in the Environmental Impact Report in responses to comments. There are no new comments that raise additional issues of concern. No new significant impacts or mitigation measures would be required based on the issues in their comments. One more correspondence was received from Golden State Environmental Justice. An email to the County requesting that their comment letter be responded to. However, the County has not received a comment letter on the draft EIR. Staff has corresponded back to the entity to request the letter and they have not responded as of this morning. Should one appear, we would be happy to respond to it accordingly and include it as part of the project record.

**Patricia Valenzuela, Planner IV,** Yesterday you received revised CUPs. The name was corrected to Orni 33. Tim just explained the different comment letters that we received. Max asked me yesterday how far the project was from the canal. It is approximately two-thousand feet and that portion is not lined.

**Chairman Schaffner,** opened/closed the public portion of the meeting, there were no public comment and then turned it over to the commission for any questions or comments and entertained a motion.

**Commissioner Castillo,** Do they have maximum amount of acre-feet that they will be utilizing for the year?

**Joe Hernandez, Planner IV,** It will be 10.22 acre feet total. It was going to be reduced when they came off operational.

**Jim Minnick, Director,** Typically during the construction phase, there is a good amount of water used on these solar projects. However, operationally they do not use much of anything. Most of the water used is for dust suppression during the construction.

**Commissioner Castillo,** Ok, I have another question. I understand the variance is to exceed the maximum height of forty feet. How high do they want to go with the transmission line?

**Tim Gribus,** They are looking up to seventy feet high.

**Commissioner Castillo,** Ok, there's nothing around that area, is there?

**Tim Gribus,** No, this is a rather isolated site. There is existing transmission lines in the general area as well.

**Commissioner Castillo,** About the same height?

**Tim Gribus,** I do not know off hand.

**Commissioner Castillo,** Does that have anything to do with the marine base up there?

**Tim Gribus,** The applicant met with Marine Corps more than once and made sure they addressed any concerns they may have had from an operational stand point. In the EIR is a glare analysis that was received by the Marine Corps and they concurred with the findings and have not raised any other concerns regarding the project.

**Patricia Valenzuela, Planner IV,** introduced the applicant, Benjamin Orcutt, to the commission. He was available to answer any questions or concerns from the commission.

**Benjamin Orcutt,** I can answer any questions the commission may have in terms of the gen-tie line that we are proposing. It is actually a ninety-two (92) kV. Requesting a variance up to seventy feet. From

ground surface to the top of the pole, it will be about sixty-six feet. Which is essentially the same height as the existing IID k-line that runs through that area. We have been in constant contact with the Marine Corps. They have requested that we put signal lights on any structure over twenty feet tall. Each pole will have a small solar light to appease the Marine Corps as far as them flying in and out of that area with their helicopters.

**Chairman Schaffner**, turned it over to the commission for any questions or comments and entertained a motion.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Water Supply Assessment as recommended by staff.
- B. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Final Environmental Impact as recommended by staff.
- C. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Mitigation Monitoring & Reporting Program as recommended by staff.
- D. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the General Plan Amendment #19-0001 as recommended by staff.
- E. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Zone Change #19-0001 as recommended by staff.
- F. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Conditional Use Permit #18-0040 as recommended by staff.
- G. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Conditional Use Permit #20-0006 as recommended by staff.
- H. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the majority vote by Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (no), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of the Variance #20-0003 as recommended by staff.



Jim Minnick, Director, stated all items identified under item #2 stand approved for recommendation to Board of Supervisors. Project will move forward to Board of Supervisors. There is no appeal for this recommendation.

**VI. Public Comments, NONE**

**VII. Commissioner Comments,** Chairman Schaffner commented that the holidays are coming up and asked everyone to stay safe. I believe we have the finest Planning Commission assembled here in the state of California and I want to make sure we are all back next year. So please be careful.

**VIII. Director Comments,** Mr. Minnick thanked everyone for participating in the meeting. Wished everyone a Merry Christmas and a much better New Year. Mr. Hernandez will be retiring at the end of the month. We will miss him and wish him good health and a happy retirement.

**IX. Adjournment:** Meeting adjourned at 9:46 a.m.



Submitted by Rudy Schaffner;  
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of  
Imperial County Planning Commission  
Gabriela Robb PC Recording Clerk

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