Call to Order at 5:04 p.m.
Roll Call: Council Member Irish, Council Member West, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor Martinez

Pledge of Allegiance Led by Council Member Irish
Invocation - a moment of silence was observed.

**ORAL COMMUNICATIONS**
None

**SCHEDULED MATTER**

1. **AN EXTENSION OF AN INTERIM URGENCY ORDINANCE FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY**

Recommendation: That the City Council hold the continued public hearing and adopt the draft ordinance extending for a one-year term the Interim Urgency Ordinance for the protection of the hillside areas of the community defining the process and criteria for the development of hillside properties within the City of Porterville Urban Development Boundary.

City Manager John Longley presented the item and the staff report. He then called on City Attorney Julia Lew to elaborate on the specific revisions to the Ordinance.

Ms. Lew informed the Council that the draft ordinance initially provided with the Agenda had since been updated by staff, and that the Council should disregard the first version. She stated that pursuant to the direction from the Council at the last meeting, staff had added language which would allow for the Council to waive, upon request by the applicant, all or part of the conditions required by the Ordinance for properties with an average slope of less than 6%. She noted that the calculation for determining slope was also set forth in the Ordinance. Ms. Lew added that the scope of waiver was further broadened by allowing applicants seeking a waiver to provide information sufficient to show that such provisions were unnecessary or irrelevant to their proposed project. Ms. Lew then noted for the record that Plano Street had been misspelled as “Plan Street” and would be corrected.

Mayor Pro Tem Hamilton voiced concern with requiring property owners whose land consisted of a less than 6% grade to come before the Council for a waiver. A discussion ensued as to the waiver process. Mayor Pro Tem Hamilton commented that his only concern with the waiver was the probable lengthy process in securing a waiver. He requested that language be included in the Ordinance that would ensure the waiver process was timely.
Ms. Lew commented that there would be no reason for the process not to be timely, as it would only entail transmitting the request to the Council and placing the item on the next Agenda.

Senior Planner Julie Boyle agreed with Ms. Lew’s contention that the process would not be lengthy.

In response to concerns raised by Mayor Martinez, Ms. Lew indicated that every time the Council granted a waiver, it would be setting precedent, particularly in situations that involved a slope greater than 6%. A discussion ensued as to the relationship between properties situated at lower elevations and those at higher elevations, particularly as to drainage issues, and the timing of development of each. It was pointed out that such issue would likely be addressed in the permanent Ordinance.

Mr. Longley estimated that if the process moved forward extremely efficiently, the soonest a permanent Ordinance could be completed would be June or July 2006.

Ms. Lew confirmed that language could be added to the Ordinance which would set forth requirements for expediting the process to ensure a timely processing of the waiver application.

• Jim Winton, business address at 150 W. Morton, clarified with staff that the CAD-based software referenced in Section 6 of the draft Ordinance would be AutoCad or something similar. He then noted that the only issue with the ordinance of which he was aware pertained to the requirement of developers to provide detailed information of houses to be built. He noted that there were some situation in which developers had not planned to build houses. A discussion ensued as to that requirement.

Project Manager Susan Duke clarified that the waiver applied to properties with a slope less than 6%, and not 6% or less.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft ordinance extending the Interim Urgency Ordinance for a one-year term for the protection of the hillside areas of the community defining the process and criteria for the development of hillside properties within the City of Porterville Urban Development Boundary, as amended to revise waiver language to expedite the process, requiring presentation of the waiver to the Council at the next Council Meeting if the applicant files for said waiver at least seven days prior to the meeting date.

AYES: Irish, West, Hamilton, Stadtherr
NOES: Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved.
ADJOURNMENT

The Council adjourned at 5:25 p.m. to the meeting of February 21, 2006 at 6:00 p.m.

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Patrice Hildreth, Deputy City Clerk

ATTEST:

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Pedro R. Martinez, Mayor