

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
FEBRUARY 23, 2006
4:00 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:03 p.m. on Thursday, February 23, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr (4:40 pm)
Council Member Dan Schweiker (attended by telephone conference call)
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Chief John Wintersteen
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Management Analyst Duncan Miller
Executive Assistant Natalie Montenegro

DISCUSSION ITEMS

Water Committee Update

Mr. Martinsen said this is an update of the Water Committee activities over the past year.

Vice Mayor Winkler reviewed the Arizona American infrastructure improvements. He said they have gone to the Arizona Corporation Committee for a rate increase to pay for the implemented

improvements. Arizona American worked with a User Committee of residents to provide input to engineers and prioritize the projects. Arizona American also has to spend money on a new arsenic treatment facility.

Council Member Coffman reported on the improvements made by Berneil Water Company, the smallest of the providers. Their greatest deficiency is water storage capacity. There is now adequate pressure and adequate supply in the event of a fire. There was cooperation with the City of Scottsdale for an automated emergency water connection in the event of a fire emergency. Regarding arsenic, Berneil is looking at blending water from two wells to reduce the arsenic levels.

Mr. Martinsen said about three years ago, Phoenix approached the Town about water improvements. They estimated the improvements would cost \$25 million. They developed an \$8 million program which would address the most serious deficiencies which are primarily around Mummy Mountain. They built a \$2 million water transmission main which delivers a large volume of water. The next phase is to get the water to the neighborhoods that have the worst problem. Those areas are on the mountain. They will need to build booster stations to lift the water up the mountain. The first booster station is at Cheney and 61st Street.

Mr. Mead said Phoenix has been very cooperative in working with the Town. There are a total of 12 stations that have been identified as needed in the Town. Phoenix successfully negotiated a price for the property at 61st Street and Cheney. The next station will be further up on Cheney. Phoenix has also spent about \$3 million on the well site at Caballo and Morning Glory Road for arsenic treatment. There will also be some aesthetic treatment of the site by Phoenix. Phoenix also identified areas that needed fire hydrants. They have installed 21 hydrants to date. Additional fire hydrants will be installed once the booster stations are installed.

Fire Marshal Chuck Fitzgerald said the Town has inventoried all fire hydrants and included this on a GIS map. Rural/Metro has done a fire hydrant inspection program to make sure there is nothing blocking the hydrants and to test the pressure of the hydrant. They have also done hydrant flow tests. They are concentrating on the areas that they know have pressure problems.

Council Member Hamway said the Town's website has an electronic map that maintains the records of the three water systems and hydrant locations.

Discussion of Native Plant Preservation Ordinance

Ms. Cutro said currently there is no native plant preservation policy in the Town. The water Committee expressed an interest in encouraging native plant preservation. Staff researched what other communities are doing and proposes a plan similar to Scottsdale's ordinance. It would have to be modified because of staffing concerns. Ms. Cutro reviewed the proposed process. Chapter 5 Building Code of the Town Code would be amended. She reviewed the protected native plants. She reviewed the information that would be required with an application. Ms. Cutro said they will receive input from the building community. They will develop a native plant

preservation application and any necessary accompanying information, establish plan review and permit guidelines, fees, and inspection schedule.

Council felt that this should move forward and not necessarily wait for input from the building committee. Ms. Cutro said there probably wouldn't be changes for the Code, but they could provide input on the application and implementation. Mr. Martinsen suggested that Ms. Cutro send the builders a complete package of what is going to Council and the builders could provide input at the Council meeting.

Council Member Schweiker said a resident could blade the property before coming in for any permits or before selling the property.

Council Member Hamway suggested we take another look at the list because there are some other plants that perhaps should be saved. Council said they would independently give feedback on the list.

Discussion of Town's 45th Birthday Celebration

Ms. Montenegro said on May 24th the Town will celebrate its 45th Anniversary. The Historical Committee selected the celebration to be May 4th. They recommend a Mexican theme. The catering will be by United Methodist Outreach Ministries. Advertisement will be in the Paradise Valley Independent, the Town Reporter and the Arizona Republic. The cost will be \$2,500.

Discussion of Town Hall Library/Remodeling Project

Mr. Martinsen said the question has arisen as to what to do with the books in the library when we remodel.

Ms. Montenegro said the books have probably been here since the 1970's. It was suggested that the books be put in storage and then sold at the Public Safety Fair with the proceeds going to the Relay For Life and DARE. The 2nd option is to store the books and relocate them to the new work/study meeting room. The 3rd option is to donate the books to a charity or to a used book store.

There was Council consensus to invite 3 booksellers to appraise the books. The books with some value will be kept or sold, the others will be donated.

Mr. Martinsen said this will be on the Council agenda.

EXECUTIVE SESSION

Mayor Clarke made a motion to adjourn to executive session at 5:15 p.m. Vice Mayor Winkler seconded the motion, which carried 7-0.

- a. Discussion and consultation with Town Attorney regarding **Development Agreement with Crown Opportunity Associates, L.L.C** as authorized by A.R.S. §38-431.03.A.4 and discussion and consultation with Town representatives regarding **property in the vicinity of 56th Street and Lincoln Drive** as authorized by A.R.S. §38-431.03.A.7.
- b. Discussion and consultation with Town representatives regarding **property in the vicinity of Invergordon Road and Northern Ave** as authorized by A.R.S. §38-431.03.A.7.

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:01 p.m. on Thursday, February 23, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr
Council Member Dan Schweiker (attended by telephone conference call)
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Planning Director Eva Cutro
Town Engineer William Mead
Public Works Director Andrew Cooper
Police Chief John Wintersteen
Management Analyst Duncan Miller
Senior Planner Paul Walker

PLEDGE OF ALLEGIANCE

Council Member Simpson led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Retiring Police Officer John Corcoran

Chief Wintersteen stated that Officer John Corcoran will be retiring from the Police Department. He has been with the department since August 3, 1987, and has been a detective for 11 years. He has been the detective for the Rock Burglar investigation. Mayor Clarke presented Officer Corcoran with a proclamation and a gift certificate. Chief Wintersteen presented to Officer Corcoran his retired badge. Chief Wintersteen also presented a Medal of Valor Second Class for his participation in conducting surveillance of a vehicle used by two convicted felons wanted for questioning in several felony crimes.

Officer Corcoran thanked the Town for allowing him to serve the Town.

Recognition of Wynn Tyner, General Manager, Camelback Inn & Spa

Mayor Clarke recognized Wynn Tyner, General Manager of the Camelback Inn Resort & Spa, on the occasion of his retirement. Mr. Tyner has been the General Manager at the resort for 21 years. He presented Mr. Tyner with a proclamation and a Solari bell.

CALL TO THE PUBLIC

Joni Boulware, 7459 N. 58th Place, addressed the Council on the proposed ordinance for native plants that was discussed during the work/study session. It is long overdue. She was concerned with how we will know if we are successful. There should be a tracking method. Scottsdale requires the use of a certified survey by a professional to determine what plants should be salvaged. She is also concerned about the size of plants that are being preserved. She felt that smaller plants should also be saved.

Dennis Wurst, 6501 N. 40th Place, spoke in support of Rural/Metro. He felt the brush on the mountain and around houses need to be cleared. He also expressed concern about kids speeding down Lincoln Drive.

Sam Wercinsky, 5937 E. Cheney Drive, spoke in support of the native plant ordinance. He asked the Town to invite the Native Plant Society for their input on this issue.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

- a. **Minutes of Town Council Meeting February 9, 2006**
- b. **Approval of Invergordon Road Construction Change Order Deleting Wall, Bollards, Landscaping and Sidewalk**
- c. **Adoption of Resolution Number 1117 Approving the 2000 Town of Paradise Valley Procurement Policy and Amendments Thereto**
- d. **Adoption of Ordinance Number 576, Repeal of Article 3-5, Public Bids**

Mr. Martinsen summarized the items on the Consent Agenda. He asked that item b be withdrawn.

Vice Mayor Winkler made a motion to approve Consent Agenda as amended by Town Manager to withdraw item b. Council Member Simpson seconded the motion, which carried 7-0.

PUBLIC HEARINGS

Consideration of Montelucia Hotel, LLC Liquor License Application

Mr. Duncan Miller stated this is a transfer of the liquor license for Montelucia Hotel, LLC from Patria Ann Martin, Agent, PV Resort Associates LLC to Patricia Ann Martin, Agent, Montelucia Hotel LLC. He said no comments were received in support or opposition to this application. There are no violations on file for this liquor license. The Police Department and the Planning and Building Department have reviewed the application and have no objections.

Mayor Clarke opened the public hearing. There were no comments. He closed the public hearing.

Council Member LeMarr made a motion to forward the Montelucia Hotel, LLC liquor license application for Person Transfer to the Arizona Department of Liquor Licenses and Control with a recommendation for approval. Council Member Simpson seconded the motion, which carried 7-0.

ACTION ITEMS

Approval of Merkaba Final Plat

Mr. Walker stated this is a request to subdivide an 8.4-acre parcel of land at the corner of Doubletree Ranch Road and Tatum Boulevard. There will be four lots. He reviewed the compliance to the Town Code. He said Mr. Skip Nelson and Mr. Sid Abbott were available to answer questions.

In response to a question from Council Member LeMarr on Bill Perkin's concerns about drainage expressed during the preliminary plat, Mr. Abbott stated that Mr. Nelson provided Mr. Perkins the new drainage plans and Mr. Abbott contacted Mr. Perkins about the plan.

Planning Commissioner Tom Campbell said the Commission studied the drainage along Horseshoe Road and they felt it was improved. There is also an easement on the east side of lot 4 because the neighbor's driveway encroached onto lot 4. The applicant increased the side yard setback in the area of the easement to accommodate the driveway.

Council Member Simpson made a motion to approve the Final Plat for Merkaba, subdividing an 8.4 acre property into 4 lots, subject to the following stipulations contained in the Action Report:

- 1) The final plat for this subdivision shall be in substantial compliance with the following:

- a. The Preliminary Plat of Merkaba prepared by WM Ross Nelson, dated April 18, 2004, and revised May 23, 2005.
 - b. Preliminary Grading, Drainage, Roadway and Landscape Plan, Sheets 1 and 2, prepared by Quality Civil Engineering, dated March 10, 2004, and revised May 23, 2005.
- 2) The subject subdivision shall be developed in full compliance with the R-43 Zoning District and all other applicable Code provisions.
 - 3) Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
 - 4) Development of homes in the Merkaba subdivision shall comply with the following construction requirements:
 - a. All construction-related parking shall be located on the property.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Saturday with no work on Sunday or legal holidays.
 - 5) Prior to the recordation of the final plat for Merkaba, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the construction and related improvements adjoining the subject property. These improvements include:
 - a. Landscape improvements in the right-of-way of Horseshoe Road and Tatum Boulevard.
 - b. Curb and gutter on Tatum Boulevard.
 - c. A right turn lane on Tatum Boulevard.
 - d. A six-foot wide meandering San Diego buff colored salt finished concrete sidewalk per Town standards on Tatum Boulevard.
 - e. Extension of a new 6-inch water line at the east end of the subdivision to connect the existing 6-inch water line located along the east property boundary to the existing 6-inch water line in Horseshoe Road in accordance with the specifications stated in the Water Needs Report prepared by David S. Fabiano, dated January 19, 2005.
 - f. Grading improvements related to the drainage easements as shown on the Final Grading, Drainage, Roadway and Landscape Plan, Sheets 1 and 2, prepared by Quality Civil Engineering, dated March 10, 2004, and revised on January 19, 2006.

- 6) Prior to the issuance of any building permit in the subdivision, the improvements listed in Stipulation 5 shall be completed.
- 7) The applicant voluntarily agrees to the east side yard setback of 20 feet around the driveway easement for Lot 4 as shown on the Final Plat of Merkaba prepared by WM Ross Nelson, dated March 5, 2005, and revised on October 5, 2005.
- 8) The perimeter wall located along Tatum Boulevard shall have a minimum return of 10 feet on both the north and south end, with the return terminating into a decorative pier. The return shall be curved.
- 9) The drainage openings on the perimeter wall along Tatum Boulevard shall be a break away grate, not CMU block on its side.
- 10) Historical storm water flow from Tatum Boulevard, down Horseshoe Road, and back onto the site shall be collected and conveyed through the property, as discussed in the Drainage Assessment for Merkaba Final Plat, prepared by Scott A. Wagner, P.E., dated December 18, 2005.
- 11) As shown on the Final Plat of Merkaba, prepared by WM Ross Nelson, dated March 5, 2005, and revised on October 5, 2005, the applicant voluntarily agrees to provide a 55-foot triangular easement at the northwest corner of the subject property for landscaping and a future Town entry monument sign.
- 12) The applicant shall remove the existing berms located along Horseshoe Road, adjoining the property, prior to final inspection of the grading of the drainage swales associated with the platted drainage easements on the Final Plat.

Vice Mayor Winkler seconded the motion, which carried 7-0.

Consideration of Rancho Valencia Preliminary Plat

Mr. Walker said this is an 8 acre parcel which would be subdivided into 7 lots. All existing structures will be demolished including the fences around the property. The preliminary plat complies with the minimum lot size for R-43 zoning and complies with lot width. The lots will be connected to the Scottsdale sewer. The street is proposed to be a private street. He showed the proposed entry/wall, subdivision sign, the proposed fountain, and an accessory structure to be used for upkeep of the proposed fountain. The Planning Commission voted 7 to 0 to recommend approval of the preliminary plat.

Susan Bittersmith, representing the applicant, said they have worked with staff, listened to the neighbors and the Planning Commission. They are complying with the proposed native plant ordinance. They have worked on the traffic issues. They have addressed issues involving

drainage. The plan will reconstitute the existing wash. They meet the new wall ordinances. They are well within the Town's ordinances.

Mr. Wood, representing the applicant, explained the view lines from Mr. Kowal's property.

Commissioner Campbell said the property is zoned R-43. The Commission worked hard to mitigate the neighbors concerns. They increased the setbacks. They requested a meandering wall. The Commission also requested a reduced size accessory structure.

Ms. Cutro said the accessory structure will come before Council with the special use permit for the private road. Mr. Miller said that the special use permit has not been approved by the Planning Commission at this time.

Eileen Kowal, 6021 N. Mockingbird Lane, read a letter from Jane Cole, 4701 E. Sparkling Lane, opposing the subdivision. The letter stated Ms. Cole felt the lots should better fit in with the neighborhood, expressed opposition to the private road, fountain and high wall around the subdivision, asked for two or three more fire hydrants, and asked that three native trees planted by the Town along the existing sidewalk be retained.

Christine Larkin, 6739 E. Valley Vista Lane, opposed the proposed access off of Mockingbird. She requested the continuity of scale with the existing neighborhood, and requested that the existing landmark views be retained. She said the traffic analysis was done when the schools were not in session and the residents were gone for the summer. She said it did not address the parking on Mockingbird Lane or the impact of the Ritz Carlton that will be built. She felt that McDonald access is safer because there would be the possibility of a dedicated turning lane and it potentially aligns with another street, Kiva Lane.

Sam Wercinsky, suggested the use of view fences to enhance the openness and then solid walls beyond the view fence.

Karen Harkins, 6226 N. Mockingbird Lane, said she would like to see the access on McDonald Drive not on Mockingbird Lane. There is too much traffic on Mockingbird Lane. She was opposed to the walls and felt it did not fit in with the neighborhood.

Mel Kowal, 6021 N. Mockingbird Lane, said he lived there since 1967. He is concerned with the quality of life in Paradise Valley. He is concerned about saving their views. The General Plan goals and policy is to preserve open space. Mr. Kowal showed slides of the change in his views caused by the proposed subdivision. He does not object to the reasonable use of the land. He requested height limitations for the houses and the elimination of the walls and the gatehouse. He felt the subdivision should blend with the neighborhood.

Judy Krufky, 6802 E. Valley Vista Lane, said she is not opposed to building. But she felt seven homes may be too much on that parcel of land. She would also like to see the entrance on McDonald not Mockingbird Lane.

David Weingart, 6825 E. Valley Vista Lane, had a concern for the drainage problem coming down Mockingbird. He wanted to make sure this didn't increase the flooding. He also had a concern for the loss of views.

Edward O'Brian, 6044 Mockingbird Lane, was concerned about the drainage with two walls around his property. He asked about the red lines shown on the plans and the blue line that goes to Mockingbird Lane

Mr. Walker said the red lines indicate the on-site retention. The blue line is where the wash goes through the property and exits at Mockingbird Lane.

Mr. Mead said the original drainage was changed in the 1950's and diverted to the north. He met with the neighbors and walked the site. They worked with the engineers to restore the natural wash line. The properties to the north suffered flooding problems because of the changes made in the 1950's. The only difference is that the original wash went through Mr. O'Brian's property. The developer has moved that portion of the wash to the south of Mr. O'Brian's property where it will exit on Mockingbird Lane. The retention basins will mean that less water will come off the property. The flooding on Mockingbird Lane is not caused by this property. He felt the walls and basins will help the flooding problems on Mockingbird Lane.

Ms. Bittersmith clarified a few points. The applicant is correcting a drainage problem that currently exists. With regard to Ms. Cole's concerns, they are protecting the native plants. And there has been an updated traffic report done while the school was in session. The site lines shown by the applicant take into consideration the setbacks for the property.

Eileen Kowal said most of the neighbors are confident that the houses will be exquisite. They don't understand why they want access onto Mockingbird Lane. She doesn't understand why the developer doesn't exit on to McDonald.

Commissioner Campbell said they felt from a safety point, the Mockingbird access was better. With a McDonald access there could be less open space because of the setbacks. The Town recommends not using minor arterials for access.

Responding to a question from Mayor Clarke, Ms. Cutro stated that it may be preferable to approve an SUP at the time of the final plat, so you don't give the applicant permission for an SUP before you give permission for the final plat. You need the final plat for the SUP.

Council Member Coffman made a motion to approve the Preliminary Plat for Rancho Valencia, subdividing an 8-acre site into 7 lots, subject to the following stipulations:

1. The Final Plat for Rancho Valencia shall be in substantial compliance with the following Preliminary Plat and accompanying subdivision improvement plans:

- a. Preliminary Plat for Rancho Valencia prepared by Kimley-Horn and Associates, Inc., sheet 1 and 2, dated November, 2005.
 - b. Landscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.1, dated October 4, 2005; and last revised on January 3, 2006. The setbacks shown on Lot 6 shall match the Preliminary Plat.
 - c. Hardscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.2, dated October 4, 2005; and last revised on January 3, 2006.
 - d. Hardscape Elevations for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.3, dated October 4, 2005; and revised on January 3, 2006. The entry wall and column located on the south side of Rovey Avenue shall match the Hardscape Plan and Entry Perspective.
 - e. Lighting Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.4, dated October 4, 2005; and revised on January 3, 2006.
 - f. Entry Perspective prepared by Integrated Environments Studio, L.L.C., dated November 23, 2005.
 - g. Native Plant Inventory prepared by Native Resources Intl., dated November 9, 2005, and revised on November 21, 2005.
2. The subject subdivision shall be developed in full compliance with the R-43 Zoning District and all other applicable Code provisions.
 3. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
 4. Prior to the recordation of the Final Plat for Rancho Valencia, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an assured position to complete the construction and related improvements for Rancho Valencia. These improvements include:
 - a. Installation of 8-inch diameter water lines to service the lots of Rancho Valencia and installation of two fire hydrants located within the Rovey Avenue right-of-way in accordance with the specifications stated in the Water Design Report prepared by Kimley-Horn and Associates, Inc., dated September 2005.
 - b. Extension of an 8-inch diameter sewer line to service all lots.
 - c. Roadway improvements on Rovey Avenue in accordance with the Preliminary Plat for Rancho Valencia prepared by Kimley-Horn and Associates, Inc., sheet 1 and 2, dated November, 2005; and the Hardscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.2, dated October 4, 2005; and revised on January 3, 2006.
 - d. Landscaping in the rights-of-way along Mockingbird Lane and McDonald Drive in accordance to the Landscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.1, dated October 4, 2005; and revised on January 3, 2006.

5. Development of the homes in Rancho Valencia shall comply with the following construction requirements:
 - a. No construction-related parking shall be located on McDonald Drive and Mockingbird Lane.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Friday, and prohibited on Saturdays, with no work on Sunday or legal holidays.
6. Prior to the issuance of any Certificate of Occupancy in the subdivision, the applicant shall complete the improvements listed in Stipulation 4.
7. There shall be no vehicular access from the subdivision onto Mockingbird Drive and McDonald Drive, except via Rovey Avenue.
8. Recordation of the Final Plat for Rancho Valencia shall include a 40-foot wide dedication of public right-of-way adjoining the subject site along Mockingbird Road and McDonald Drive.
9. The applicant shall prepare a separate legal document to be recorded with the Maricopa County Recorder's Office for the easement on the lots adjoining Mockingbird Road and McDonald Drive as shown on the Preliminary Plat for Rancho Valencia prepared by Kimley-Horn and Associates, Inc., sheet 1 and 2, dated November, 2005. This easement is for the construction and maintenance of the subdivision wall, sidewalk, and landscaping.
10. The applicant and Town agree to the following regarding setbacks for structures on the lots in the subdivision of Rancho Valencia:
 - a. The setbacks for the primary building shall be as depicted on the Final Plat approved by the Town, or as designated in the Zoning Ordinance; whichever is the most restrictive.
 - b. The designated front yard on Lot 7 shall be the south side adjoining Rovey Avenue.
 - c. The applicant and Town shall prepare a separate legal document to be recorded with the Maricopa County Recorder's Office regarding the above setbacks.
11. The applicant shall form a homeowners association for this subdivision, including a declaration of covenants, conditions and restrictions ('CC&R's') recorded with the Maricopa County Recorder's Office that shall include a specific provision that the homeowners association be responsible for the maintenance of the proposed private street, all landscape tracts and easements, landscaping within the rights-of-way, and related improvements within the subdivision. The CC&R's must also list all stipulated

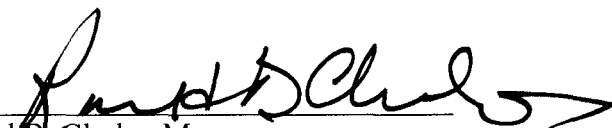
development restrictions otherwise contained in the approved stipulations for Rancho Valencia. In addition, the applicant shall record with the Maricopa County Recorder's Office a restrictive covenant held in favor of the Town setting forth the above described CC&R's provisions and restrictions, said restrictive covenant to be in a form approved by the Town and to run with the land in perpetuity.

12. The subdivision wall shall be installed in conformance with Article XXIV, Walls and Fences, of the Zoning Ordinance, and shall be finished on both sides, in accordance with the Hardscape Plan and Elevations prepared by Integrated Environments Studio, L.L.C., sheet L.2 and L.3, dated October 4, 2005; and revised on January 3, 2006.
13. All existing native plants noted to remain on site, as shown on the Native Plant Inventory prepared by Native Resources Intl., dated November 9, 2005, and revised on November 21, 2005, shall not be removed or relocated without approval by the Town.
14. A request for a Special Use Permit regarding the proposed private street, water fountain, entry monument sign, entry columns, and accessory structure shall be submitted for consideration at the time of Final Plat review by the Planning Commission.

Mayor Clarke seconded the motion, which carried 6-1, with Council Member LeMarr voting no because the special use permit was not brought forward at the same time.

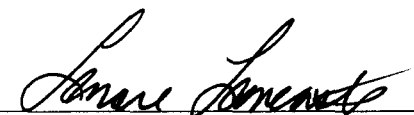
ADJOURNMENT

Mayor Clarke adjourned the regular meeting at 9:16 p.m.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of Paradise Valley held on then 23rd day February 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of March, 2006.



Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER, TOWN CLERK