

To: Mayor and City Council

From: Don Bessler, Public Works Director
Judi Baumann, City Attorney
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Date: September 8, 2016

Subject: September 15th Work Study Session/IRS – Papago Desert Parks Preserve

Introduction

As Council is aware, at the April 7th 2016 Council discussed the petition with 1130 signatures that was presented by Darlene Justus asking Council to consider activities that would strengthen the preservation status of portions of Tempe's Papago Park. Staff was directed to bring forward some options for Council's consideration that would continue the goal of strengthening the city's ownership and commitment to our desert properties generally, and parcels within Papago Park specifically.

Legislative Background

Since the 1930's when Franklin Roosevelt approved a land patent granting Tempe control of Papago Tempe has adopted this unique resource as an icon of Tempe's past and a resource for Tempe's future. The Federal Land Patent provides some protection of the land already by designating appropriate uses, specifically:

"This patent is issued upon the express condition, that the lands so granted shall be used only for municipal, park, recreation, or public-convenience purposes..."

In 2010 the City of Tempe participated in a joint regional planning exercise that resulted in the adoption of the Discover Papago Park Plan a shared management philosophy and plan. In 2002 the Council adopted ordinance 02002.22 establishing the concept of the Desert Preserve. Subsequently in 2014 the City of Tempe adopted Ordinance 02014.51 that promulgated the idea of Park Management Plans to address the unique and sensitive nature of our desert landscape. In 2015, the Tempe electorate passed General Plan 2040 that had numerous references to the Discover Papago Park Plan and identified specific strategies and support to implement the plan. As a precursor to the April 7th WSS the citizen advocacy groups made presentations to both the Tempe Historic Preservation Commission and the Parks, Recreation, Golf and Double Butte Cemetery Commission (PRG&CC). The PRG&CC passed a motion to support the effort and forward their recommendation to the City Council.

In addition to the petition, organizers expressed a more elaborate effort at preservation by looking toward a voter referendum on the land designation, as well as the creation of a conservancy to cultivate grass roots and on-going support for the park.

Sonoran Desert Preserve Policy Intent

The Sonoran Desert remains a fundamental element of what defines the valley and the communities that have grown into the valley. Tempe's heritage is in part defined by this natural resource and as a landlocked, infill community; Tempe embraces the qualities that recognize the desert ecosystem as a fragile and irreplaceable resource. Tempe City code provides additional protection for lands that Council determines to be "Preserves". Generally, these are distinguishable from city parks because of their unique landform, habitat or cultural resources.

Shared Vision

The City Council believes Tempe should be recognized as the sustainable community leader in the Valley because we take a practical and balanced approach in caring for our people, commerce and planet through sustainable business practices and environmental stewardship. In the instance of our desert landscape our vision includes:

- Connecting our people with our natural resources.
- Preserving our heritage
- Respecting our environment
- Defining our community
- Balancing our growth

Papago Desert Preserve Lands

The preserve and riparian areas will be identified in a topographical map (exhibit 1) but generally include the portions of Papago Park described as follows:

All Papago park land south of Marigold Lane and bounded on the west side by the Rolling Hills Golf Course and the SRP Papago Buttes Facility including the SRP right-of-way for Operations Drive, and by East Lakeview Drive in Moeur Park.

It is bounded on the east side by the Johnny G Martinez Water Treatment Plant and the Eisendrath Center for Water Conservation, the Arizona State Historical Society Heritage Center at Papago Park, the Sandra Day O'Connor House and the Papago Park turf areas at both north and south of Curry Road and west of College Avenue.

Finally, it is bounded on the south by ADOT right of-way for the Red Mountain SR 202.

The preserve and riparian area excludes the Arizona State University parcel, land for the Papago Park/Crosscut Canal Water Tank, right-of-way for Curry Road, Gilbert Drive, the SRP/USA Cross Cut Canal and the SRP/USA Indian Bend Pump Ditch and the USA/SRP parcel between the Gilbert Drive right-of way and the right of-way for the Red Mountain SR 202 right of way

Next Steps

If Council intends to pursue the enhanced protection of portions of Papago Park, there are two general courses of action:

A: Amend current city code with a variety of protections that while susceptible to future Councils actions, would herald a commitment that is beyond typical legislative action. Examples could include:

- Council voting requirement such as the provision for a super-majority of Council members to concur.
- A series of public meetings outside of the scope of the traditional Council meetings.
- An affirmative recommendation by the Parks, Golf, Recreation, & Double Butte Cemetery Advisory Board.

B: Pursue a charter amendment that places the future ownership of the described property more into the fate of the electorate to both create or alter general uses and public ownership.

If Council chooses to pursue this strategy, then following considerations are presented.

The election may be held on any of the four designated election dates. The election must be called no later than 120 days prior to the election at which the measure will be voted on.

The City typically budgets for regular elections, or predicted or known upcoming special elections. If a special election for another date was to be called, a funding source would need to be identified.

Staff recommends conferring with Parks, Recreation, Golf & Double Butte Cemetery Advisory Board seeking their recommendation prior to making you final determination.

Proposed Desert and Riparian Preserve



	Protected Park Zone <i>(State Land)</i>
	Riparian / Aquatic <i>(State Land)</i>
	City Boundary

