

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning & Economic Development Department

**AGENDA DATE:** March 20, 2012

**CONTACT PERSON/PHONE:** Mathew McElroy, (915) 541-4193,  
[mcelroymx@elpasotexas.gov](mailto:mcelroymx@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

Discussion and action on amending Chapter 2.22 of the El Paso City Code to amend the provisions concerning the Open Space Advisory Board (OSAB) to clarify the role of the Board in the development review process and to amend staff support for the Board.

**BACKGROUND / DISCUSSION:**

On January 17, 2012, the City Council requested that staff work with the OSAB to draft proposed language changes to the OSAB enabling ordinance and to clarify the role of the Board in the development review process. The Open Space Advisory Board appointed a subcommittee to work with Planning and Legal Staff to draft such language and has prepared a draft to present to City Council for review.

**PRIOR COUNCIL ACTION:**

On January 17, 2012, City Council requested that staff work, in collaboration with the OSAB, on this task.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning & Economic Development

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL)  
CHAPTER 2.22 (OPEN SPACE ADVISORY BOARD), OF THE EL PASO CITY CODE,  
TO CLARIFY THE ROLE OF THE OPEN SPACE ADVISORY BOARD IN THE  
DEVELOPMENT REVIEW PROCESS AND TO AMEND STAFF SUPPORT FOR THE  
BOARD**

**WHEREAS**, the Open Space Advisory Board was established by Ordinance 017123, and the duties of the Open Space Advisory Board were amended by Ordinance 017205; and

**WHEREAS**, the City Council of the City of El Paso determines that the ordinance should be amended and these amendments are in the best interest of the citizens of the City of El Paso.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1. That Title 2, Administration and Personnel, Chapter 2.22, Open Space Advisory Board, Section 2.22.040, Secretary – Duties, of the El Paso City Code is amended as follows:

2.22.040 - Secretary—Duties.

The city manager shall designate a city department to provide an employee to serve as the recording secretary and shall provide administrative and technical staff support to the Open Space Advisory Board. Any additional administrative support not provided by the city manager must be approved by the city manager.

Section 2. That Title 2, Administration and Personnel, Chapter 2.22, Open Space Advisory Board, Section 2.22.050, Board Duties, of the El Paso City Code is amended as follows:

2.22.050 - Board duties.

A. The Open Space Advisory Board shall act as an advisory board and provide recommendations to the City Council in efforts to preserve and acquire open space as identified in the "Towards a Bright Future: A Green Infrastructure Plan for El Paso, Texas," commonly referred to as the open space master plan. The Open Space Advisory Board shall provide recommendations on the implementation of the open space master plan. The Open Space Advisory Board shall review and provide input to the City Council on legislative matters pertaining to open space submitted to the board by the director of the Department of Parks and Recreation, the deputy director of the Planning and Economic Development Department, the chief executive officer of the Public Service Board and the city flood plain administrator or their designees. Specifically, the Open Space Advisory Board shall:

1. Review, advise, propose and recommend actions to the City Council on additions or changes to: the open space master plan, open space goals, open space acquisitions, open space funding and spending prioritization, Title 18 (if the amendment relates to landscaping or grading), Title 19, Title 20 and Title 21 of the city code or any other city code provision if requested by staff;
2. Provide recommendations to the city council regarding matters before state and federal

agencies affecting open space identified in the Open Space Master Plan or Stormwater Capital Improvement Plan for which comment or input is solicited or requested to include, but not be limited to, requests for individual permits from the U.S. Army Corps of Engineers;

3. Review and provide input to city staff regarding matters initiated by city staff to identify, preserve, acquire and manage open space, including development plans that impact open space or plans for open space components of undeveloped areas in the city or its extra territorial jurisdiction;

4. Review and provide input to the city council and the El Paso Water Utilities—Public Service Board (EPWU) regarding the Master Stormwater Management Plan and the annual Stormwater Capital Improvement Plans per Ordinance 016668, and on matters initiated by EPWU to include establishing priorities for open space acquisitions and improvements and review of EPWU reports regarding the ten percent of annual drainage utility fee revenues allocated for "Green Projects," as relating to open space; and

5. The Board may conduct meetings closed to the public when discussing matters related to the acquisition of real property.

B. It shall be the duty of the open space advisory board to serve as an advisory body to the city council on matters concerning the Mountain Development Area and the Hillside Development Area, as defined in Title 19 of the El Paso City Code. The open space advisory board shall:

1. Review and make recommendations to the City Plan Commission (CPC) regarding rezoning applications within the Mountain Development Area and the Hillside Development Area. If such recommendations are not forwarded to the CPC prior to the relevant CPC meeting, nothing in this section shall serve to prevent the CPC from taking action;

2. Review, on a quarterly basis, a report submitted by city staff on land studies and plats approved in the Mountain Development Area and Hillside Development Area for the purpose of understanding how the new development impacts open space within the area; and

3. Make recommendations for future acquisition of properties in the Mountain Development Area that are of interest and concern to the city.

Section 3. Except as herein amended, Title 2, Administration and Personnel, Chapter 2.22, Open Space Advisory Board, of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED this \_\_\_\_\_ of \_\_\_\_\_ 2012**

THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

SIGNATURES CONTINUE ON FOLLOWING PAGE

**APPROVED AS TO CONTENT:**

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Mathew McElroy,  
Deputy Director  
Planning & Economic Development

**APPROVED AS TO FORM:**

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Lupe Cuellar  
Assistant City Attorney

## Chapter 2.22 - OPEN SPACE ADVISORY BOARD

### Sections:

[2.22.010 - Membership—Appointment—Terms—Vacancies.](#)

[2.22.020 - Compensation.](#)

[2.22.030 - Chair and vice-chair—Rules and regulations.](#)

[2.22.040 - Secretary—Duties.](#)

[2.22.050 - Board duties.](#)

[2.22.060 - Subcommittees.](#)

### **2.22.010 - Membership—Appointment—Terms—Vacancies.**

A. The open space advisory board ("board") shall be composed of nine members, all of whom shall be residents of the City and known to be interested in open space, trails and greenways. Each member of the Council shall nominate one member to the board. The terms of office shall be staggered. The initial terms of the members nominated by the Mayor and the District Representatives from Districts 2, 3, 4 and 7 shall be four years. The initial terms of the members nominated by the district representatives from Districts 1, 5, 6 and 8 shall be two years. Thereafter, all terms shall be for terms of four years and all terms shall expire in June. Appointments to vacancies that occur other than by expiration of a member's term of office shall be filled by appointment by the mayor and city council for the remainder of the unexpired term.

### **2.22.020 - Compensation.**

The members shall serve without pay.

### **2.22.030 - Chair and vice-chair—Rules and regulations.**

A. The board shall annually select from among its appointed members a chair and a vice-chair. The board shall adopt such rules and regulations for the government of its proceedings as may be deemed proper, not inconsistent with the ordinances and the Charter of the City and the laws of the state.

B. A quorum of the open space advisory board shall be a majority of the total number of the board members who have been appointed by city council at the time of the board meeting; provided however that a quorum shall not be less than three. The chair shall have a vote in all matters. No final action shall be taken on any matter except pursuant to a simple majority vote of members present.

### **2.22.040 - Secretary—Duties.**

The city manager shall designate a city department to provide an employee to serve as the recording secretary and shall provide administrative and technical staff support to the Oopen Sspace Aadvisory Bboard. Any additional administrative support not provided by the city manager must be approved by the city manager. -

### **2.22.050 - Board duties.**

A. The Oopen Sspace Aadvisory Bboard shall act as an advisory board and provide recommendations to the Ceity Ceouncil in efforts to preserve and acquire open space as identified in the "Towards a Bright Future: A Green Infrastructure Plan for El Paso, Texas," commonly referred to as the open space master plan. The Oopen Sspace Aadvisory Bboard shall provide recommendations on the implementation of "Towards a Bright Future: A Green Infrastructure Plan for El Paso, Texas," commonly referred to as the open space master plan. The Oopen

~~Space~~ ~~A~~advisory ~~B~~board shall review and provide input to the ~~C~~city ~~C~~council on legislative matters pertaining to open space submitted to the board by the director of the ~~D~~department of ~~P~~arks and ~~R~~ecreation, the ~~deputy~~ director of the ~~development services department~~Planning and Economic Development Department, the chief executive officer of the ~~P~~ublic ~~S~~ervice ~~B~~oard, ~~the director of the economic development department~~ and the city flood plain administrator or their designees. Specifically, the ~~O~~pen ~~S~~pace ~~A~~advisory ~~B~~board shall:

1. Review, advise, propose and recommend actions to the ~~C~~city ~~C~~council on additions or changes to: the open space master plan, open space goals, open space acquisitions, open space funding and spending prioritization, ~~City Code and regulations, and open space advertisement and promotion~~Title 18 (if the amendment relates to landscaping or grading), Title 19, Title 20 and Title 21 of the city code or any other city code provision if requested by staff;
2. Provide recommendations to the city council regarding matters before state and federal agencies affecting open space identified in the Open Space Master Plan or Stormwater Capital Improvement Plan for which comment or input is solicited or requested to include, but not be limited to, requests for individual permits from the U.S. Army Corps of Engineers;
3. Review and provide input ~~for~~to city staff regarding matters initiated by city staff to identify, preserve, acquire and manage open space, including development plans that impact open space or plans for open space components of undeveloped areas in the city or its extra territorial jurisdiction; ~~and changes to the City Code and regulations that may help preserve open space;~~
4. Review and provide input to the city council and the El Paso Water Utilities—Public Service Board (EPWU) regarding the Master Stormwater Management Plan and the annual Stormwater Capital Improvement Plans per Ordinance 016668, and on matters initiated by EPWU to include establishing priorities for open space acquisitions and improvements and review of EPWU reports regarding the ten percent of annual drainage utility fee revenues allocated for "Green Projects," as relating to open space; and
5. The Board may conduct meetings closed to the public when discussing matters related to the acquisition of real property.

B. It shall be the duty of the open space advisory board to serve as an advisory body to the city council on matters concerning the Mountain Development Area and the Hillside Development Area, as defined in Title 19 of the El Paso City Code. The open space advisory board shall:

1. Review and make recommendations to the ~~C~~city ~~P~~lan ~~C~~ommission (CPC) regarding ~~the following: proposed changes of zoning, detailed site development plans, special permits, subdivision plats/replats, land studies, right-of-way dedications or vacations, and other land development applications received on property rezoning applications~~ within the Mountain Development Area and the Hillside Development Area. If such recommendations are not forwarded to the CPC prior to the relevant CPC meeting, nothing in this section shall serve to prevent the CPC from taking action. ~~In the board's recommendations regarding these items, special attention shall be given to drainage and flood control, open space requirements, grading impacts, and developmental controls;~~
2. ~~Review and make recommendations for change, when appropriate, to regulations of the El Paso City Code affecting development of the Mountain Development Area~~ Review, on a quarterly basis, a report submitted by city staff on land studies and plats approved in the Mountain Development Area and Hillside Development Area for the purpose of understanding how the new development impacts open space within the area; and
3. Make recommendations for future acquisition of properties in the Mountain Development Area that

are of interest and concern to the city ~~;~~ ~~and~~

~~4. Assist local and state agencies, as needed, in the long term planning for the Franklin Mountains State Park.~~

**2.22.060 - Subcommittees.**

The open space advisory board may establish subcommittees of the whole for the purpose of providing recommendations on matters within the board's duties and responsibilities. The subcommittee may request that non-members of board appear before the board to provide information or presentations concerning the matter pending before the board. The subcommittee shall report back to the open space advisory board their recommendations on all matters submitted to the subcommittee.



# Planning and Economic Development Department

Discussion and action on amending Chapter 2.22 of the El Paso City Code to amend the provisions concerning the Open Space Advisory Board (OSAB) to clarify the role of the Board in the development review process and to amend staff support for the Board.



# Background

- January 17, 2012 -- City Council requested that staff work with the OSAB to draft proposed language changes to the OSAB enabling ordinance
- January 18, 2012 -- OSAB Chair appointed a subcommittee of the Board to bring forward recommended changes to the enabling ordinance
- January 25, 2012 -- OSAB Subcommittee meeting held
- February 1, 2012 -- OSAB reviewed proposed language
- February 29, 2012 -- OSAB adopted revised Board Bylaws



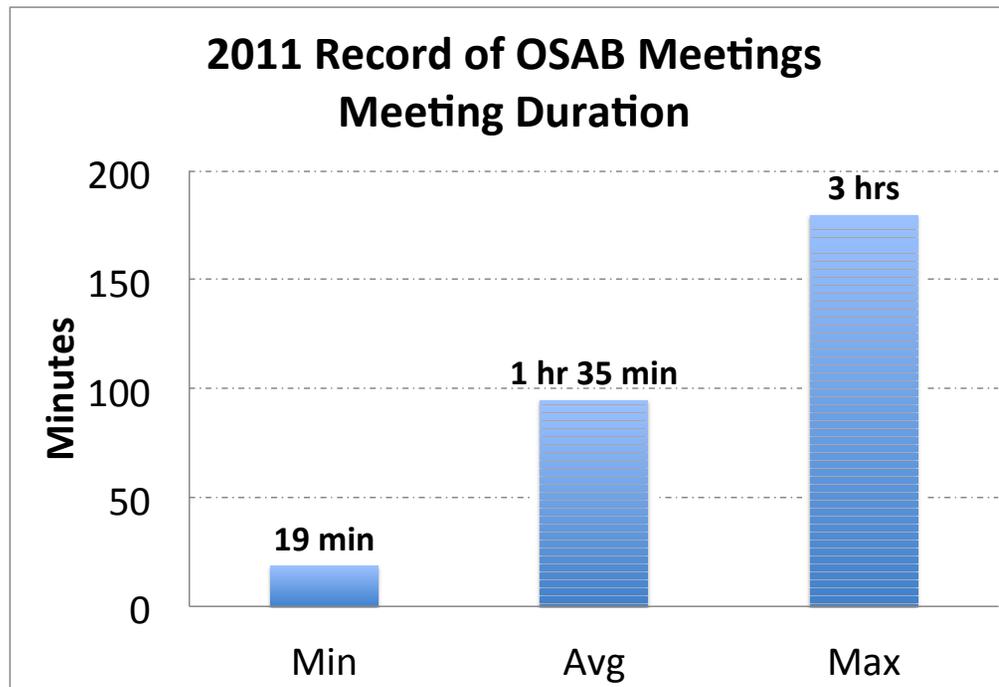
# Follow-up from 1/17 CC meeting

- Record of Open Space Advisory Board meetings during 2011
  - A total of 23 Board meetings were held
  - A total of five Board sub-committee meetings
    - Mitigation Bank (1)
    - Landscape Ordinance (2)
    - Natural Open Space (2)



# Follow-up from 1/17 CC meeting

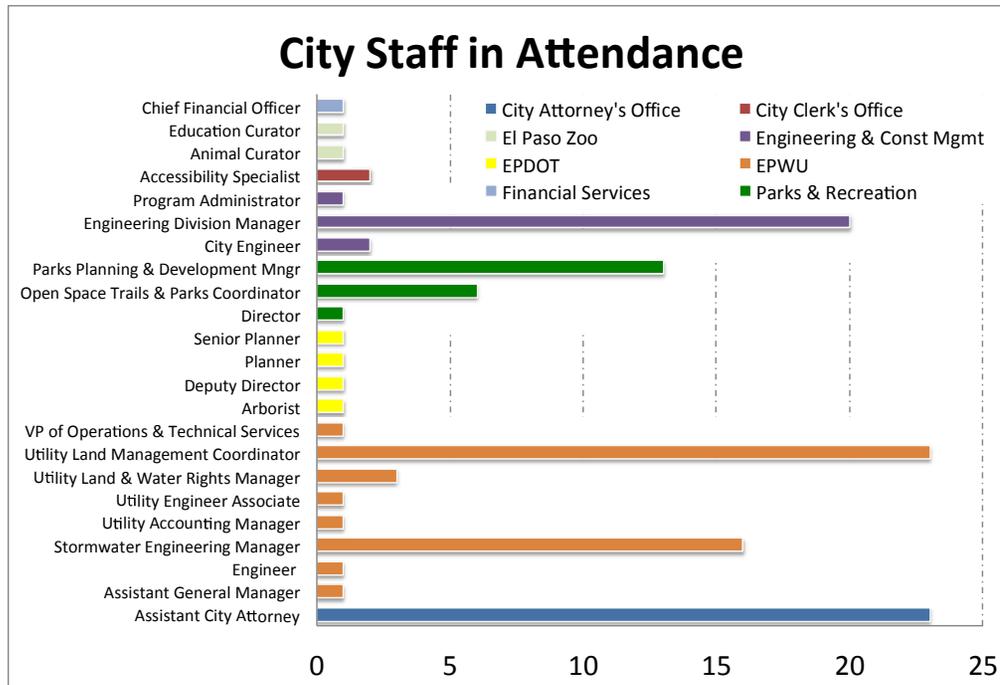
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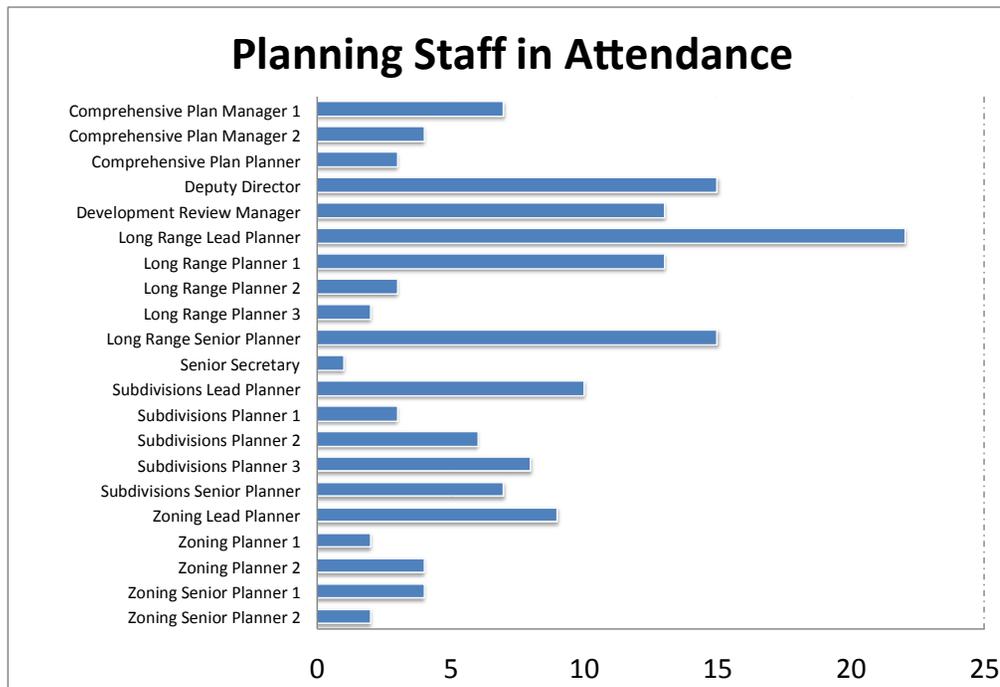
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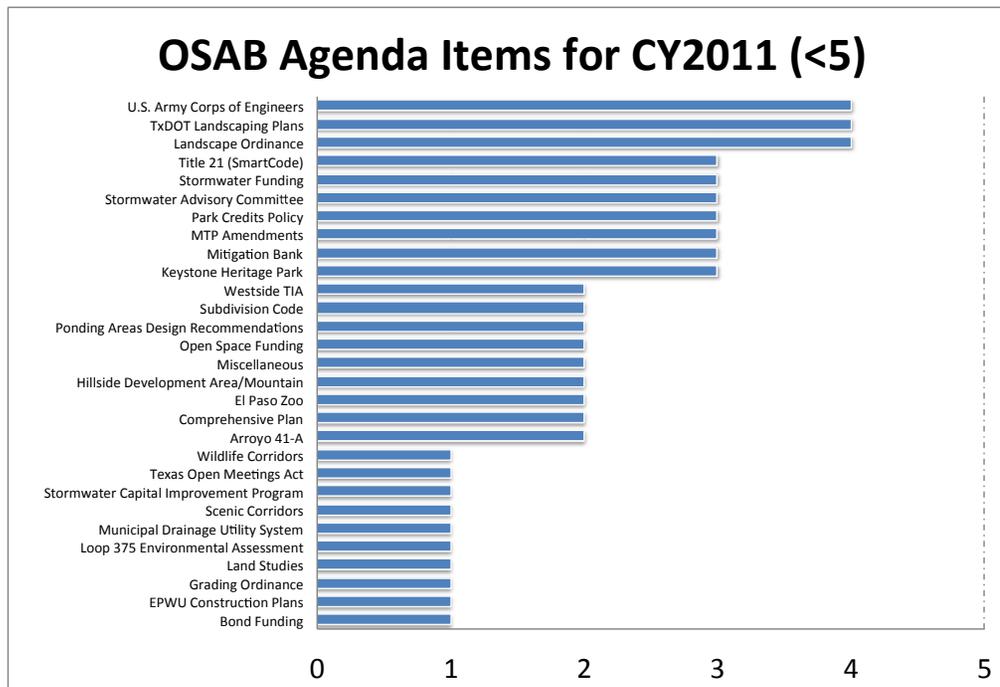
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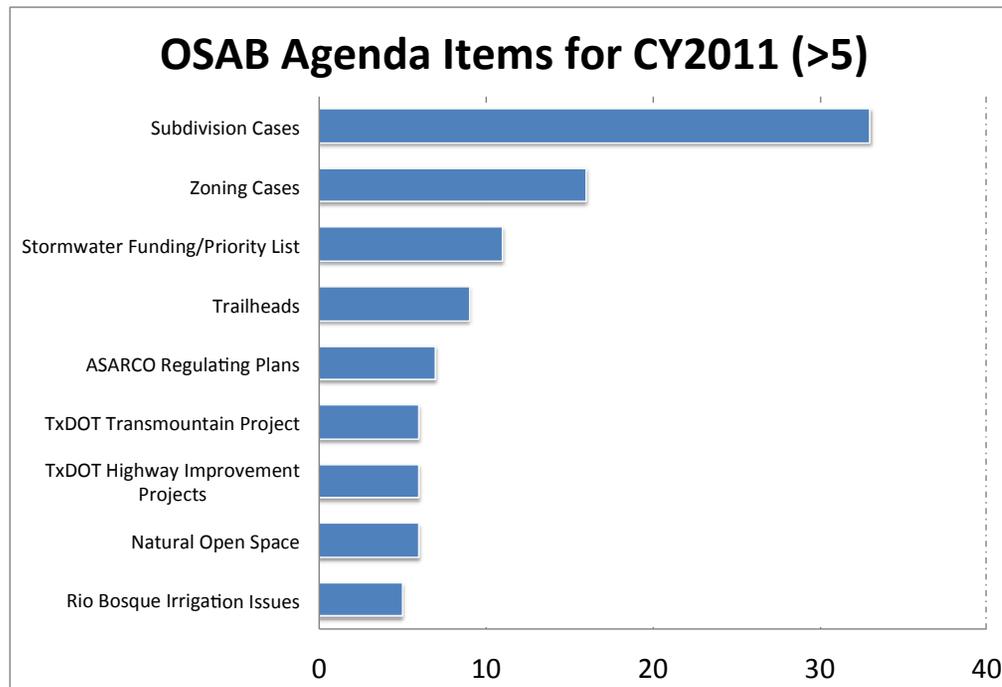
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# OSAB Enabling Ordinance Changes

## Chapter 2.22 - OPEN SPACE ADVISORY BOARD Sections:

2.22.010 - Membership— Appointment— Terms— Vacancies

2.22.020 - Compensation

2.22.030 - Chair and vice-chair— Rules and regulations

[2.22.040 - Secretary— Duties](#)

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