

Open Space Open Space



ADVISORY BOARD MINUTES

PLANNING AND INSPECTIONS DEPARTMENT

Wednesday, April 1st, 2015, 3:00 P.M.
 City 3 Building, 801 Texas Avenue
 Basement, Thorman Conference Room

Members Present: 8

Chairwoman Martich, Vice-Chairman Nester, Richard Teschner (left meeting at 5:45 p.m.), Lois Balin (left meeting at 5:50 p.m.), Maria Teran, Jim Tolbert, Patricia White, Charlie Wakeem

Members Absent: 1

Edward Beck

Vacancies: 0

Planning and Inspections Department – Planning Division Staff:

David Coronado, Program Manager; Alex Hoffman, Lead Planner; Harrison Plourde, Planner; Anne Antonini, Planner

Others Present:

Karla Nieman, Assistant City Attorney, City Attorney's Office; Lupe Cuellar, EPWU-PSB; Marcia Tuck, Open Space, Trails and Parks Coordinator, Parks & Recreation Department

Members of the public:

Mr. Clifford Willis; Ms. Joanne Burt; Mr. Joseph James Bataso; Mr. Peter [REDACTED]; Mr. Jim Shelton; Mr. [REDACTED] Valles; Mr. David Hacker; Mr. John Quesida; Mr. Bernie Sargent, current President of the Keystone Heritage Park Association; Ms. Elma O'Hara; Ms. Cindy Harrington, volunteer gardener, Keystone Heritage Park; Ms. Marilyn Guida; Dr. Marshall Carter-Tripp;

1. Meeting Called to Order

Chairwoman Martich called the meeting to order.

2. Call to the Public (items not listed on the agenda)

None.

3. Discussions and Action:

a. Changes to the Agenda.

Staff requested the following changes to the agenda:

1. Move **CLOSED SESSION** item to number 6. on the agenda; and
2. Postpone item **4.a. PZRZ15-00005** for one month

Board Members requested the following changes to the agenda:

1. Mr. Tolbert noted the members of the public were present to discuss agenda items 8. and 5. He requested agenda item 8. be moved underneath agenda item 5., above agenda item 6.
2. Chairwoman Martich requested agenda item 12. be moved before agenda item 5.

For clarification, Chairwoman Martich summarized the changes to the agenda as follows:

1. *After the approval of the minutes, agenda item 3.b.;*
2. *Agenda item 4.a. will be postponed;*
3. *Followed by agenda item 12;*
4. *Followed by agenda item 5;*
5. *Followed by agenda item 6;*
6. *Followed by agenda item 8;*
7. *Followed by the EXECUTIVE SESSION agenda item; and*
8. *Followed by the remainder of the agenda items 7., 9., 10., 11., 13., 14. and 15.*

Ms. Joanne Burt, member of the public, felt agenda items 8. and 9. should be heard together.

Mr. Tolbert agreed with Ms. Burt; however, Mr. Tolbert understood the agenda item enumeration was:

1. *Agenda items 8. and 9. would be heard following agenda item 5.;*
2. *Followed by the EXECUTIVE SESSION agenda item; and*
3. *The remainder of the agenda to be discussed as shown*

MOTION:

Motion made by Mr. Tolbert TO APPROVE THE CHANGES TO THE AGENDA AS FOLLOWS:

1. *Agenda items 8. and 9. would be heard following agenda item 5.;*
2. *Followed by the EXECUTIVE SESSION agenda item; and*
3. *The remainder of the agenda to be discussed as shown*

For clarification, Chairwoman Martich summarized the changes to the agenda as follows:

1. *Following agenda item 3.b.;*
2. *Agenda item 4.a. will be postponed; and*
3. *Followed by agenda items 12, 5, 8, 9, 6, EXECUTIVE SESSION, 7, 10, 11, 13, 14 and 15*

MOTION:

Motion made by Mr. Tolbert, seconded by Dr Teschner, AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGES TO THE AGENDA AS FOLLOWS:

1. *Following agenda item 3.b.;*
2. *Agenda item 4.a. will be postponed; and*
3. *Followed by agenda items 12, 5, 8, 9, 6, EXECUTIVE SESSION, 7, 10, 11, 13, 14 and 15*

- b. Approval of Minutes: March 4th, 2015

Chairwoman Martich asked if Board Members had any additions/changes/revisions.

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Chairwoman Martich requested staff revise the following sentence:

However, both are very ~~considered~~ concerned about decisions this Board and the city might make about the use of the lands outside the Keystone Heritage Park.

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Mr. Tolbert requested staff add his third motion, as stated at the meeting, under the April 1st OSAB meeting – Discussion and Action: heading

MOTION:

Motion made by Mr. Tolbert, seconded by Ms. White AND UNANIMOUSLY CARRIED TO DISCUSS AND TAKE ACTION ON THE POLICY REGARDING HOW WE SET THE AGENDA.

MOTION:

Motion made by Dr. Teschner, seconded by Ms. Balin AND UNANIMOUSLY CARRIED TO APPROVE THE MARCH 4TH MEETING MINUTES WITH THE CHANGES AS NOTED BY BOARD MEMBERS.

4. **Discussion and Action:** Review and comment on the following rezoning application:

- a. **PZRZ15-00005:** Portion of Lot 18, Block 26, Regal Crest Unit 5 Replat “A”, City of El Paso, El Paso County, Texas
- Location: 851 Thorn Avenue
- Zoning: R-3 (Residential)
- Request: From R-3 (Residential) to R-MU (Residential Mixed Use)
- Existing Use: Church
- Proposed Use: Church and Apartments
- Property Owner: Grace Baptist Church
- Representative: Tom Aber
- District: 1
- Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

MOTION:

Motion made by Mr. Tolbert, seconded by Dr Teschner, AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGES TO THE AGENDA AS FOLLOWS:

1. **Following agenda item 3.b.;**
2. **Agenda item 4.a. will be postponed; and**
3. **Followed by agenda items 12, 5, 8, 9, 6, EXECUTIVE SESSION, 7, 10, 11, 13, 14 and 15**

The following agenda item was discussed immediately following agenda item 8. Discussion and Action: Potential impacts to the Keystone Heritage site from proposed uses of the City-owned land adjacent to the site. Prior to the discussion, members of the public and non-essential Staff were requested to leave the room.

CLOSED SESSION

The Open Space Advisory Board of the City of El Paso may retire into CLOSED SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on the agenda, consistent with the terms of the Open Meetings Act. The Open Space Advisory Board will return to open session to take any final action.

SECTION 551.071 CONSULTATION WITH ATTORNEY
SECTION 551.072 DELIBERATION REGARDING REAL PROPERTY
SECTION 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
SECTION 551.074 PERSONNEL MATTERS
SECTION 551.076 DELIBERATION REGARDING SECURITY DEVICES
SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

CS1. Discussion and Update: Status of the 2012 Quality of Life Bond Open Space Acquisition Priority List. Contact: Marcia Tuck, tuckmj@elpasotexas.gov

The following agenda item was discussed immediately following agenda item 12. Discussion: Summary discussion of the OSAB goals for 2015-2016 that were identified during the March 18 working session, and the next steps towards achieving those goals.

5. Discussion and Information: Quarterly report from the Planning Division, Subdivisions Section regarding land studies and plats approved in the Mountain and Hillside Development Areas. Contact: Kimberly Forsyth, forsythkl@elpasotexas.gov

Ms. Kimberly Forsyth, Lead Planner, Subdivisions Section, gave a presentation and responded to comments/questions from Board Members and members of the public. Per Mr. Wakeem's request, Ms. Forsyth summarized the restrictions within the Mountain Development Area, per Zoning and Subdivision code.

Chairwoman Martich, Vice-Chairman Nester and Board Members White, Wakeem, Balin, Teschner and Tolbert responded to comments and/or questions from Staff and members of the public.

The following members of the public commented and/or asked questions of the Board and Staff:

1. Mr. Clifford Willis
2. Mr. Joseph James Bataso, engineer
3. Mr. Peter [REDACTED]

4. Mr. Jim Shelton
5. Mr. [REDACTED] Valles
6. Mr. David Hacker
7. Mr. Bradley Roe, Roe Engineering, engineer in charge of development. Mr. Roe introduced Mr. and Mrs. Mike M [REDACTED], property owners and developers. Mr. Roe responded to comments and/or questions from the Board and members of the public.
8. Mr. John Quesida

Chairwoman Martich asked Mr. Roe if he would consider potentially meeting with the subcommittee, chaired by Vice-Chairman Nester, to:

1. Discuss this particular development and to provide input to the subcommittee that will assist the OSAB to work more closely with developers on properties such as this;
2. In general, the OSAB values the opinions of individuals such as Mr. Roe that bring the professional expertise, understanding of the landscape and issues and concerns regarding development.

Using this development as an example, Chairwoman Martich wondered if Mr. Roe might speak with members of the development community to gather information and get their input as to how the open space requirements would help the OSAB become more knowledgeable and to understand how the OSAB could work with the developers.

Mr. Roe was not opposed to the Chairwoman's suggestion. In his opinion, it should not have to take 2½ years to get information to the OSAB, which explains why development in the Mountain Development Area is rare.

FOR THE RECORD

Mr. Bataso stated, for the record, he watched this development on Mountain Laurel as it was under construction; furthermore, was constructed on a landfill. Just to clarify the potential of danger that could occur, that land there along Mountain Laurel was not properly compacted. In other words, every two feet or so there was supposed to be water; the land should have been flooded then left alone to settle, repeating this process every two feet. They did not do that – this land is not properly compacted. When you put a couple thousand pounds of house on top of that land, the foundation will tip. Mr. Bataso wanted the Board to be aware of this so that when litigation begins it will be on the record.

No action was taken.

6. **Discussion and Action:** The Open Space Advisory Board will receive an update regarding the acquisition of properties with stormwater funding. Contact: Lupe Cuellar, lcuellar@epwu.org

*The following agenda item was discussed immediately following **CLOSED SESSION***

7. **Discussion and Action:** An ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions); Chapter 20.06 (Zoning Districts and Map), Section 20.06.020 (Purpose of Districts); Chapter 20.10 (Supplemental Use Regulations), Section 20.10.385 (Natural Open Space); and Appendix A (Table of Permissible Uses) of the El Paso City Code to revise the definition of Natural Open Space and to add definitions and revise uses permitted with the Natural Open Space Zoning District. The penalty is as provided for in Chapter 20.04 of the El Paso City Code.

Chairwoman Martich asked Staff what the consequences would be should the Board postpone this agenda item.

Mr. Alex Hoffman, Lead Planner, explained the next step will be to present the proposed language to the City Plan Commission for approval. Should the Board request the item be postponed the presentation to the City Plan Commission will be delayed.

Mr. Wakeem would like Staff to present the item today.

Although the item is important, Vice-Chairman Nester mentioned two individuals were not present at this time Ms. Balin, Board Member, and Ms. Anne Antonini, Planner. Ms. Balin, member of the subcommittee, wrote her opinion on the matter and had given the document to the Vice-Chairman. Ms. Antonini was tasked with revising the ordinance language.

Due to the absence of Ms. Balin, Mr. Wakeem withdrew his request to hear the presentation from Staff today.

MOTION:

Motion made by Mr. Wakeem, seconded by Mr. Tolbert AND UNANIMOUSLY CARRIED TO POSTPONE THIS ITEM TO THE NEXT MEETING.

*The following agenda item was discussed immediately following agenda item 5. **Discussion and Information:** Quarterly report from the Planning Division, Subdivisions Section regarding land studies and plats approved in the Mountain and Hillside Development Areas. **Agenda items 8. and 9. were discussed simultaneously***

8. **Discussion and Action:** Potential impacts to the Keystone Heritage site from proposed uses of the City-owned land adjacent to the site. Contact: Katrina Martich, Chair, degotolbert@gmail.com

Chairwoman Martich explained Mr. Tolbert provided the language for the agenda item specific to a recommendation by the Board; however, she expanded that language to allow a full, robust discussion.

Mr. Tolbert referred to the City of El Paso's proposed trash collection site to be located adjacent the Keystone Heritage site. The discussion should answer the question "What can we do about that land south of Keystone Heritage Park?"

Chairman Martich, Vice-Chairman Nester and Board Members Tolbert, Wakeem, Teran, Teschner and White commented.

The following members of the public commented and/or responded to comments/questions of the Board and Staff:

1. Mr. Bernie Sargent, current President of Keystone Heritage Park Association, a non-profit, public/private partnership with the City of El Paso and the community of West Texas.
2. Ms. Elma O'Hara
3. Ms. Joanne Burt
4. Mr. John Quesida
5. Ms. Cindy Harrington, volunteer gardener, Keystone Heritage Park
6. Mr. Kevin Huckabee, Board Member, Keystone Heritage Park
7. Ms. Marilyn Guida
8. Dr. Marshall Carter-Tripp

MOTION:

Motion made by Mr. Tolbert, seconded by Dr. Teschner TO RECOMMEND TO CITY COUNCIL THAT THIS CITY OWNED LAND BE PRESERVED AS NATURAL OPEN SPACE IN PERPETUITY.

Should the motion pass, Vice-Chairman Nester suggested Board Members and Staff keep track of this proposed trash collection project.

Chairwoman Martich, Vice-Chairman Nester and Board Members Teran and Wakeem commented.

The following City staff responded to comments/questions from the Board:

1. Mr. Alex Hoffman, Lead Planner
2. Mr. David Coronado, Program Manager
3. Ms. Karla Nieman, Assistant City Attorney

Ms. Teran proposed the following amendment language to Mr. Tolbert's motion *"that the Open Space Advisory Board recommends City Council direct Staff to address all concerns from the people at the Heritage Park and from the Board Members."*

As it was currently worded Chairwoman Martich was concerned the motion was not worded in the way necessary to be successful. Ms. Teran agreed.

Mr. Tolbert did not accept Ms. Teran's friendly amendment to his motion.

Ms. Joanne Burt commented on Ms. Teran's suggested amendment to Mr. Tolbert's motion.

For clarification, Chairwoman Martich stated her amendment to Mr. Tolbert's motion language is *"to direct Staff to find a way that would achieve both the City's need for a collection facility while preserving this city land that the city intends to use now, in perpetuity, as natural open space."* Furthermore, her amendment language will address Mr. Tolbert's concerns, and more, to hopefully achieve a successful outcome.

MOTION:

Motion made by Chairwoman Martich, seconded by Ms. White AND UNANIMOUSLY CARRIED FOR A FRIENDLY AMENDMENT TO MR. TOLBERT'S INITIAL MOTION "THAT WE MODIFY YOUR STATEMENT SUCH THAT WHEREAS KEYSTONE HERITAGE WETLANDS IS (FILL IN VERBAGE FROM THE OPEN SPACE MASTER PLAN STATING ITS IMPORTANCE) AND ITS PRIORITY WITHIN THE LANDS OF THE OPEN SPACE MASTER PLAN, WE RECOMMEND THAT CITY COUNCIL DIRECT STAFF TO FIND A SOLUTION FOR THE CITY THAT PROVIDES CITIZEN COLLECTION CENTER AT ANOTHER LOCATION AND DEDICATES THIS CITY OWNED LAND IN CONGRUENCE WITH ITS OWN OPEN SPACE MASTER PLAN TO BE PRESERVED AS OPEN NATURAL SPACE IN PERPETUITY.

Prior to the vote, Dr. Teschner requested all of the words stated by Chairwoman Martich be read back to him.

Chairwoman Martich explained she and Ms. Nieman will draft the language and present that language to the Chairwoman for review.

Chairwoman Martich asked if any of the Board Members were opposed to her calling for the vote for the motion on the floor.

No comments from Board Members.

Chairwoman Martich called for the vote for the motion on the floor. Prior to the vote, Chairwoman Martich restated the motion language, more or less, as follows:

"WHEREAS KEYSTONE HERITAGE WETLANDS IS (WITH WORDING FROM THE OPEN SPACE MASTER PLAN) AND EMPHASIS ON ITS PRIORITY ON OUR LAND ACQUISITION LIST, THE CITY COUNCIL DIRECTS STAFF TO WORK WITH THOSE INVOLVED ON THIS CITIZEN COLLECTION CENTER TO FIND ANOTHER LOCATION FOR THE CITIZEN COLLECTION CENTER AND PRESERVE THE LAND THE CITY ALREADY OWNS AS NATURAL OPEN SPACE IN PERPETUITY. THERE IS FURTHER WORDING IN THE OPEN SPACE MASTER PLAN THAT TALKS ABOUT THE USE OF CITY LAND AS A PRIORITY FOR NATURAL OPEN SPACE."

After the vote, Ms. Burt stated the motion language should have a date associated with it.

Dr. Teschner clarified a date by which the decision must be provided.

Mr. Wakeem asked Staff when this item would come before the City Council for a vote.

Mr. David Coronado, Program Manager, replied Staff could prepare the necessary documents and present this to the City Council before the end of the month, perhaps the 21st or 28th of April.

Chairwoman Martich stated she will be out of the town April 28th.

Staff always notifies the Board when OSAB items are on the City Council agenda.

*The following agenda item was discussed immediately following agenda item 5. **Discussion and Information:** Quarterly report from the Planning Division, Subdivisions Section regarding land studies and plats approved in the Mountain and Hillside Development Areas. **Agenda items 8. and 9. were discussed simultaneously***

9. Discussion and Action: To make a policy recommendation regarding incompatible zoning adjacent to wetlands. Contact: Jim Tolbert, Boardmember, diegotolbert@gmail.com

Mr. Tolbert requested agendas item 9. and 10. be postponed to the next OSAB meeting agenda.

MOTION:

Motion made by Mr. Tolbert, seconded by Dr. Teschner AND UNANIMOUSLY CARRIED TO TABLE UNTIL THE VERY NEXT REGULAR MEETING.

Following the vote to postpone the **Discussion and Action:** amending the Natural Open Space ordinance and associated document. Chairwoman Martich asked Mr. Tolbert if he would be willing to table this item.

Mr. Tolbert replied he not only would move to table agenda item 9., he requested the remainder of the agenda items be tabled as well.

Mr. Alex Hoffman, Lead Planner, requested agenda item 13. **Discussion and Action:** on an alternative May meeting date.

MOTION:

Motion made by Mr. Tolbert, seconded by Mr. Wakeem AND UNANIMOUSLY CARRIED TO TABLE THE REMAINDER OF THE AGENDA ITEMS, 9. AND 10.

10. Discussion and Action: To make a policy regarding the placement of items on the OSAB agenda. Contact: Jim Tolbert, Boardmember, diegotolbert@gmail.com

Mr. Tolbert requested agendas item 9. and 10. be postponed to the next OSAB meeting agenda.

MOTION:

Motion made by Mr. Tolbert, seconded by Dr. Teschner AND UNANIMOUSLY CARRIED TO TABLE UNTIL THE VERY NEXT REGULAR MEETING.

Following the vote to postpone the **Discussion and Action:** amending the Natural Open Space ordinance and associated document. Chairwoman Martich asked Mr. Tolbert if he would be willing to table this item.

Mr. Tolbert replied he not only would move to table agenda item 9., he requested the remainder of the agenda items be tabled as well.

Mr. Alex Hoffman, Lead Planner, requested agenda item 13. **Discussion and Action:** on an alternative May meeting date.

MOTION:

Motion made by Mr. Tolbert, seconded by Mr. Wakeem AND UNANIMOUSLY CARRIED TO TABLE THE REMAINDER OF THE AGENDA ITEMS, 9. AND 10.

11.

The following agenda item was discussed immediately following agenda item 3.b., Approval of the Minutes: March 4th, 2015.

- 12. Discussion:** Summary discussion of the OSAB goals for 2015-2016 that were identified during the March 18 working session, and the next steps towards achieving those goals.

Contact: Katrina Martich, Chair, kmartich@stellee.com

Chairwoman Martich reminded Board Members the first goal for 2015-2016 is:

1. To work with developers to include more high quality open space in development; and
2. Was to increase open space master plan visibility in the community

Chairwoman Martich created two subcommittees, appointed the Chairman and also two Board Members to serve on these subcommittees. She asked that the committees meet sometime before the May OSAB meeting and bring back two steps for the Board to take to action on.

SUBCOMMITTEE TO WORK WITH DEVELOPERS

Chairwoman Martich appointed Vice-Chairman Nester as the Chairman, Ms. Teran and Mr. Beck were also appointed. She requested the subcommittee obtain feedback from developers on their perspective of the Master Plan and the accompany ordinance.

SUBCOMMITTEE TO INCREASE OPEN SPACE MASTER PLAN VISIBILITY

Chairwoman Martich appointed Mr. Wakeem as the Chairman, Tolbert and Ms. Balin were also appointed.

- 13. Discussion and Action:** on an alternative May meeting date.

Contact: Alex Hoffman, hoffmanap@elpasotexas.gov

Mr. Alex Hoffman, Lead Planner, explained the Eco El Paso Conference coincides on the same date as the next regularly scheduled OSAB meeting. He suggested holding the next OSAB meeting on May 6th, 2015.

Chairwoman Martich, Vice-Chairman Nester and Board Members Wakeem and Teran commented.

Ms. Karla Nieman, Assistant City Attorney, also commented.

MOTION:

Motion made by Ms. White, seconded by Mr. Tolbert AND UNANIMOUSLY CARRIED TO MEET ON MAY 6, 2015.

14. Discussion: Items for Future Agendas.

Chairwoman Martich, Vice-Chairman Nester and Board Members Wakeem, Teran and White commented.

- Discussion and Action regarding how often and when the OSAB meets.
- OSAB Development Goal
- OSAB Visibility Goal
- **Discussion and Action:** Review and comment on the following rezoning application:
 - **a. PZRZ15-00005:** Portion of Lot 18, Block 26, Regal Crest Unit 5 Replat "A", City of El Paso, El Paso County, Texas
- **Discussion and Action:** An ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions); Chapter 20.06 (Zoning Districts and Map), Section 20.06.020 (Purpose of Districts); Chapter 20.10 (Supplemental Use Regulations), Section 20.10.385 (Natural Open Space); and Appendix A (Table of Permissible Uses) of the El Paso City Code to revise the definition of Natural Open Space and to add definitions and revise uses permitted with the Natural Open Space Zoning District. The penalty is as provided for in Chapter 20.04 of the El Paso City Code.
- **Discussion and Action:** To make a policy recommendation regarding incompatible zoning adjacent to wetlands. Contact: Jim Tolbert, Boardmember, diegotolbert@gmail.com
- **Discussion and Action:** To make a policy regarding the placement of items on the OSAB agenda. Contact: Jim Tolbert, Boardmember, diegotolbert@gmail.com
- **CLOSED SESSION** – To discuss acquisition of properties.
Contact: Jim Tolbert, Boardmember, diegotolbert@gmail.com

The following City staff responded to comments/questions from the Board:

1. Ms. Karla Nieman, Assistant City Attorney
2. Mr. David Coronado, Program Manager

15. Adjournment

MOTION:

Motion made by Mr. Tolbert, and seconded by Ms. Teran AND UNANIMOUSLY CARRIED TO ADJOURN.