

Open Space Open Space



ADVISORY BOARD MINUTES

REVISED

Wednesday, August 31, 2011, 1:30 P.M.
8th Floor Conference Room
City Hall Building, 2 Civic Center Plaza

Members Present: 8

Joanne Burt, James H. Tolbert, Richard L. Thomas, Lois A. Balin, Andres Quintana, Bill Addington (2:03 p.m.), Kevin von Finger, and Charlie S. Wakeem

Members Absent: 1

Katrina M. Martich

Vacancies: 0

Planning and Economic Development Staff:

Matthew McElroy, Deputy Director; Philip Etiwe, Development Review Manager; Fred Lopez, Comprehensive Plan Manager; David Coronado, Lead Planner; Linda Castle, Senior Planner; Melissa Granado, Senior Planner; Todd Taylor, Planner

Others Present:

Lupe Cuellar, Assistant City Attorney, City Attorney's Office; Marcia Tuck, Parks & Recreation, Open Space Trails and Parks Coordinator; Kareem Dallo, Engineering Division Manager, Engineering & Construction Management; Nicholas J. Costanzo, Assistant General Manager, EPWU-PSB; Rudy Valdez, EPWU-PSB; Gonzalo Cedillos, EPWU-PSB; Trish Tanner, Jobe; Risher Gilbert, The Gilbert Law Firm; Tony Uribe, Texas Department of Transportation; Ray Dovalina, Deputy District Engineer, El Paso District, Texas Department of Transportation; Dr. Richard Bonart, Public Service Board Member; Judy Ackerman, Franklin Mountains Wilderness Coalition; Jane Fowler, Franklin Mountain Wilderness Coalition; Raul F. Amaya, Franklin Mountains Wilderness Coalition; Pat White, Franklin Mountains Wilderness Coalition

1. Meeting Called to Order

Chair Wakeem called the meeting to order at 1:31 pm.

NOTE: At this time, Chair Wakeem welcomed newly appointed Open Space Board Member, Andres Quintana, appointed by Representative Noe, District 5.

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

None.

3. Discussion and Action

- a. Approval of Minutes: August 17, 2011

PAGE 1 OF 4, UPDATE

Chair Wakeem revised the sentence to read:

~~Chair Wakeem explained that the City Council approved the U.S. Army Corps of Engineers resolution regarding Castner Range after deleting the SPF, PMF language.~~

Chair Wakeem explained that the OSAB recommendation of a resolution to the City Council, regarding Castner Range, was approved after deleting the SPF, PMF language.

MOTION:

*Motion made by Mr. von Finger, seconded by Ms. Burt and **UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR AUGUST 17, 2011, AS CORRECTED.***

ABSTAIN: Richard L. Thomas, Andres Quintana

NOT PRESENT: Bill Addington

- b. Changes to the Agenda

Mr. Coronado requested the following changes:

1. Postpone two (2) weeks - item 3. c. (1) for two weeks;
2. Postpone two (2) weeks - item 6.; and
3. Move to the forefront of the agenda– item 8

ITEM 5

Mr. Tolbert suggested Board Members delete item 5. from the agenda and that the petitioners, who took the time to sign the petition, be included in the discussion(s).

Ms. Cuellar explained City Council would like the OSAB to consider alternatives to the petition.

POINT OF INFORMATION

Mr. von Finger asked if Staff would be presenting possible alternatives to the Board.

Ms. Cuellar responded yes and explained although the agenda item is posted for “Discussion and Action” the intent is not for the Board to take final action.

MOTION:

*Motion made by Mr. Thomas, seconded by Ms. Balin and **UNANIMOUSLY CARRIED TO ACCEPT THE CHANGES TO THE AGENDA AS RECOMMENDED BY STAFF.***

Review and comment on current subdivision applications, as indicated below:

- (1) **SUSU11-00063:** Desert Pass Drive – Being a portion of Tract 3A, A.F. Miller Survey No. 210, City of El Paso, El Paso County, Texas
- LOCATION: East of IH-10 and North of Resler Drive
- PROPERTY OWNER: Camino Real Investments
- REPRESENTATIVE: Conde, Inc.
- DISTRICT: 1
- APPLICATION TYPE: Major Preliminary
- STAFF CONTACT: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

Postpone two (2) weeks as recommended by Staff.

MOTION:

*Motion made by Mr. Thomas, seconded by Ms. Balin and **UNANIMOUSLY CARRIED TO ACCEPT THE CHANGES TO THE AGENDA AS RECOMMENDED BY STAFF.***

4. **Discussion and Action:** Update on changes made to the Transmountain Road Project as a result from the Environmental Assessment.

Contact: Efrain Esparza, Texas Department of Transportation, (915) 790-4313, efrain.esparza@txdot.gov

Mr. Ray Dovalina gave a PowerPoint presentation. Mr. Dovalina highlighted changes to the Transmountain Road Project due to public comment and working in conjunction with the Texas Parks & Wildlife Department.

Chair Wakeem called for a brief recess; shortly thereafter, the meeting resumed.

PUBLIC COMMENT

1. Judy Ackerman, Franklin Mountains Wilderness Coalition
2. Raul Amaya, Franklin Mountains Wilderness Coalition

Mr. Dovalina and Mr. Uribe responded to questions from Board Members and members of the public.

NO ACTION WAS TAKEN.

5. **Discussion and Action** on Initiative Petition certified by City Clerk on August 16, 2011 concerning the preservation of land abutting Transmountain Road.
Contact: Nicholas J. Costanzo, EPWU, njcostanzo@epwu.org

Chair Wakeem gave a PowerPoint presentation providing background information regarding the item.

Mr. Costanzo gave a PowerPoint presentation regarding an option proposed for the property. He stated that while the petition is moving forward and the Northeast Master Plan is being updated, Mr. Ed Archuleta, President/Chief Executive Officer, El Paso Water Utilities Public Service Board, is open and willing to meet with the OSAB to discuss options.

FOR THE RECORD

Chair Wakeem stated, for the record, that when he brought this compromise to the OSAB eight or nine months ago, his proposal was different than that being proposed by PSB by preserving **a portion of** the arroyo, FEMA 39, and the identified 22 acres. Otherwise everything looks like it's the same.

Chair Wakeem stated he has been in discussion with Mr. Archuleta, Nick Constanzo, Rudy Valdez, and Jim Shelton during the past week and a half but is leaving the decision to the Board since it has made a decision twice to recommend preserving the full amount.

Mr. McElroy stated that staff is making a recommendation to consider the option proposed by the PSB. An updated Northwest Master Plan, that would be Smart Code compliant, could be vetted by the OSAB and would preserve high quality open space for the entire Master Plan area in a sustainable way, not just the area indicated on the map presented by PSB. as opposed to the arbitrary lines of the petition. Ms. Cuellar stated that City Council is aware that the legal description includes land conveyed to the Texas Department of Transportation and therefore the petition language does require amending.

Chair Wakeem requested Staff insert the corrected legal description in the ordinance language prior to the public hearing. He stated ~~that~~ **he** does not represent the petitioners, the discussions he has had during the past week were fact finding, and that this is not his decision and it is really up to the petitioners to do the negotiating.

PUBLIC COMMENT

1. Dr. Bonart, citizen, asked that the OSAB draw this to a conclusion; he has been dealing with this since 2002.

Mr. Costanzo explained the gross acreage of open space in the Master Plan and in the

proposal.

Mr. Valdez referred to the hilly areas and stated any development that would occur behind **the hilly** areas would not **be** visible from Transmountain.

2. Ms. Ackerman, Franklin Mountains Wilderness Coalition, commented on PSB revenues received from residential development and stated the petition language does not note the number of acres but refers to the subject lands through legal descriptions.

Chair Wakeem proposed Board Members recommend that open space be protected in perpetuity with a conservation easement.

Mr. McElroy commented on keeping petitioners informed in the progress of design, Smart Code rezoning, etc. He added the City Manager and several members of City Council have asked the OSAB to participate in a process to redo the Master Plan. They are relying on the OSAB to be willing participants in an effort to come up with a good compromise.

Chair Wakeem felt the Board should defer a decision on a recommendation to Council; except that, what open space is set aside is protected by a conservation easement.

3. Ms. Fowler, Franklin Mountains Wilderness Coalition, asked if Ms. Cuellar felt City Council would be reluctant should the petition be presented to the voters.

Ms. Cuellar could not speak for City Council.

1ST MOTION:

Motion made by Ms. Burt, seconded by Mr. Thomas TO RECOMMEND THAT THE OPEN SPACE ADVISORY BOARD WORK TOWARDS A COMPROMISE WITH PETITIONERS, THE CITY AND THE PSB.

NO ACTION WAS TAKEN AT THIS POINT, CONVERSATION ON THE SUBJECT CONTINUED

Mr. Costanzo noted one of the opportunities the Board has is to plan the access to Tom Mays Park, off Transmountain, in a more secure, safe, manner.

Mr. Quintana asked what the 22 acres was for.

Mr. Costanzo responded that has not been determined.

Mr. McElroy explained as part of the Smart Code application and Master Plan, a Thoroughfare Plan must be submitted and could be designed in such a way so that the road network has a landscaping plan and that the alignments are sensitive to the topography.

4. Mr. Amaya, Franklin Mountains Wilderness Coalition, thanked Board Members for

voting to set aside the land as open space and respecting the petitioner's intent. He added Board Members should stick to their guns.

5. Dr. Bonart commented on TxDOT's proposed plan.

Mr. Valdez explained TxDOT has not made a decision regarding the entrance road into Tom Mays Park.

Ms. Burt did not think the OSAB was being expected to speak for the petitioners but is suggesting that Board Members work with everyone to show that we are interested in a compromise.

Mr. von Finger asked to amend the motion to allow Board Members to look at removing the Paseo Del Norte arterial.

Ms. Burt felt the motion should be general enough to allow all discussion rather than adding specifics to it.

Ms. Cuellar explained any compromise will include the type of development, roads, open space; whatever was included in the land identified by the petitioners.

Mr. Tolbert would support the motion as long as everyone; citizens, petitioners are included in the discussions. He asked if the word "compromise" could be dropped and replaced with "discussion".

Ms. Burt and Mr. Thomas accepted the friendly amendment.

Mr. Addington stated he was not interested in anymore compromise; the Board already voted on the matter twice, including the provision that Paseo Del Norte be deleted.

MOTION TO CALL THE QUESTION AND CEASE DISCUSSION MADE BY MS. BURT AND CARRIED BY A VOTE OF 6 TO 1.

Nay: Bill Addington

1st MOTION RESTATED:

Motion made by Ms. Burt, seconded by Mr. Thomas and UNANIMOUSLY CARRIED THAT THE OPEN SPACE ADVISORY BOARD PARTICIPATE IN CONTINUED DISCUSSION REGARDING THE RESOLUTION OF THE PETITION.

6. **Discussion and Action:** Status on stormwater funding for Open Space acquisition and restoration. Contact: Nicholas J. Costanzo, EPWU, njcostanzo@epwu.org

Postpone two (2) weeks as recommended by Staff.

MOTION:

*Motion made by Mr. Thomas, seconded by Ms. Balin and **UNANIMOUSLY CARRIED TO ACCEPT THE CHANGES TO THE AGENDA AS RECOMMENDED BY STAFF.***

7. **Discussion and Action:** Status report by the Parks and Recreation Department regarding the designated state trailheads approved by City Council on June 21, 2011.
Contact: Marcia Tuck, (915) 541-4020, tuckmj@elpasotexas.gov

Chair Wakeem welcomed Ms. Tuck, newly appointed Parks & Recreation Department, Open Space, Trails and Parks Coordinator, to her first Open Space Advisory Board meeting.

Ms. Tuck gave a presentation regarding the designated state trailheads approved by City Council on June 21, 2011.

Ms. Tuck explained she now coordinates with Ms. Dierdre Hisler, Texas Parks & Wildlife Regional Director, Midland, Texas.

POINT OF INFORMATION

Ms. Balin clarified that Ms. Hisler is in Fort Davis, Texas.

Mr. Addington clarified that it is the Border Mountain Bike Association to Border Mountain Bike Association.

Mr. Valdez provided additional information regarding the trailheads and responded to questions from the Board.

Ms. Ackerman, Franklin Mountains Wilderness Coalition, asked if she could be notified of any meetings regarding trailheads.

Mr. Valdez will notify Ms. Ackerman, via email, regarding the trailhead meetings.

Regarding the Ojo de Agua Park Trailhead, Ms. Cuellar requested Planning Staff review the plat in regards to the locked gate on Mr. Schwartz' property.

Mr. Coronado stated he will ask Mr. Eddie Garcia to provide that information.

Ms. Burt requested Chuck Heinrich Park trailhead be relabeled to Stoney Hill in the presentation as it was incorrect.

Chair Wakeem explained Stony Hill was on the trailhead list; however, not on the high priority list.

Chair Wakeem explained that Mr. Don Baumgard gave him a brochure of the trails that the hikers/bikers have compiled and will bring a brochure to Ms. Tuck.

8. **Discussion and Action:** Status update on a recommendation by the Open Space Advisory Board that the City initiate rezoning of Keystone and Rio Bosque to a Natural Open Space (NOS) District, that both Keystone and Rio Bosque be designated as a Wildlife Sanctuary under the Natural Open Space (NOS) District, and that staff make any other necessary efforts to coordinate with other property owners within the Keystone and Rio Bosque areas to rezone their property to Natural Open Space (NOS) and if appropriate, to designate it as a Wildlife Sanctuary. Contact: Melissa Granado, (915) 541-4730, granadom@elpasotexas.gov

Move to the forefront of the agenda as recommended by Staff.

1st MOTION:

*Motion made by Mr. Thomas, seconded by Ms. Balin and **UNANIMOUSLY CARRIED TO ACCEPT THE CHANGES TO THE AGENDA AS RECOMMENDED BY STAFF.***

Ms. Granado gave a presentation regarding the rezoning of Keystone Heritage Park to Natural Open Space (NOS) District. Ms. Granado noted Staff did receive comments from the Parks & Recreation Department and the Engineering & Construction Management – Capital Assets Division.

Ms. Risher Gilbert, the attorney representing the city regarding the **continuous contiguous** property that the city is considering purchasing. Ms. Gilbert noted negotiation discussions with property owners have begun and would like the OSAB to consider postponing the NOS rezoning. She was hopeful that, should the city acquire the proposed property, there may be additional area that the Board would like to consider including in its recommendation.

Staff and Board Members discussed the following:

1. Designating the city owned portion NOS today, any additional property could be added at a later date;
2. Development and construction north of Keystone Heritage Park;
3. Allowing Staff 90 days to negotiate the acquisition of the proposed property that the city wants to acquire;
4. Setbacks, barriers, walls and borders separating Keystone Heritage Park from other properties;
5. Current development construction and possible affects on the Keystone Heritage Park buffer and 8' wall;
6. Current development construction vesting rights, plat, Site Development Plan, and application for water service;
7. Designating the upper portion of the Keystone Heritage Park NOS today; and
8. Designating the lower portion of the Keystone Heritage Park at a later date

Mr. von Finger proposed that the OSAB make it known to Staff that the OSAB **wishes Staff to** proceed with rezoning the northern half to NOS and postpone the rezoning of the southern half to NOS for 90 days.

1st MOTION:

Motion made by Mr. von Finger, seconded by Ms. Burt that the OSAB wishes Staff to proceed with rezoning the northern half to NOS and postpone rezoning the southern half to NOS for 90 days.

NO ACTION WAS TAKEN AT THIS POINT, CONVERSATION ON THE SUBJECT CONTINUED

Mr. McElroy recommended the OSAB wait 90 days before taking any action rezoning Keystone Heritage Park to NOS.

2nd MOTION:

Motion made by Mr. Thomas to postpone rezoning Keystone Heritage Park to NOS for 90 days. There was no second. The motion died for lack of a second.

Mr. von Finger did not rescind his motion.

Ms. Tuck requested Staff work together to ensure that what is allowed in the existing lease agreements will be allowed in the NOS and/or Wildlife Sanctuary designation.

Mr. von Finger withdrew his previous motion, Ms. Burt withdrew her second.

3rd AND FINAL MOTION:

Motion made by Mr. von Finger, seconded by Mr. Thomas AND UNANIMOUSLY CARRIED TO POSTPONE TWO WEEKS TO ALLOW STAFF TO GATHER INFORMATION, PROVIDE INFORMATION TO LEGAL ON THE LEASE AGREEMENTS TO ENSURE THERE ARE NO CONFLICTS AND COME BACK WITH ANOTHER BRIEFING AND DISCUSSION.

9. Discussion and Action: Items for Future Agendas

Mr. Tolbert requested:

08/10/11 PSB meeting approved the installation of a 24' transmission main going across 41A, he would like to get an update from PSB if the pipeline will be ecologically sensitive installed with re-vegetation.

Chair Wakeem requested:

1. Item 8 be placed on the next OSAB meeting agenda
2. Update on mitigation banking, Kareem Dallo and Alan Shubert

Mr. Coronado will add:

Information regarding the locked gate at the Ojo de Agua trailhead

10. **Adjournment**

MOTION:

*Motion made by Mr. Thomas, seconded by Ms. Burt AND UNANIMOUSLY CARRIED TO
ADJOURN THE OSAB MEETING.*

Minutes prepared by Donna Martinez