



**OPEN SPACE ADVISORY BOARD MINUTES
WEDNESDAY, AUGUST 12, 2020, 3:00 P.M.**

TEMPORARY SUSPENSION OF OPEN MEETINGS LAWS DUE TO EMERGENCY

Karina Braggalla, Senior Planner, Planning & Inspections, read the below information into the record:

The Texas Governor has temporarily suspended specified provisions of the Texas Open Meetings Act to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations.

Notice is hereby given that a Meeting of the Open Space Advisory Board will be conducted on August 12, 2020 at 3:00pm. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15

Via YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with the Board during public comment and regarding agenda items by calling the following number:

1 915 213 4096

At the prompt please enter the Conference ID: 440 187 998#

Recording of the meeting will begin prior to roll call

The following members of the Open Space Advisory Board will be present via video conference:

**Stephen Tures, Don Baumgardt, Alyssa Cervantes-Benavides, Joe Garibay
Yvonne Cacho, Dr. Sharon Miles-Bonart, Patricia White, Sarah Elena Dillabough**

A quorum of the Open Space Advisory Board must participate in the meeting.

Members Present: 4

Chairman Don Baumgardt, Stephen Tures, Alyssa Cervantes-Benavides, Joe Garibay, Yvonne Cacho, Dr. Sharon Miles-Bonart, Patricia White, Sarah Elena Dillabough

Members Absent: 0

Vacancy: 1

Mayor

Planning & Inspections Department – Planning:

Karina Brasgalla, Senior Planner; Harrison Plourde, Lead Planner; Nelson Ortiz, Lead Planner;

Other City Staff Present/Other Presenters:

Roberta Brito, Assistant City Attorney, City Attorney’s Office; Rocio Alvarado, EPWater; James Wolff, EPWater; Nicholas Gonzalez, Civil Engineering Associate, Capital Improvement Department (CID)

Member of the public: 0

Establish a Quorum

A quorum of the Open Space Advisory Board was present.

Meeting Called to Order

Chairman Baumgardt called the meeting to order.

Time Limits for Information Presentations:

There is a 15 minute time limit for presentations, with additional time granted at the discretion of the presiding officer. This limitation is applicable only to the presentation itself and does not include discussion and action elements of an item.

Call to the Public (items not listed on the Agenda):

Members of the public will be allowed 3 minutes to present, with additional time granted at the discretion of the presiding officer.

There was no Call to the Public.

REGULAR AGENDA

1. **Discussion and Action:** Election of Vice-Chair of the Open Space Advisory Board.

MOTION:

Motion made by Board Member Dr. Miles-Bonart, seconded by Board Member Tures AND UNANIMOUSLY CARRIED TO ELECT ALYSSA CERVANTES-BENAVIDES AS VICE-CHAIRWOMAN.

(Motion passed 8-0)

2. **Discussion and Action:** Changes to the order of presentation of items on the Agenda; and/or any deletions.

Staff requested item 7. be postponed to the September 9th meeting.

7. **Information and Discussion:** *Update on the status of the Palisades Trailhead*

Staff requested items 9., 10., and 11. be heard simultaneously.

9. **Information, Discussion and Action:** *Review of the 2007 Open Space Master Plan and options for proposing an update of the Plan with the assistance of OSAB and the community, to include the option of an ad hoc committee.*

10. **Information, Discussion and Action:** *Presentation of current ordinances and regulations in place to protect and preserve city open space, especially land which will be kept permanently as open space. Review of the permitted and non-permitted uses, the City's role in trail construction and maintenance, and the open space and trail management and enforcement responsibilities.*

11. **Information, Discussion and Action:** *Review and approval of the Memorandum from the Open Space Advisory Board to City Council regarding an update of the Open Space Master Plan.*

MOTION:

Motion made by Chairman Baumgardt, seconded by Board Member Tures AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGES TO THE AGENDA.

3. **Discussion and Action:** Approval of the Minutes for March 11, 2020.

Chairman Baumgardt asked Board Members if they had any additions, corrections and/or revisions to the minutes.

There being none.

MOTION:

Motion made by Board Member Garibay, seconded by Board Member Cacho AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES.

- 4. Information and Discussion:** El Paso Water (EPWater) quarterly financial reports on 10% annual drainage utility fee revenue and expenses. **Contact:** Rocio Alvarado, rpalvarado@epwater.org

Rocio Alvarado gave the Fiscal Year 20-21, 1st Quarter Report from March 2020 through May 2020 on the 10% drainage utility fee revenue and expenses.

The following Board Members asked questions of Ms. Alvarado:

1. Board Member Garibay requested to see the slide discussing the detail on the finances, interest earnings and interest paid.

Financial Summary 1 st Quarter FY 20-21	
Revenue	\$1,071,776.00
Expenses	\$1,071,776.00
Interest Earnings	\$0.00
Interest Paid	\$0.00
Net Change in Cash	\$0.00
Cash at End of Period	\$0.00
Cash at Beginning of Period	\$0.00
Total	\$1,071,776.00

Ms. Alvarado explained the slide information for Board Member Garibay.

2. Board Member Dr. Miles-Bonart:
 - a. Requested Staff send her a copy of Ms. Alvarado's presentation.
 - b. Asked if there had been a Health and Chemical Study for Cement Lake.

Ms. Alvarado stated the Environmental Study for Cement Lake has been completed. Board Member Dr. Miles-Bonart requested Ms. Alvarado email her that Environmental Study.

Ms. Alvarado explained since this transaction is not complete she cannot make that information public. However, once that study is complete Board Member Dr. Miles-Bonart would receive a copy.

Board Member Dr. Miles-Bonart asked Staff if the Open Space Advisory Board is purchasing something, we're not sure whether it is healthy or not.

Ms. Alvarado responded she would research that and provide that information to the Board Member.
 - c. Stated at the July 23, 2019, City Council meeting City Council moved and approved a motion having to do with the Lost Dog Trail area. Board Member Dr. Miles-Bonart wondered where that money was, as it was not shown in the presentation slides.

Ms. Alvarado noted the monies for the Lost Dog Trail was included in the last Quarterly Report presentation at the previous meeting. She would email today's presentation to Board Member Dr. Miles-Bonart.

Ms. Braggalla stated she would email today's presentation and the previous presentation.
3. Board Member Garibay stated he was new to this Board and questioned if the OSAB was considering purchasing Cement Lake. Board Member Garibay noted he has served on other Boards that have dealt with Cement Lake. He thought it a good idea to talk about that a little more, there are some issues with that.

Ms. Alvarado responded yes, the OSAB was considering purchasing Cement Lake.

Chairman Baumgardt explained Cement Lake has been on the Priority List since he first became a Board Member. He cannot speak to how Cement Lake got on the Priority List. He thought the Environmental Study was also an issue related to that.

Board Member Tures stated it would be helpful if Staff could provide a follow-up report for the entire Board.

To Ms. Alvarado, Ms. Brasgalla thought Cement Lake was on the original Priority List. She explained there are two priority lists, one is for the Quality of Life Bond funds and the other is for the 10% Stormwater Fee. Cement Lake was on the original 10% Stormwater Fee list purposed by OSAB and approved by City Council and the El Paso Water –Public Service Board.

4. With regard to the Hunt Arroyo, Chairman Baumgardt thought that has been pending since 2017. He asked Staff if they had any idea when that would be finished up. He asked if the OSAB had committed any monies to Hunt for this purchase. He suggested Staff let Hunt know the OSAB would spend that money elsewhere because this has been on the list for a long time. Regarding the Canterbury Flow Path, Board Members had not seen a survey or a map, he wondered if it was all in its natural state and how big the size of the property was. Regarding Avespa Canyon, this property has also been on the list for a long time, Board Members have requested an exact location of the property but have not received one. He asked Ms. Alvarado if she knew who the seller of that property was. Regarding the Avespa Canyon and Canterbury Flow Path, Chairman Baumgardt requested Staff provide Board Members with an exact location of these properties. With regard to Cement Lake, he had two concerns:
 1. The results of the Environmental Study; and
 2. Any land purchase is supposed to be natural open space. There isn't a great deal of natural open space in that area. The lake is natural open space and there is a little bit of spring area but if the Water Utilities is wanting to purchase more than that, he did not believe it would qualify for Stormwater Funds to make that purchase.

Ms. Alvarado explained, at the last Quarterly Report presentation, it was noted that Hunt would be making final revisions. Regarding committing monies for the purchase, Ms. Alvarado stated no, EPWater has not. Ms. Alvarado responded yes, the Canterbury Flow Path was in its natural state. She explained the Flow Path is near Stanton Street. She was unsure what the size of the property was; she would research that information and get back to Board Members.

To the Chairman, regarding the Avespa Canyon and who the seller is, Ms. Brasgalla responded because of negotiations it is unknown who the seller is.

From past OSAB meetings, Harrison Plourde recalled Board Members deciding that that would be a good candidate for purchase because of the lake and because it is spring fed.

Board Member Dr. Miles-Bonart recalled something different from Mr. Plourde's memory. She remembered that, in the way past, the first time Board Members discussed Cement Lake Staff stated an Environmental Study had been conducted but that Environmental Study is 8 to 10 years old now. Board Members are requesting a current Environmental Study.

Mr. Plourde explained Ms. Alvarado stated a new Environmental Study had been conducted.

Board Member Dr. Miles-Bonart stated she had gone down to Cement Lake within the past five months and its putrid, she was concerned. She asked how Board Members could recommend purchase of something when they are denied access to information that would say that purchase might put somebody's life in danger.

Ms. Alvarado responded she would speak with her Legal Counsel if the Environmental Study information could be shared with Board Members.

Chairman Baumgardt requested Ms. Alvarado present the answers to the Board Members questions at the next OSAB meeting, about the environmental status and maps for Canterbury and Avespa Canyon.

To answer the question if EPWater had given money to Hunt regarding the acquisition of Hunt Arroyo 1A, Ms. Alvarado stated yes, we have. To clarify, EPWater has a contract with Hunt for Arroyo 1A, the money is reserved but EPWater has not given them any money.

Regarding Cement Lake and the Environmental Study, Board Member Cacho wondered if Board Members could go into Closed Session to allow Board Members to make an informed decision.

Regarding Cement Lake, James Wolff, EPWater explained EPWater had ESCO do a Phase 1 Environmental Site Assessment, that Assessment is less than a year old. He would ask his Legal Counsel if that Assessment was something that could be released to the Board Members. If so, he would share that information with the Board Members. He explained that EPWater would be using Open Space funds to purchase the portion of the property that has the pond on it. The rest of the property would be purchased with Water and Sewer funds.

Chairman Baumgardt asked Mr. Wolff what is a Wetlands worth as far as a commercial purchase. He assumed this would not be a large amount of money because he did not know what other purpose it had to a seller; hopefully, it was a relatively small amount.

Mr. Wolff responded that information could not be discussed in Open Session.

Mr. Plourde clarified this new Environmental Study was conducted because the Board made a recommendation to City Council who then authorized the purchase of the property. The Board made a decision to purchase the property many years ago.

To Ms. Alvarado, Vice-Chairwoman Benavides wanted to make sure Board Members would get answers to their questions at the next OSAB meeting. For the Hunt Arroyo, she wanted to make sure Board Members would get specific updates regarding what was pending and why it has been pending since 2017. If it's an obstacle that could be addressed or, if not, start to consider revisiting this.

No further discussion.

5. **Information and Discussion:** Quarterly reports from the Planning Division, Subdivisions Section, regarding land studies and plats approved in the Mountain and Hillside Development Areas pursuant to City Code Section 2.22.050 (B) (2). **Contact:** Nelson Ortiz, ortiznx@elpasotexas.gov

Nelson Ortiz gave a presentation on the quarterly report from January through March 2020 regarding Cimarron Sage Commercial Park Unit 3 and responded to comments and questions from Chairman Baumgardt and Board Member Dr. Miles-Bonart.

Karina Brasgalla also made remarks and responded to comments and questions from Board Member Tures.

Nelson Ortiz gave a presentation on the quarterly report from April through June 2020 regarding Enchanted Hills Unit 6 and Desert Springs Unit 7 and responded to comments and questions from Board Member Tures, Dr. Miles-Bonart, Benavides, and Cacho.

6. **Information and Discussion:** Report of pending Board motions.
Contact: Karina Brasgalla, brasgallakx@elpasotexas.gov

Karina Brasgalla gave a presentation.

No comments or questions from Board Members.

Item 7 was postponed to the September 9th OSAB meeting

7. **Information and Discussion:** Update on the status of the Palisades Trailhead.
Contact: Yesenia Castro, oycastlero@epwater.org

8. **Information and Discussion:** Update on the status of the Mountain to River Trail.
Contact: Nicholas Gonzalez, gonzaleznx@elpasotexas.gov

Prior to the presentation, Mr. Gonzalez introduced the following individuals Conrad Conde, Consultant on Board; Daniel Garcia, Divisional Manager, Capital Improvement Department; Gerald DeMuro, Assistant Director, Capital Improvement Department.

Nicholas Gonzalez gave a presentation and responded to comments and questions from Board Member Tures, Dr. Miles-Bonart, Chairman Baumgardt, Board Member Dillabough, and Vice-Chairwoman Benavides.

Gerald DeMuro responded to comments and questions from Board Member Tures and Board Member Cacho.

Board Member Dr. Miles-Bonart gave a presentation regarding the Mountain to River Trail System – Vetting – Change from Original Vision.

Chairman Baumgardt and Board Members Garibay, Tures, Dr. Miles-Bonart and White commented on the plan as presented.

Karina Braggalla explained this was an update, not an action item. Should Board Members want to make changes to the direction or get feedback regarding the Phases, it would be to make a recommendation from the Board to City Council to direct Staff to look at X, Y, and Z. She would place an item on the September agenda.

Chairman Baumgardt suggested Board Members look at the feasibility of creating that natural surface trail coming out of the park from Arroyo 41 down to the river. That is the same arroyo this plan talks about putting the paved path underneath.

To Nicholas Gonzalez, Chairman Baumgardt requested he explain how to get over and/or under Talbot from the presentation, how does the trail cross Talbot or does it go underneath Talbot. Regarding the drainage underneath Talbot, is that TxDOT or a City road.

Mr. Gonzalez deferred the question to Mr. Conde.

Conrad Conde explained there are drainage structures underneath Talbot that do not permit, by size, to cross underneath. We would have to connect up to the pedestrian crossing path already existing at Talbot and Transmountain. Using the signalization lights to cross to get back to the path on Spur.

To the Chairman, Nicholas Gonzalez responded that drainage underneath Talbot is owned by TxDOT.

Vice-Chairwoman Benavides was excited to be in the design stage of the project and is looking forward to exploring the feasibility of the recommended options.

Harrison Plourde responded to a question made earlier regarding the alignment as shown would connect to the Paso Del Norte Trail. According to their website, it does right at the terminus of the Mountain to River Trail. It would connect to the existing Rio Grande River Trail. The Paso Del Norte Health Foundation website for the trail shows that as the alignment so it would connect.

Board Member Dillabough suggested, going forth, using the correct name when referring to the Trail that it connects to.

To Nicholas Gonzalez, Chairman Baumgardt clarified the name Tom Mays Park is now the Tom Mays Unit of Franklin Mountain State Park.

Mr. Gonzalez would change that accordingly.

Mr. DeMuro explained Mr. Gonzalez has been with the City for less than a year. He is really happy Nicholas is with the Department.

Chairman Baumgardt agreed. This is good progress from what Board Members have seen in the past.

Items 9., 10., and 11 were discussed simultaneously.

9. **Information, Discussion and Action:** Review of the 2007 Open Space Master Plan and options for proposing an update of the Plan with the assistance of OSAB and the community, to include the option of an ad hoc committee. **Contact:** Karina Brasgalla, brasgallakx@elpasotexas.gov

Karina Brasgalla gave a presentation and responded to comments and questions from Chairman Baumgardt

Harrison Plourde noted it has been some time since the OSAB had an ad hoc committee. He could not remember if non-Board Members could be members of the ad hoc committee. He would check on that. If the answer is no, then people can be invited to the meetings. One thing for Board Members to think about is this effort needs Parks and Recreation staff involved. Until things get back to normal, expect delays.

10. Information, Discussion and Action: Presentation of current ordinances and regulations in place to protect and preserve city open space, especially land that will be kept permanently as open space. Review of the permitted and non-permitted uses, the City's role in trail construction and maintenance, and the open space and trail management and enforcement responsibilities.

Contact: Karina Brasgalla, brasgallakx@elpasotexas.gov

Karina Brasgalla gave a presentation and responded to comments and questions from Board Member Garibay, White,

11. Information, Discussion and Action: Review and approval of the Memorandum from the Open Space Advisory Board to City Council regarding an update of the Open Space Master Plan.

Contact: Don Baumgardt, donbaumgardt@gmail.com

Ms. Karina Brasgalla presented the proposed Memo language to Board Members.

Chairman Baumgardt asked Ms. Brasgalla how specific the memo language needed to be.

Ms. Brasgalla explained Board Members should be asking for a specific action from City Council. The more background information you can include the better. She thought the Chairman's memo was a good starting point. She would include the language *"The Open Space Advisory Board recommends ..."*

Mr. Harrison Plourde suggested the following Motion language *"The Open Space Advisory Board recommends that City Council direct the City Manager ..."*. Harrison recommended the Motion language as *"Direct the City Manager to prepare an update to the Open Space Master Plan to include recommendations for the management and maintenance of Natural Open Spaces."*

Board Member Garibay suggested a sub-committee where the Board Members would draft something and would have the City support them by providing information.

Mr. Plourde thought City Staff would do the drafting with the assistance of the ad hoc committee.

Board Member White wondered if that language should be included in the motion.

Ms. Brasgalla responded yes, if Board Members want to specify OSAB, if there are any other stakeholders that you all would like to be specifically included, that could be useful.

Board Member Cacho asked the Chairman what the ad hoc committee would be tasked with doing. Is it specifically what Board Members are asking for right now or is it going to include other language in his Memo. What she is concerned about is the open space preservation in other districts. She liked the language in the Chairman's Memo *"looking at open space opportunities in other districts not associated with the mountainous area"*.

Chairman Baumgardt thought the management that is missing from the Plan was important. Looking at things such as other parts of town is equally important. He thought Board Members should be looking at other parts of town and other funding sources besides Quality of Life Bonds and 10% Stormwater Funds. He thought the ad hoc committee could assist Staff with doing research regarding management plans from other parts of the country, etc.

Mr. Plourde suggested Board Members include any of those elements that you want to address in the update in this motion language. The ad hoc committee would serve as an assist for Staff. The members of the committee would be volunteering their time to assist Staff in uncovering that information that Staff would not necessary know to research on their own.

Ms. Brasgalla drafted the Motion language as follows *“The Open Space Advisory Board recommends that City Council direct the City Manager to prepare, in coordination with stakeholders and the Open Space Advisory Board, an update of the Open Space Master Plan to include an assessment of the original 2007 Open Space Master Plan, achievements in open space preservation, a review of the goals, identification of open space opportunities in areas of the city beyond the mountain and river, and recommendations for the management and maintenance of natural open space.”*

MOTION:

Motion made by Mr. Garibay, seconded by Ms. White **TO PROPOSE THIS LETTER TO CITY COUNCIL.**

Board Member Dr. Miles-Bonart suggested rewording the Motion language from ~~beyond the mountain and river~~ to throughout the city.

Board Member Cacho explained her intent was the original plan was so focused on the west side, near the Mountains, which was understood by the Plan already. Either way, it makes sense with the intent of that wording.

Board Member Dr. Miles-Bonart would like to see more focus in the Valley. If we do not include the whole City, she was concerned there would be push back from the West side.

FOR THE RECORD

Board Member Cacho stated that she was not intending to exclude the West side because it was already included from the get go. She was okay with the *“throughout the city”* language.

In the upper portion of the document, Ms. Brasgalla noted there is language within the document that explains the original plan focused on the mountain to river.

Ms. Brasgalla reread the amended Motion language as follows *“The Open Space Advisory Board recommends that City Council direct the City Manager to prepare, in coordination with stakeholders and the Open Space Advisory Board, an update of the Open Space Master Plan to include an assessment of the original 2007 Open Space Master Plan, achievements in open space preservation, a review of the Plan goals, identification of open space opportunities in areas throughout the city ~~of the city beyond the mountain and river~~, and recommendations for the management and maintenance of natural open space.”*

MOTION:

Motion made by Mr. Garibay, seconded by Ms. White AND UNANIMOUSLY CARRIED TO PROPOSE THIS LETTER TO CITY COUNCIL.

CLOSED SESSION

FOR THE RECORD

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 this 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

12. Adjournment

MOTION:

Motion made by Vice-Chairwoman Benavides, seconded by Mr. Tures AND UNANIMOUSLY CARRIED TO ADJOURN.