

*Dedicated to Outstanding Customer Service for a Better Community*

**SERVICE SOLUTIONS SUCCESS**



## **OPEN SPACE ADVISORY BOARD**

Wednesday, July 6, 2011, 1:30 P.M.

8<sup>th</sup> Floor Conference Room

City Hall Building, 2 Civic Center Plaza

### **REVISED AGENDA**

1. Meeting Called to Order
2. Call to the Public (items not listed on the agenda)
3. Discussion and Action
  - a. Approval of Minutes: June 22, 2011
  - b. Changes to the Agenda
  - c. Nomination and election of new Open Space Advisory Board Officers
4. Discussion and Action on the status of implementing park pond projects included in the Stormwater Capital Improvement Program.  
Contact: Nanette Smejkal, (915) 541-4331, [smejkalnl@elpasotexas.gov](mailto:smejkalnl@elpasotexas.gov)
5. Discussion and Action: Presentation by El Paso Water Utilities regarding the creation and functions of the Stormwater Advisory Committee.  
Contact: Rudy Valdez, [rvaldez@EPWU.org](mailto:rvaldez@EPWU.org)
6. Discussion and action on developing a standard format for memorandums sent to the Public Service Board concerning the priority list for acquisition of green projects using the 10% from storm water fees and revenue.  
Contact: Lupe Cuellar, [CuellarLM@elpasotexas.gov](mailto:CuellarLM@elpasotexas.gov)

**Mayor**  
John F. Cook

#### **City Council**

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

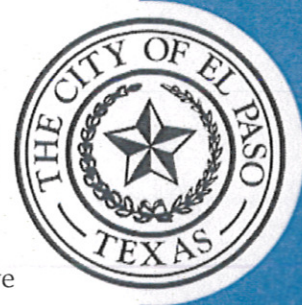
*District 8*  
Cortney Carlisle Niland

**City Manager**  
Joyce A. Wilson



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7. **Discussion and Action:** Update on City of El Paso's Comprehensive Plan rewrite.  
Contact: Carlos Gallinar, (915) 541-4662, [GallinarRC@elpasotexas.gov](mailto:GallinarRC@elpasotexas.gov)
8. **Discussion and Information on the U.S. Army Corps of Engineers' Sun Valley Flood Risk Reduction Project.**  
Contact: Charlie Wakeem, [charliewak@sbcglobal.net](mailto:charliewak@sbcglobal.net)
9. **Discussion and Action:** Items for Future Agendas
10. **Adjournment**

#### EXECUTIVE SESSION

The Open Space Advisory Board of the City of El Paso may retire into EXECUTIVE 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

Posted this \_\_\_\_\_ day of June, 2011 at \_\_\_\_\_,  
Basement Bulletin Board, City Hall, 2 Civic Center Plaza, by Armida Martinez, Planning and Economic Development



Planning & Economic Development  
2 Civic Center Plaza • El Paso, Texas 79901 • (915) 541-4670

Mayor  
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## ADVISORY BOARD MINUTES

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Wednesday, June 22, 2011, 1:30 P.M.  
8<sup>th</sup> Floor Conference Room  
City Hall Building, 2 Civic Center Plaza

**Members Present: 5**

*Lois Balin, Richard L. Thomas, James H. Tolbert, Kevin von Finger, and Charlie S. Wakeem*

**Members Absent: 3**

*Bill Addington, Robert Ardivino, Luis Ruiz*

**Planning and Engineering and Construction Management Staff:**

*David Coronado, Lead Planner; Melissa Granado, Senior Planner; Raul Garcia, Planner; Eddie Garcia, Lead Planner*

**Others Present:**

*Lupe Cuellar, Assistant City Attorney, Legal Department; Rudy Valdez, EPWU-PSB; Gonzalo Cedillos, EPWU-PSB StormWater; Kareem Dallo, Engineering Division Manager, Engineering & Construction Management; Trish Tanner, Jobe*

**1. Meeting Called to Order**

*Chair Wakeem called the meeting to order at 1:31 p.m.*

**QUICK REPORT**

Chair Wakeem explained that during the last few weeks, City Council has accepted two of three OSAB recommendations.

**ACCEPTED OSAB RECOMMENDATIONS**

1. Landscape Ordinance; and
2. Franklin Mountain State Park Trailheads

**DENIED OSAB RECOMMENDATION**

Request to amend the 2025 Proposed State Thoroughfare Plan to deny the addition of Plexxar.

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

**COUNTY OF EL PASO, ECOTOURISM**

Ms. Tanner, citizen, stated at the *State of the County* address held today, County Judge Veronica Escobar noted Dr. Richard Teschner was very instrumental in assisting the County of El Paso's EcoTourism project.

Chair Wakeem requested Staff look up information regarding EcoTourism.

3. **Discussion and Action**

a. Approval of Minutes: June 8, 2011

Chair Wakeem asked Board Members if there were any additions, corrections, or revisions. There being none.

**MOTION:**

*Motion made by Mr. von Finger, seconded by Ms. Balin and UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR JUNE 8, 2011.*

b. Changes to the Agenda

*None.*

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

- (1)      **SUSU11-00047:**      Kern View Estates #2 – Being a replat of Lots 11A, 13A, 15A, 16A and a portion of 17A, Block 9, Mission Hills Addition and Tracts 4B and 4D, M.J. McKelligon Survey 270, City of El Paso, El Paso County, Texas
- LOCATION:      East of Stanton Street and North of San Mateo Lane
- PROPERTY OWNER: Piedmont Group, LLL
- REPRESENTATIVE: CEA Group
- DISTRICT:      1
- APPLICATION TYPE: Resubdivision Combination
- STAFF CONTACT:      Raul Garcia, (915) 541-4935, [garcia1@elpasotexas.gov](mailto:garcia1@elpasotexas.gov)

Mr. Garcia gave a PowerPoint presentation and explained the property is located East of Stanton Street, North of San Mateo Lane and is approximately 15.56 acres in size. The eastern portion of the property is located within the Mountain Development Area (MDA) and the applicant has submitted the required reports in accordance with Section 19.20.040 *Reports required* of the former subdivision code.

The applicant is proposing 25 single-family residential lots and 5.09 acres of private open space. The smallest lot measures 8,428 square feet in size, the largest measures 34,669. Of the many zoning conditions placed on the property, Mr. Garcia explained the applicant will identify on the plat the location of the unbuildable area (5.09 acres of private open space) and as a percentage, (32.7%), the remaining acres of subdivision.

The applicant is requesting the following, previously approved, modifications be upheld:

1. A modification to allow for a 44' ROW cross-section including 5-foot sidewalks abutting the curb and 5-foot parkways;
2. A modification to allow for a 24' ROW allowing no sidewalks and 20' of pavement.
3. To allow for 14 parking spaces within the eyebrow and cul-de-sac in order to comply with the condition set by the City Plan Commission.

**PLANNING STAFF AND THE DCC (DEVELOPMENT COORDINATING COMMITTEE) RECOMMEND APPROVAL OF MODIFICATIONS BASED ON SECTION 19.04.170.A.3.3, OF THE PREVIOUS CODE, AND APPROVAL OF THE SUBDIVISION ON A RESUBDIVISION COMBINATION BASIS.**

Mr. Cedillos explained the developer is very receptive and open in working with EPWU Stormwater Utility staff regarding not just runoff capture, but also access and containment of the proposed structures. Due to the extremely steep easement slopes, EPWU Stormwater Utility Staff is concerned that the individual lot owners may not be able to properly maintain the private drainage easements and private stormwater infrastructure located within Lots 11A, 11AB, 16A, and 16B. There should not be any impact on the homes on Las Vegas Drive, below.

Chair Wakeem suggested Board Members approve the request subject to the stormwater issue being handled.

Chair Wakeem asked if any members of the public wished to comment. There were none.

No further questions or comments from the Board.

**MOTION:**

*Motion made by Mr. von Finger, seconded by Mr. Thomas and UNANIMOUSLY CARRIED TO APPROVE SUBJECT TO THE STORMWATER ISSUE BEING HANDLED.*



4. **Discussion and Action** on how funds and fees collected by the Municipal Drainage Utility System can be utilized, and spent, including whether funds can be used to manage underground water that becomes surface water.

Contact: Lupe Cuellar, (915) 541-4550, City Attorney's Office

Prior to the discussion, copies of State statutory provisions, City Ordinance number 016668 and City Code provisions were distributed. Ms. Cuellar researched the relevant State statutory provisions regarding the use of 10% of the stormwater fees to acquire property where underground water may seep up and become surface water thereby contributing to the drainage issue. The State statute allows the City to pass rules and regulations, in conformance with the enabling statute, so long as whatever rules and regulations the City passes do not conflict with the State law.

**STATE STATUTE SECTION 552.042 LEGISLATIVE FINDING specifically**

(3) protect the public health and safety in municipalities from loss of life and property caused by surface water overflows, surface water stagnation and pollution arising from nonpoint source runoff within the boundaries of the established service area;

(5) prescribe the bases on which a municipal drainage utility system may be funded and fees in support of the system may be assessed, levied, and collected

The system includes drainage; the definition of "Drainage" is as follows:

"Drainage" means bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

**RELEVANT PROVISIONS IN CITY ORDINANCE NO. 016668 include:**

1<sup>st</sup> WHEREAS

... caused by surface water overflows and surface water stagnation; ...

2<sup>nd</sup> WHEREAS

... manage storm water, reduce flooding risk and improve water quality; ...

A.

... as a means to assist in the management of storm water ...

paragraph language

... which have the potential dual purposes of stormwater management and preservation of the City's open spaces, greenways, arroyos and wilderness areas in their natural state in accordance with the City's Open Space Master Plan and the City's Parks and Recreation Master Plan ("Green Project"). The Board shall allocate an amount equal to ten percent (10%) of the System's annual drainage utility fee revenues for such Green Projects.

RELEVANT CITY CODE PROVISIONS specifically the role of the OSAB in making recommendations to the PSB which lands should be purchased and what the priority land should be purchased in:

Review and provide input ... to include establishing priorities ...

If there is land that has underground water that seeps up and becomes surface water that contributes to stormwater drainage and stormwater issues, is it possible that stormwater utility monies could be used to purchase that land, is it possible to purchase that land with stormwater utilities monies. Ms. Cuellar thought it would be possible; however, there must be a dual purpose.

Analysis and the Priority List

When considering lands for purchase in the priority list, the lands should be purchased, Ms. Cuellar recommended, after the Board completes the following:

1. Do an analysis on the pieces of land the Board is considering purchasing;
  - a. Determine how important the pieces of land are from an open space perspective;
  - b. Determine how important the pieces of land are and how it will fit in regarding drainage purposes for assisting and ensuring the water drains properly and that the stormwater goes where it should go; and
  - c. Determine what the threat to development is.
2. Prepare and prioritize the list of the lands that the Board is considering for purchase, based on the analysis;
3. Prepare a memo for the Public Service Board explaining why the Board thinks the pieces of land are a priority.

In conclusion, Ms. Cuellar recommended that the next time the Board looks at the priority list, it should follow the above procedure.

Chair Wakeem explained that due to the threat of development, the Board decided to move Cement Lake higher on the priority list.

Mr. Thomas added that the PSB should sign off on the existing list of prioritized properties pretty quickly.

Ms. Cuellar felt it would greatly assist the PSB, the Advisory Board and any other Board, in understanding the thought processes the OSAB went through in establishing the list.

Regarding the PSB perspective, Mr. Valdez explained the process that the list of prioritized lands for purchase follows. He noted that the Cement Lake property may be obtained soon, either by purchasing the property from the property owner or perhaps a donation. He was unsure what the "use of the land" for the Cement Lake property will be. Perhaps after the property owner donates the property to the City, the City may donate the property to the Frontier Land Alliance.

From an ecological and open space perspective, Mr. von Finger recommended that the PSB purchase the inflow area and area around the lake.

Mr. Valdez would take the Board's suggestions/recommendations to his supervisors.

Ms. Balin felt that the Cement Lake property could be another great bird sanctuary; additionally, she recommended the PSB purchase as much of the undisturbed area around the lake as possible.

It was Ms. Cuellar's hope that all boards or bodies reviewing the prioritized list would attach a memo, as backup information. Neither the Open Space Master Plan nor the Master Stormwater Management Plan need to be presented to City Council for approval, as amendments to these plans.

Mr. Valdez suggested the Board send their revised priority list, to include the additional property around Cement Lake, to the PSB as soon as possible.

Ms. Cuellar will draft a format of the proposed Memorandum for the Board's review and place the following item on the next OSAB meeting, *Memorandum to the PSB concerning Cement Lake*.

Chair Wakeem suggested Staff include the current priority list as backup for the agenda item.

Ms. Cuellar explained that input from Mr. Cedillos, EPWU, would be very valuable in assisting the Board as to how properties fit the stormwater function for the City.

Mr. von Finger wondered if Staff could develop a memo today specifically for Cement Lake.

Ms. Cuellar explained that Mr. Coronado will review the discussion from the last OSAB meeting and draft a memo, specifically for Cement Lake, to be sent to the PSB.

Ms. Balin suggested Mr. Coronado contact herself and Mr. von Finger if he should need any detailed information regarding ecology and wildlife for the Cement Lake property.

Chair Wakeem would provide photographs of the Cement Lake property if needed.

**NO ACTION WAS TAKEN.**

**5. Discussion and Action: Items for Future Agendas**

Chair Wakeem requested:

1. Park ponding issue/funding with City Parks;
2. Rock walls at the State Park;
3. Review of the priority list; and
4. Election of OSAB Chair and Co-Chair



6. Adjournment

**MOTION:**

*Motion made by Mr. von Finger, seconded by Ms. Balin AND UNANIMOUSLY CARRIED TO  
ADJOURN THE MEETING AT 2:15 P.M.*

Minutes prepared by Donna Martinez



## MEMORANDUM

TO: El Paso Open Space Advisory Board

FROM: Lupe Cuellar, Assistant City Attorney

SUBJECT: Draft Memorandum Concerning Recommendations on Green Projects to include in the Municipal Drainage Utility System's Stormwater Capital Improvement Plan

DATE: June 29, 2011

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The attached is a rough draft of a memorandum that the Board may use to forward recommendations on Green Projects to be acquired using the Municipal Drainage Utility System's fees and revenues. Please feel free to make any edits, changes or deletions. In developing this rough draft, I tried to incorporate what I thought was the Board's analysis based on what I heard during the discussions concerning the issue at the Board's meetings, however, this is the Board's memorandum and it should state what the Board wants it to state, so please feel free to edit.



DRAFT DRAFT DRAFT

## MEMORANDUM

TO: El Paso Water Utilities Public Service Board

FROM: El Paso Open Space Advisory Board

SUBJECT: Recommendation on Green Projects to include in the Municipal Drainage Utility System's Stormwater Capital Improvement Plan

DATE:

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Purpose of Memorandum: This memorandum serves to provide input, in accordance with El Paso City Ordinance 017352, on the establishment of a priority list for open space acquisition and improvements utilizing the ten percent of annual municipal drainage utility system fee revenues allocated under El Paso City Ordinance 016668 for Green Projects. It is the intent of this memorandum to provide to the Public Service Board and City Council, a detailed summary of the selection process used by the Open Space Advisory Board in determining which Green Projects should be acquired and included in the Stormwater Capital Improvement Plan.

Selection and Prioritization Criteria. The Open Space Advisory Board (Board) utilized the following three factors to determine the selection of Green Projects and the prioritization of the Green Projects selected. No one factor carries more weight than the other when considering whether land should be acquired for a Green Project, except that in establishing placement on the priority list, one factor may outweigh another.

1. Aesthetic, environmental, and open space value. The Board's application of this factor includes analyzing the potential Green Project's preservation value, which considers the Green Projects scenic and aesthetic character, environmental and ecological value and overall contribution towards achieving the City's goal of preserving natural open space for the benefit and enjoyment of the city. This includes evaluating whether a Green Project can be considered ecologically or environmentally sensitive land in need of preservation to prevent such lands from being adversely affected if not left in their natural state. Whether the Green Project is identified in the Open Space Master Plan is a significant consideration in the application of this factor.
2. Potential for serving the dual purposes of stormwater management. The Board's application of this factor includes analyzing the potential Green Project's potential to assist in the management of stormwater, or the prevention or reduction of flooding risk caused by surface water overflows and surface water

stagnation. Consideration was given to whether it was necessary to preserve the land that, if disturbed, may be susceptible to flooding and soil erosion due to steep slopes and runoff. Significant input from the El Paso Water Utilities staff was provided in order to complete the analysis of this factor.

3. Time sensitive acquisition. This factor considers whether the potential Green Project is subject to immediate or imminent private development. This factor alone will never cause land to be selected for a Green Project if the other two factors are not present, but may be determinative of where the Green Project should be placed on the priority list.

Selected Green Projects: Below are the Green Projects Selected.

**Project Description.**

**Analysis.**

**Priority.** Based on the above analysis, the Board recommends that this Green Project be placed \_\_\_\_\_ on the list, which is an attachment to this memorandum.

This memorandum was approved by the Open Space Advisory Board on \_\_\_\_\_.

\_\_\_\_\_  
Chair, Open Space Advisory Board



DEPARTMENT OF THE ARMY  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE NM 87109-3435

June 30, 2011

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

David Coronado  
Open Space Advisory Board  
Department of Planning and Economic Development  
2 Civic Center Plaza  
El Paso, TX 79901

Dear Mr. Coronado:

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in coordination with and at the request of the El Paso Water Utility (EPWU), is planning to construct a stormwater and sediment detention basin to protect the neighborhoods surrounding Sun Valley Drive in the northeast sector of El Paso, Texas. This work is proposed under Section 205 of the 1948 Flood Control Act, as amended.

The proposed basin would be located upstream of the EPWU's Northeast Channel #2, a stormwater channel that has a history of overflowing and flooding the surrounding neighborhoods. The proposed project site is west of highway US-54 on the Castner Range, a formerly used bombing range attached to Ft. Bliss (see enclosed map of proposed project area and vicinity). The purpose of this project would be to reduce potential property damages by reducing flooding and sediment overflow from the Northeast Channel #2. The proposed construction period would be approximately 5 months beginning in 2015.

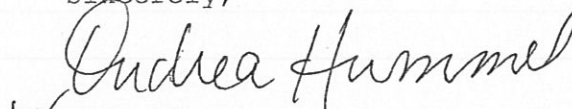
The Corps is seeking public and agency input for consideration during the planning and scoping of the project. Your input will be used in determining the issues to be addressed in a draft environmental assessment (DEA) that is currently being prepared by the Corps to comply with the National Environmental Policy Act (NEPA). The DEA is anticipated to be released for public review in October, 2013.

Please submit your comments by July 30, 2011. You may use the attached form or send a letter to the address above, Attn: Dana Price, Environmental Resources Section. You may fax your correspondence to (505) 342-3668, Attn: Dana Price.



If you have any questions or need additional information, please contact Ms. Dana Price, biologist, at (505) 342-3378 or [dana.m.price@usace.army.mil](mailto:dana.m.price@usace.army.mil); or Mr. Jonathan Van Hoose, archaeologist, (505) 342-3687 or [Jonathan.E.VanHoose@usace.army.mil](mailto:Jonathan.E.VanHoose@usace.army.mil).

Sincerely,

A handwritten signature in cursive script that reads "Julie Alcon". The signature is written in dark ink and is positioned above the typed name.

for Julie Alcon  
Chief, Environmental Resources Section

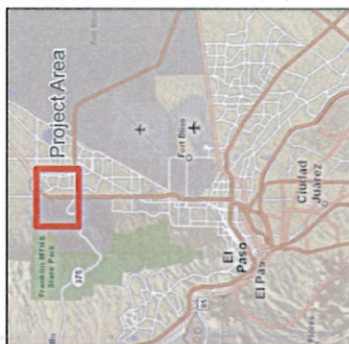
Enclosure

Drainage Channel

Primary Drainage

Fort Bliss Boundary

Project Area Potentially Impacted by Construction



Feet  
1,250  
2,500

Coordinate System: Universal Transverse Mercator, Zone 13 North, units meters.

Map Scale: 1:15,000  
Map Date: May 24, 2011





## Sun Valley Flood Risk Reduction Project

### Comment Form

Please make your comments specific to the proposal described in the attached letter.

1. What issues (for example, natural or cultural resources, social, or economic such as property damage or flooding) are of concern to you in regards to the project?

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2. Do you feel that any of the issues described in #1 are significant? If yes, please explain why.

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3. Are you aware of other studies, reports, plans, environmental assessments or environmental impact statements that are available or are being developed that relate to the proposed project area? If yes, please provide the title, author and year.

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4. Other comments about the project.

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Please attach additional sheets if desired.

☐ Please keep my name on the project mailing list and send me a notice of the public review for the DEA.

☐ Please remove my name from the project mailing list.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please submit your comments for receipt by 30 July, 2011 to:

Dana Price, Environmental Resources Section, U.S. Army Corps of Engineers, 4101 Jefferson Plaza NE, Albuquerque, NM 87109

Fax: (505) 342-3668, Attn: Dana Price

E-mail: [dana.m.price@usace.army.mil](mailto:dana.m.price@usace.army.mil)