



ADVISORY BOARD MINUTES

REVISED

Wednesday, June 22, 2011, 1:30 P.M.
8th 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 Ardovino, 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, garciar1@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 assess, 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:

1st WHEREAS

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

2nd 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~~ **Frontera** 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