

# Open Space Open Space



## OPEN SPACE ADVISORY BOARD MINUTES

Wednesday, August 2<sup>nd</sup>, 2017, 3:00 P.M.

City 2 Building, 218 N. Campbell

4<sup>th</sup> Floor Large Conference Room

### **Members Present: 4**

*Chairwoman Dr. Sharon Miles-Bonart, Vice-Chairman Bob Geyer, Don Baumgardt, Robert Melson*

### **Members Absent: 1**

*Ann Morgan Lilly*

### **Vacancies: 4**

*Mayor, District 3, District 5, District 7*

### **Planning & Inspections Department – Planning:**

*Larry Nichols, Director; Alex Hoffman, Deputy Director; Kimberly Forsyth, Program Manager; Kareem Dallo, Engineering Division Manager, Land Development; Jeff Howell, Lead Planner; Nelson Ortiz, Lead Planner; Harrison Plourde, Senior Planner; Ryan Kirby, Planner; Karina Brasgalla, Planner*

### **Other City Staff Present:**

*Juan Gonzalez, Assistant City Attorney, City Attorney's Office; Jose Carlos Villalva, Real Estate Manager, Economic & International Development; and Jorge Castillo, Open Space, Trails & Parks Coordinator, Parks & Recreation*

### **Members of the public:**

*Sherry Mowles, Marilyn Guida, Franklin Mountains Wilderness Coalition; Dr. Richard Bonart; Robert Mills*

### **1. Meeting Called to Order**

*Chairwoman Dr. Miles-Bonart called the meeting to order at 3:10 p.m., quorum present.*

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

*None.*

### **3. Discussion and Action:**

#### **a. Changes to the Agenda**

*None.*

b. Approval of Minutes: July 19<sup>th</sup>, 2017

**Item 7. Adjournment – correction**

Chairwoman Dr. Miles-Bonart stated she had not voted *NAY* for the adjournment.

***MOTION:***

*Motion made by Mr. Baumgardt, seconded by Mr. Melson AND UNANIMOUSLY CARRIED TO ACCEPT THE MINUTES FROM THE JULY 19<sup>TH</sup> MEETING AS CORRECTED.*



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***ABSTAIN: Mr. Melson***

4. **Information, Discussion, and Action:** Planning-Land Management Division: presentation on review and processing procedures for developments which have arroyos / similar terrain features. Contact: Kareem Dallo, [dallokf@elpasotexas.gov](mailto:dallokf@elpasotexas.gov)

Kareem Dallo gave a presentation and responded to comments and questions from Board Members and staff.



ITEM 4 Hunt Arroyo  
July 2017pptx.pdf

Chairwoman Dr. Miles-Bonart, Vice-Chairman Geyer and Board Member Baumgardt commented.

The following staff commented:

1. Kareem Dallo
2. Juan Gonzalez
3. Juan Carlos Villalva
4. Larry Nichols

City Attorney Gonzalez advised Board Members discussing property located in the Northeast that this is not an appropriate time for this discussion due to the ongoing nature of negotiations.

Chairwoman Dr. Miles-Bonart suggested placing an item on next month's OSAB agenda to discuss the property located in the Northeast.

The following members of the public commented:

1. Marilyn Guida
2. Dr. Richard Bonart
3. Sherry Mowles

**NO ACTION TAKEN.**

*During the discussion it was recommended that Board Members re-open the agenda item 4 for discussion.*

**MOTION:**

*Motion made by Chairwoman Dr. Miles-Bonart, and seconded by Vice-Chairman Geyer **TO RE-OPEN ITEM 4.***

**NO VOTE TAKEN.**

Chairwoman Dr. Miles-Bonart requested staff place an item on the next OSAB agenda regarding the Hunt Arroyo.

*Chairwoman Dr. Miles-Bonart requested item 4. be placed on the next OSAB agenda.*

**MOTION:**

*Motion made by Chairwoman Dr. Miles-Bonart, and seconded by Vice-Chairman Geyer **AND UNANIMOUSLY CARRIED TO RECONSIDER ITEM 4 DISCUSSION AND ACTION.***

Chairwoman Dr. Miles-Bonart, Vice-Chairman Geyer and Board Members Melson and Baumgardt commented.

Dr. Richard Bonart, member of the public, commented.

City Attorney Juan Gonzalez commented.

Chairwoman Dr. Miles-Bonart

**NO ACTION TAKEN.**

5. **Information, Discussion, and Action:** Planning-Long Range Division: informational presentation on North West Upper Valley Plan Amendments related to the purposed UV-120 items.  
Contact: Alex Hoffman, [hoffmanap@elpasotexas.gov](mailto:hoffmanap@elpasotexas.gov)

Alex Hoffman gave a presentation and responded to comments and questions from Board Members. Regarding Section, Section 2.22.010. A- Membership – Appointment – Terms – Vacancies, Mr. Hoffman recommended adding additional activities such as:

1. Aerial plans
2. Other types of zoning applications, Special Permits, Detailed Site Plans, Special Contract, and Condition Release.



ITEM 7-Ordinance  
Title 2.22.pdf

**MOTION:**

*Motion made by Vice-Chairman Geyer THAT STAFF COME UP WITH A RECOMMENDATION HOW TO CHANGE THE ORDINANCE TO INCLUDE THOSE THINGS JUST MENTIONED BY MR. HOFFMAN.*

**NO VOTE WAS TAKEN.**

Alex explained the Board had requested staff prepare a report on, “why Board Members were not able to see the UV120 applications. He referred to the Ordinance Chapter 2.22 – Open Space Advisory Board, Section 2.22.050 – Board duties. He stated OSAB Board Members cannot direct staff to accomplish the Board’s request. The request must first go through the City Manager, only the City Manager can direct staff to accommodate the request from the Board.

**2.22.0.050 – Board duties**

*The open space advisory board shall act as an advisory board and provide recommendations to the city council in efforts to preserve and acquire open space as identified in the "Towards a Bright Future: A Green Infrastructure Plan for El Paso, Texas," commonly referred to as the open space master plan. The open space advisory board shall provide recommendations on the implementation of the open space master plan. The open space advisory board shall review and provide input to the city council on legislative matters pertaining to open space submitted to the board by the director of the department of parks and recreation, the deputy director of the planning and economic development department, the chief executive officer of the public service board, the deputy director of the economic development department and the city flood plain administrator or their designees. Specifically, the open space advisory board shall:*

1. *Review, advise, propose and recommend actions to the city council on additions or changes to: the open space master plan, open space goals, open space acquisitions, open space funding and spending prioritization, Title 18 (if the amendment relates to landscaping or grading), Title 19, Title 20 and Title 21 of the city code or any other city code provision if requested by staff;*
2. *Provide recommendations to the city council regarding matters before state and federal agencies affecting open space identified in the open space master plan or stormwater capital improvement plan for which comment or input is solicited or requested to include, but not be limited to, requests for individual permits from the U.S. Army Corps of Engineers;*

3. *Review and provide input to city staff regarding matters initiated by city staff to identify, preserve, acquire and manage open space, including development plans that impact open space or plans for open space components of undeveloped areas in the city or its extra territorial jurisdiction; and*
4. *Review and provide input to the city council and the El Paso Water Utilities—Public Service Board (EPWU) regarding the Master Stormwater Management Plan and the annual Stormwater Capital Improvement Plans per Ordinance 016668, and on matters initiated by EPWU to include establishing priorities for open space acquisitions and improvements and review of EPWU reports regarding the ten percent of annual drainage utility fee revenues allocated for "Green Projects," as relating to open space.*
5. *The board may conduct meetings closed to the public when discussing matters related to the acquisition of real property.*

Chairwoman Dr. Miles-Bonart, Vice-Chairman Geyer and Board Members Melson and Baumgardt commented.

**FOR THE RECORD**

*For the record, Chairwoman Dr. Miles-Bonart requested the following discussion be included in the meeting minutes.*

*Chairwoman Dr. Miles-Bonart asked Assistant City Attorney Gonzalez to define the word "shall".*

*Assistant City Attorney Gonzalez defined "shall" as to take an affirmative action subject to further findings / revisions within that same paragraph.*

*Chairwoman Dr. Miles-Bonart asked Mr. Gonzalez if the word "shall" was a demanding word.*

*Board Member Melson suggested the language "is it a requirement".*

*Chairwoman Dr. Miles-Bonart asked if the word "shall" was a requirement, does it create a requirement.*

*Mr. Gonzalez replied it does but it's not the strongest requirement.*

*Chairwoman Dr. Miles-Bonart asked Mr. Gonzalez what the strongest requirement is.*

*Mr. Gonzalez replied the word "will."*

*Chairwoman Dr. Miles-Bonart affirmed the word "shall" is a strong requirement. She asked Mr. Gonzalez if the word "shall" was stronger than the word "may."*

*Mr. Gonzalez stated generally, in stature construction.*

**MOTION:**

*Motion made by Vice-Chairman Geyer, seconded by Board Member Baumgardt **TO DIRECT THE CITY MANAGER TO DIRECT STAFF TO MAKE A RECOMMENDATION TO REVISE CHAPTER 2.22 OF THE CITY CODE.***

**NO VOTE TAKEN.**

Vice-Chairman Geyer noted the Board does not direct the City Manager the Board makes recommendations to the City Manager. He clarified the motion will go to the City Manager first.

Alex explained should a City Council member want to sponsor the Board's request the City Council member would place the request on the City Council agenda under the heading "Mayor Council". If the item is placed on the agenda, City Council would then vote on the item to direct the City Manager to direct staff to ...

Chairwoman Dr. Miles-Bonart clarified the memo goes to Council, Council then directs the City Manager. The City Manager would then direct staff.

The following members of the public commented:

1. Dr. Richard Bonart
2. Marilyn Guida

At this time, Vice-Chairman Geyer rescinded his motion; however, that does not mean the item could not be placed on a future agenda.

Alex recommended, rather than Board Members placing an item on the City Council agenda, use the recommendation and meet with the City Council Representative who appointed you. Meeting with your Representative the Board member could tell if the Representative was in favor or opposed to placing the item on the City Council Agenda.

**NO ACTION TAKEN.**

*Following the discussion on item 4., staff asked Board Members to move item 6. before item 5.*

6. **Information, and Discussion, and Action:** Quarterly report of pending OSAB motions.  
Contact: Jeff Howell, [howelljb@elpasotexas.gov](mailto:howelljb@elpasotexas.gov)

Jeff Howell and Jose Carlos Villalva gave a presentation and responded to comments and questions from Board Members and staff.



ITEM 6 - Quarterly  
Report of Pending OS

Chairwoman Dr. Miles-Bonart, Vice-Chairman Geyer and Board Members Melson and Baumgardt commented.

During the discussion, staff recommended Board Members reopen item 4.

The following staff members commented:

1. Jeff Howell
2. Juan Carlos Villalva
3. Juan Gonzalez
4. Larry Nichols
5. Alex Hoffman

The following members of the public commented:

1. Marilyn Guida
2. Dr. Richard Bonart

*During the discussion it was recommended that Board Members re-open the agenda item 4 for discussion.*

**MOTION:**

*Motion made by Chairwoman Dr. Miles-Bonart, and seconded by Vice-Chairman Geyer **TO RE-OPEN ITEM ITEM 4.***

**NO VOTE TAKEN.**

For the next OSAB meeting, Alex Hoffman offered to bring to the Board a list of pending motions from 2009 to present.

**MOTION:**

*Motion made by Chairwoman Dr. Miles-Bonart, and seconded by Vice-Chairman Geyer AND UNANIMOUSLY CARRIED TO RECONSIDER ITEM 4 DISCUSSION AND ACTION.*

Chairwoman Dr. Miles-Bonart, Vice-Chairman Geyer and Board Members Melson and Baumgardt commented.

**7. Information, Discussion and Action:** OSAB by-laws, Board duties, and enabling ordinances.

Contact: Alex Hoffman, [hoffmanap@elpasotexas.gov](mailto:hoffmanap@elpasotexas.gov)

Alex Hoffman gave a presentation and responded to comments and questions from Board Members and staff.



ITEM 7-OSAB  
Bylaws.pdf



ITEM 7-Ordinance  
Title 2.22.pdf

Chairwoman Dr. Miles-Bonart requested the item be placed on the September OSAB agenda.

Vice-Chairman Geyer stated the Board could appoint a sub-committee to review the OSAB enabling ordinance. He explained appointing a subcommittee would be advantageous rather than using an OSAB meeting to discuss the ordinance revisions.

**MOTION:**

*Motion made by Vice-Chairman Geyer, and seconded by Mr. Baumgardt AND UNANIMOUSLY CARRIED TO CREATE A SUB-COMMITTEE TO LOOK AT THE BY-LAWS, DUTIES AND ENABLING ORDINANCES.*

**ABSTAIN:** *Mr. Melson*

For the sub-committee, Chairwoman Dr. Miles-Bonart appointed herself, Vice-Chairman Geyer and Mr. Baumgardt.



The following members of the public commented:

1. Marilyn Guida
2. Dr. Richard Bonart
3. Robert Mills

Vice-Chairman Geyer noted members of the public may attend the sub-committee meetings; furthermore, members of the public may be appointed to the sub-committee as ad-hoc members.

Mr. Gonzalez recommended the Board limit the amount of time that ad-hoc members participate in the review and recommendations to the by-laws, duties and enabling ordinances.

Chairwoman Dr. Miles-Bonart suggested the Board wait until the new Board Members are appointed. She would like to table the motion made by the Vice-Chairman until the vacancy are filled. She suggested the item be placed on the September agenda.

Mr. Nichols informed Board Members that an additional appointee posted in the August 8<sup>th</sup> City Council agenda. District 3 Representative Cassandra Brown has appointed Ms. Benavides to be on the OSAB Board.

Kimberly Forsyth referred to Article 9. of the by-laws which explains the requirements for creating a sub-committee and appointing Board Members to the sub-committee.

## **BYLAWS OF THE OPEN SPACE ADVISORY BOARD**

The Open Space Advisory Board (hereinafter referred to as "Board") hereby adopts these bylaws. The purpose of these bylaws is to provide general guidance to the Board in the performance of its duties for which the Board was created, not inconsistent with the charter and ordinances of the City. These bylaws shall be supplementary to the regulations governing the Board within Chapter 2.22 (Open Space Advisory Board) of the El Paso City Code, as may be amended by the El Paso City Council. No action of the Board, which is otherwise valid, shall be invalidated solely by reason of Board's failure to follow these bylaws.

### **ARTICLE I – Membership**

1. The members of the Board shall be those members appointed by the Mayor and City Council in accordance with Section 2.22.010 of the City Code.
2. The Board shall consist of nine members who shall be resident citizens of El Paso and known to be interested in open space, trails and greenways.
3. The initial terms of the members nominated by the Mayor and the District Representatives from Districts 2, 3, 4 and 7 shall be four years. The initial terms of the members nominated by the district representatives from Districts 1, 5, 6 and 8 shall be two years. Thereafter, all terms shall be for terms of four years and all terms shall expire in June.
4. When the term of any member expires, the member shall continue to serve until his successor is appointed and qualified, or until thirty days have passed following the expiration of the term, whichever event occurs first. Any holding over past the thirty-day period is prohibited, and after that time a vacancy in the Board shall exist and the former member shall have no power to vote or participate in Board proceedings; but such vacancy shall not serve to reduce the number of members required for a quorum.

### **ARTICLE II - Officers**

1. The officers of the Board shall be the Chair and Vice-Chair. Their duties shall be those usually pertaining to presiding over meetings. The officers shall be regularly appointed members of the Board.
2. The officers shall be elected annually by a simple majority vote of the members present at the first regular meeting in September of every year. The term of office shall begin in the following month of October. The terms of office shall expire on September 30<sup>th</sup> of the following year but in any case shall hold office until their successors have been elected and have been qualified.
3. The Chair shall preside at all meetings of the Board, but if for any reason he is absent or unable to act, then the Vice-Chair shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Chair. Upon the arrival of the

Open Space Advisory Board Bylaws

Vice-Chairman Geyer asked staff if he could have a copy of recording of this meeting.

Alex Hoffman explained after staff uploads the recording of the meeting, a dropbox link could be emailed to Board Members.

If Board Members cannot open the dropbox link please call Jeff Howell at 212-1607.

## **8. Adjournment**

### ***MOTION:***

*Motion made by Mr. Melson and seconded by Mr. Baumgardt AND UNANIMOUSLY CARRIED TO  
ADJOURN AT 5:10 P.M.*