



ADVISORY BOARD MINUTES

PLANNING & INSPECTIONS DEPARTMENT

Wednesday, March 1st, 2017, 3:00 P.M.
City 1 Building, 300 N. Campbell
1st Floor, Star Conference Room

Members Present: 8

Chairwoman Lois Balin, Vice-Chairman Dr. Richard Bonart, Charles Stapler, Don Baumgardt, Dr. Richard V. Teschner, Bob Geyer, Patricia E. White and Anne Morgan Lilly

Members Absent: 0

Vacancy: 1

District 5

Planning & Inspections Department – Planning

Larry Nichols, Director; Alex Hoffman, Deputy Director - Planning; Kimberly Forsyth, Program Manager; Harrison Plourde, Senior Planner; Ryan Kirby, Planner

Other City Staff Present:

Karla Nieman, Assistant City Attorney, City Attorney's Office; Rudy Valdez, Program Manager, Capital Improvement Department (CID); Patricia Dalbin, El Paso Water; James Wolff, Planner, El Paso Water; Jose Carlos Villalva, Real Estate Manager, Economic & International Development

Member of the public:

Scott Cutler, Franklin Mountain Wilderness Coalition

1. Meeting Called to Order

Chairwoman Balin called the meeting to order at 3:02 p.m.

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

Larry Nichols, began the Call to the Public discussion explaining a request from District 2, City Council Representative Tolbert for Planning staff to investigate who exactly owns the property and easements with regard to the fence along the trail leading up to the 1,000 steps mountain trail. There may be a possibility the property adjacent to the fence is owned by KFOX or some other communications companies having easement agreements. Staff will research and present their findings to the OSAB and Representative Tolbert.

Chairwoman Balin, Vice-Chairman Dr. Bonart and Board Members Baumgardt, White and Dr. Teschner responded to comments from staff.

The following staff members responded to Board Members comments and questions:

1. Alex Hoffman
2. Rudy Valdez
3. Karla Nieman
4. Kimberly Forsyth

Scott Cutler, Franklin Mountain Wilderness Coalition, stated The Franklin Mountain Wilder Coalition, in working with other wilderness groups, have been interested in acquiring Parcels 2, 3, 4 and Parcel 1. In the long run, the public would be better served if these parcels were targeted for purchase with whatever means the city and OSAB could arrange.

EXPLANATION OF THE RULES AND PROCEDURES FOR CALL TO THE PUBLIC

Ms. Nieman explained public comment is the opportunity for members of the public to present items/issues, not posted on the agenda, to the attention of the Board. This discussion is not intended as a back and forth discussion. This discussion will be placed on a future agenda as it is within the jurisdiction of the Open Space Advisory Board. She reminded Board Members and public that discussions regarding the purchase of property is traditionally discussed in closed session to ensure the city's position to acquire the best price for the property.

3. Discussion and Action:

a. Changes to the Agenda.

None.

b. Approval of Minutes: February 1st, 2017

Chairwoman Balin asked if Board Members had any additions/changes/revisions.

Inadvertently, staff included the wrong minutes into the meeting packet. The correct minutes will be presented to Board Members at the April 12th OSAB meeting.

MOTION:

Motion made by Vice-Chairman Dr. Bonart, seconded by Dr. Teschner AND UNANIMOUSLY CARRIED THAT WE DO NOT ACCEPT THE MINUTES AS THEY ARE AND THAT STAFF COME BACK WITH A REVISED EDITION NEXT MONTH.

4. **Information, Discussion, and Action:** Update on suggested revisions of Title 19 City Code, Mountain and Hillside Development and the Quarterly Meeting section of the Open Space Advisory Board (OSAB Ordinance). Contact: Kimberly Forsyth, forsythkl@elpasotexas.gov

Kimberly Forsyth referred to the following list of 2016 Subdivisions / Land Studies in the Hillside and Mountain Development Areas presented to the Board as part of the Planning Division, Subdivisions Section Quarterly Reports. At the present time, these subdivision / land studies are presented to the City Plan Commission (CPC) prior to presentation to the OSAB. Ms. Forsyth stated, per the OSAB's request, there would have been seven special OSAB meetings for staff to present these subdivisions prior to them being presented to the CPC.

2016 Subdivisions / Land Studies in the Hillside and Mountain Development Areas

<u>HDA</u>	<u>MDA</u>
Desert Springs Unit 4	Sierra del Puerte Unit 3
Desert Pass Unit 3	Sierra del Puerte Unit 4
Franklin Hills Unit 10	Cumbre Estates Unit 1 Replat D
The Village at Cimarron Unit 2	
Cimarron Canyon Unit 1	
Piedmont Replat A	
West Towne Marketplace	
Montecillo Unit 5B	
Montecillo Unit 9 West	
Montecillo Unit 9 East	

Chairwoman Balin and Vice-Chairman Dr. Bonart and Board Members Dr. Teschner, White and Geyer commented.

The following staff members commented:

1. Kimberly Forsyth
2. Karla Nieman
3. Larry Nichols
4. Alex Hoffman

Chapters 19.24 – MOUNTAIN DEVELOPMENT AREA (MDA) STANDARDS; and



Chapter 19.24
OSAB.pdf

Chapter 19.27 – HILLSIDE DEVELOPMENT AREA



Chapter 19.27
OSAB.pdf

Per the discussion, Dr. Teschner stated, what was being proposed is that the item once again be postponed.

Ms. Forsyth replied no, staff can begin notifying Board Member of pending City Plan Commission (CPC) cases. Additionally, staff will begin revising section of the Subdivision Code pertaining to the Mountain and Hillside Development Areas and bring those code revisions to the OSAB if directed by City Council.

MOTION:

Motion made by Ms. White that we agree with what Kim stated, there was no second.

Motion failed due to lack of second.

Chairwoman Balin requested the language, stated by Ms. Forsyth, be included in the meeting minutes.

Karla Nieman provided advice to Board Members and Staff.

Dr. Teschner asked if the amendment he proposed last month, as well as today, would not be considered. Dr. Teschner distributed 15 copies of his proposed amendment language.



Dr. Teschner
proposed code amend

MOTION:

*Motion made by Vice-Chairman Dr. Bonart, seconded by Bob Geyer **THAT THIS BOARD ENGAGE IN THREE ACTIONS:***

- 1. **THAT WE REQUEST THAT STAFF BEGIN TO NOTIFY THE ENTIRE BOARD OF UPCOMING CPC MEETINGS THAT ARE INVOLVING HDA AND MDA SO INDIVIDUALS CAN PARTICIPANT AND SO A BETTER SOLUTION IS RESOLVED;***
- 2. **THAT WE WRITE A RESOLUTION AND THAT RESOLUTION SHOULD BE WORDED SUCH THAT WE REQUEST THAT CITY COUNCIL DIRECT STAFF TO HELP OSAB CONSTRUCT AN AMENDMENT TO THE TITLE 19 WITH THE INTENDED PURPOSE TO PROVIDE PUBLIC ACCESS TO ALL OPEN SPACE ASSETS; AND***
- 3. **THAT WE CONTINUE ON THE PATH OF LOOKING AT AND MEETING WITH STAFF TO SEE IF THERE IS ANY WAY WE MIGHT STILL BE INVOLVED ON A PROACTIVE BASIS RATHER THAN A REACTIVE BASIS WITH SOME OF THESE LAND STUDIES AND SUBDIVISIONS THAT COME BEFORE THE CPC.***

The following Board Members commented after the Vice-Chairman's proposed motion:

1. Dr. Teschner also distributed 15 copies of his proposed language amendment to Section 19.24.020 – Procedures and requirements.
2. Don Baumgardt

Vice-Chairman Dr. Bonart withdrew his motion and Board Member Geyer withdrew his second to the Vice-Chairman's motion.

The following staff members commented:

1. Kimberly Forsyth
2. Larry Nichols

Dr. Teschner then read into the record his proposed amendments to Section 19.24.020 – Procedure and requirements as follows:

Change the third sentence of this section to read as follows (the added words are underlines):

However, prior to city plan commission action, all subdivision applications within the Mountain Development Area shall be presented to the open space advisory board (OSAB) for advice and comments in its regularly scheduled meetings or if necessary in extraordinary meetings called in advance of a city plan commission meeting provided, however, that failure of OSAB to provide comments to the city plan commission prior to the city plan commission meeting in which the plat will be considered, shall not prevent the city plan commission from taking action on the plat and shall not be a basis for denial of the plat if the plat conforms to other provisions of Title 19.

MOTION:

Motion made by Dr. Teschner, seconded by Vice-Chairman Dr. Bonart AND UNANIMOUSLY CARRIED TO BRING THE ABOVE PROPOSED CODE AMENDMENT LANGUAGE TO CITY COUNCIL.

MOTION:

Motion made by Vice-Chairman Dr. Bonart, seconded by Don Baumgardt AND UNANIMOUSLY CARRIED THAT THIS BOARD ENGAGE IN TWO ACTIONS:

1. *THAT WE ASK STAFF TO NOTIFY MEMBERS OF THE BOARD OF UPCOMING MEETINGS AT THE CPC WHICH INVOLVE EITHER MDA OR HDA SUBDIVISION OR LAND STUDIES SO THAT IF INDIVIDUALS WISH TO ATTEND THEY WILL KNOW THAT THOSE ARE ON THE AGENDA; AND*
2. *THAT WE DRAFT A RESOLUTION FOR CITY COUNCIL TO ASK THEM TO DIRECT CITY STAFF TO HELP DRAFT AN AMENDMENT TO TITLE 19 TO MAKE SURE SUBDIVISIONS ARE CONSTRUCTED IN A MANNER SO THAT THERE IS ACCESS TO OPEN SPACE ASSETS.*

5. **Information, Discussion, and Action:** Resolution regarding interest income and payments from and to the Open Space Stormwater Account. Contact: Dr. Rick Bonart, rickbonart@earthlink.net

Vice-Chairman Dr. Bonart commented on a resolution he drafted regarding interest income and payments from and to the Open Space Stormwater Account and an email between himself and Mr. John E. Balliew- President/Chief Executive Officer



Dr. Bonart's
proposed Resolution.



Email between Dr.
Bonart and Mr. Balliev



Dr Bonart's cost
chart of various Oper

Chairwoman Balin and Vice-Chairman Dr. Bonart and Board Members Lilly and Teschner commented.

MOTION:

*Motion made by Vice-Chairman Dr. Bonart **THAT BECAUSE WE CAN REVIEW AND PROVIDE INPUT TO THE WATER UTILITY WE SEND A LETTER TO THE WATER UTILITY AND ASK THEM WHY IS THERE CASH FLOW FROM THIS ACCOUNT.***

The following staff members commented:

1. James Wolff
2. Karla Nieman

No action taken.

MOTION:

*Motion made by Dr. Teschner, seconded by Don Baumgardt **AND UNANIMOUSLY CARRIED TO RETIRE INTO CLOSED SESSION.***

CLOSED SESSION

FOR THE RECORD

Chairwoman Balin read the following into 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

CS1. Information, Discussion, and Action: Update on purchase of OSAB Priority Property #5.
Contact: Jose Carlos Villalva, villalvajc@elpasotexas.gov

Discussion of this item will be closed to the public pursuant to the El Paso City Code, Section 2.22.050(A)(5), and Texas Government Code Section 551.072 Deliberation Regarding Real Property.

MOTION:

Motion made by Bob Geyer, seconded by Charles Stapler AND UNANIMOUSLY CARRIED TO PLACE AN ITEM ON NEXT MONTH'S AGENDA FOR AN UPDATE FROM JUAN CARLOS VILLALVA CONCERNING THIS PROPERTY.

6. Adjournment

MOTION:

Motion made by Vice-Chairman Dr. Bonart, and seconded by Dr. Teschner AND UNANIMOUSLY CARRIED TO ADJOURN.