



REVISED

**OPEN SPACE ADVISORY BOARD MINUTES
WEDNESDAY, SEPTEMBER 9, 2020, 3:00 P.M.**

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TEMPORARY SUSPENSION OF OPEN MEETINGS LAWS DUE TO EMERGENCY

Karina Brascalla, 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 September 9, 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#

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

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

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

Recording of the meeting will begin prior to roll call

Members Present: 8

Chairman Don Baumgardt, Vice-Chairwoman Alyssa Cervantes-Benavides, Stephen Tures, Joe Garibay, Yvonne Cacho, Dr. Sharon Miles-Bonart, Patricia White, Sarah Elena Dillabough (left meeting at 4:50 p.m.)

Members Absent: 0**Vacancy: 1**

Mayor

Planning & Inspections Department – Planning:

Karina Brasgalla, Senior Planner

Other City Staff Present/Other Presenters:

Roberta Brito, Assistant City Attorney, City Attorney's Office; Rocio Alvarado, Senior Land and Contract Administrator, EPWater; Yesenia Castro, Utility Engineer Associate, Stormwater Engineering, EPWater; Russell Parr, PE, consultant, CFM – Water Resources Engineer, Austin office, Huitt-Zollars; Gilbert Guerrero, Capital Projects Manager for Quality of Life Projects, Capital Improvement Department; Nicholas Gonzalez, Civil Engineering Associate, Capital Improvement Department (CID); Gerald DeMuro, Assistant Director, Capital Improvement Department (CID); Lisa Gala, Capital Improvement Department (CID)

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Member of the public: 1

Marilyn Guida

Establish a Quorum

A quorum of the Open Space Advisory Board was present.

Meeting Called to Order

Chairman Baumgardt called the meeting to order at 3:15 p.m.

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 Chair and Vice-Chair for the Open Space Advisory Board.

Chairman Baumgardt asked Board Members to nominate someone for Chairman and Vice-Chairperson.

MOTION:

Motion made by Board Member White, seconded by Board Member Tures AND UNANIMOUSLY CARRIED TO RE-ELECT THE CURRENT CHAIRMAN AND THE CURRENT 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.

Karina Brasgalla stated no changes to the agenda.

3. Discussion and Action: Approval of the Minutes for August 12, 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 Vice-Chairwoman Benavides AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES.

(Motion passed 8-0)

4. Information and Discussion: El Paso Water (EPWater) 2nd Quarter financial report on 10% annual drainage utility fee revenue and expenses. **Contact:** Rocio Alvarado, rpalvarado@epwater.org

Rocio Alvarado, [EPWater](#), gave a presentation and responded to comments and/or questions from Chairman Baumgardt and Board Members Dr. Miles-Bonart, Garibay, Tures, and Dillabough.

The following City staff responded to comments and/or questions from the Board:

1. Yesenia Castro, Utility Engineer Associate, Stormwater Engineering, EPWater and;

1.2. Gerald DeMuro, Assistant Director, Capital Improvement Department (CID)

No further discussion.

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▲ Yesenia Castro, EPWater, gave a presentation and responded to comments and/or questions from Chairman Baumgardt, Vice-Chairwoman Benavides and Board Members Garibay, White, Dillabough, Dr. Miles-Bonart, and Tures.

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▲ Karina Brasgalla stated the presentation was included in the link she emailed to Board Members prior to the meeting.

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▲ Gerald DeMuro, CID, responded to comments from Board Member Tures.

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No further discussion.

7.6.Information and Discussion: Update on the status of the Palisades Stormwater Drainage & Development of Natural Open Space. **Contact:** Yesenia Castro, oycastro@epwater.org

Yesenia Castro, EPWater, gave a presentation and responded to comments and/or questions from Chairman Baumgardt and Board Members Dr. Miles-Bonart and Tures.

Russell Parr, PE, consultant, CFM – Water Resources Engineer, Huitt-Zollars, Austin office, responded to comments and/or questions from Chairman Baumgardt.

No further discussion.

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

Contact: Mary Lou Espinoza, espinozam@elpasotexas.gov

Gilbert Guerrero, Capital Projects Manager for Quality of Life Projects, CID, gave a presentation and responded to comments and/or questions from Chairman Baumgardt, Vice-Chairwoman Benavides and Board Members Garibay, Tures, Dr. Miles-Bonart, and Cacho.

Gerald DeMuro, CID, responded to comments and/or questions from the Board.

No further discussion.

9.8.Information, Discussion and Action: Review of the Mountain to River Trail, discussion of a recommendation to Council, and creation of ad hoc committee to identify a primarily natural surface route from the Tom Mays Unit of FMSP to I-10 near Loop 375.

Contact: Nicholas Gonzalez, gonzaleznx@elpasotexas.gov

Chairman Baumgardt explained the agenda item was to create an Ad Hoc Committee of OSAB members to identify routes from the Mountain to the River and to pass a motion to ask Council to direct Staff to assist the Board with that effort. For Staff, he requested Staff's help to potentially identify who owns the open land and what the zoning is.

2. Nicholas Gonzalez, Civil Engineering Associate, Capital Improvement Department (CID)

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Board Members who made remarks include Chairman Baumgardt and Dr. Miles-Bonart, White, and Garibay.

MOTION:

Motion made by Board Member White, seconded by Board Member Garibay **THAT WE ASK FOR STAFF HELP AND CREATE AN AD HOC COMMITTEE TO LOOK AT OTHER ALTERNATIVE ROUTES FOR THE MOUNTAIN TO RIVER TRAIL.**

Karina Brasgalla responded to comments from Chairman Baumgardt.

AMENDED MOTION LANGUAGE

Chairman Baumgardt amended the motion language to include:

... AND THAT THE CHAIRMAN OF THE OPEN SPACE ADVISORY BOARD DRAFT A MEMO FOR REVIEW REGARDING THE DESIGN OF THE MOUNTAIN TO RIVER TRAIL TO FOCUS ON NATURAL SURFACE ROUTES.

Board Member White and Board Member Garibay accepted the Chairman's amended language to the motion.

CLARIFIED MOTION LANGUAGE AS

Karina Brasgalla clarified the motion language:

Motion made by Board Member White, seconded by Board Member Garibay
THE CHAIRMAN OF THE OPEN SPACE ADVISORY BOARD DRAFT A MEMO FOR REVIEW
THE CHAIRMAN OF THE OPEN SPACE ADVISORY BOARD DRAFT A MEMO FOR REVIEW

Prior to the vote on the motion, Board Member Dr. Miles-Bonart stated by the verbiage in that motion you are restricting the ability of that Ad Hoc Committee to look at any other egress area than 375.

AMENDED MOTION LANGUAGE

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Board Member Dr. Miles-Bonart requested amending the motion language:

... TO THE RIVER TRAIL.

AMENDED MOTION LANGUAGE

Karina Brasgalla and Board Members amended the motion language to include:

Motion made by Board Member White, seconded by Board Member Garibay
THAT THE CHAIRMAN OF THE OPEN SPACE ADVISORY BOARD DRAFT A MEMO FOR
THAT THE CHAIRMAN OF THE OPEN SPACE ADVISORY BOARD DRAFT A MEMO FOR

AMENDED MOTION LANGUAGE

Board Member White requested amending the motion language:

... FOR POSSIBLE ALTERNATIVE ROUTES

AMENDED MOTION LANGUAGE

Board Member Dr. Miles-Bonart requested amending the motion language:

... FOR POSSIBLE ROUTES

FINAL MOTION

Motion made by Board Member Dr. Miles-Bonart, seconded by Board Member White **AND UNANIMOUSLY**
CARRIED

THAT THE CHAIRMAN OF THE OPEN SPACE ADVISORY BOARD DRAFT A MEMO FOR

NOT PRESENT FOR THE VOTE: Board Member Dillabough

(Motion passed 7-0)

AD HOC COMMITTEE

After the vote, Chairman Baumgardt explained the OSAB has eight members currently serving on the Board; therefore, four Board Members could sit on the Ad Hoc Committee. The following individuals volunteered:

1. Board Member Garibay
2. Chairman Baumgardt
3. Board Member White's son Scott

10.9. Information, Discussion and Action: Update on the status of conservation easements for the Lost Dog area (formerly TIRZ 12) and Knapp Canyon (the Knapp lands).

Contact: Lisa Gala, galalm@elpasotexas.gov

Lisa Gala, Capital Improvement Department (CID), gave a presentation on Knapp Land Conservation Easement and Lost Dog Conservation Easement and responded to comments and/or questions from Chairman Baumgardt and Board Members Garibay and Dr. Miles-Bonart.

Marilyn Guida, member of the public, made remarks.

Gerald DeMuro, CID, responded to comments and/or questions from Board Members and Ms. Guida.

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Board Member Dr. Miles-Bonart gave a presentation and made remarks.

Karina Brascgalla gave a presentation regarding the Knapp Canyon and Lost Dog Conservation Easements and responded to comments and/or questions from Chairman Baumgardt and Board Member Dr. Miles-Bonart.

Chairman Baumgardt proposed the following motion language:

Lost Dog Conservation Easement motion from OSAB

Whereas, the open space area commonly referred to as the Lost Dog area has been used for decades for low-impact, non motorized, passive recreation activities such as hiking, mountain biking, trail running and to simply enjoy nature; and

Whereas, in May, 2019 El Paso's citizens voted overwhelmingly (89% affirmative) to preserve the Lost Dog area in its natural state and the results of that vote lead to El Paso City Ordinance No. 018934; and

Whereas, the area has a significant system of trails in place that accommodate most types of users. These existing trails are mostly sustainable for long term with minor ongoing maintenance; and

Whereas, future maintenance needs would be mostly required to address the rerouting of poorly placed and built trails, maintaining built trails and remediation of any rerouted section; and

Whereas, there is and will continue to be a need to offer adequate trails for people with disabilities to have opportunities to be in natural open space; and

Whereas, multiple trailheads already exist to allow access to the area (including the Lost Dog and Bear Ridge trailheads as well as trailheads inside the Tom Mays Unit of Franklin Mountains State Park), and new trailheads are planned at residential development, the Plexxar/Loop 375 interchange, and

Whereas, individuals continue to build new trails in the area without any overall planning, oversight or city approval.

Therefore, the Open Space Advisory Board recommends that a Conservation Easement be placed on the Lost Dog area that includes the following provisions:

- An Overseeing Organization must have authority to approve and manage work within the area. The Open Space Advisory Board could fill that role.
 - No new roads, utilities rights of way or buildings shall be constructed on the property (except limited trailhead amenities discussed below).
 - New trails and trail reroutes must be approved by the Overseeing Organization. Statutory penalties must be instituted and enforced by the city to stop unauthorized trail building and activities.
 - A trail and viewing point for people with mobility restrictions can be designed and built with user input and approved by the Overseeing Organization.
 - Signage shall be permitted to detail trail regulations (rules for use of the land) and for navigational, safety, educational and interpretive purposes. Signage shall be standardized and approved by the Overseeing Organization and should be comparable to signage inside the boundaries of Franklin Mountains State Park. All signage shall be unobtrusive in size to the natural environment. Signage should be languages to accommodate the majority of users, at least English and Spanish.
 - Basic use of the area should remain free of charge for all user groups.
 - New amenities can built in the area to support passive recreation uses in small construction envelopes at locations on the perimeter of the area.
- (In this motion, OSAB must decide if we recommend that new amenities be built within the boundaries of Lost Dog or only on land provided by the owner or developer of the adjacent land.)

FOR THE RECORD

For the record, Ms. Gale stated Staff has worked on this survey since we talked about this with City Council in a number of different manners. Also, this is a legal document, we are legally obligated to follow the ordinance. Just because we can solicit feedback does not mean that we can change the law or change the ordinance or anything of this. This land has an ordinance on it; we are crafting the Conservation Easement to give the management of it to the Land Trust.

NO MOTION WAS MADE ON THE KNAPP LAND AND THE LOST DOG TRAIL CONSERVATION EASEMENTS

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11.10. Information, Discussion and Action: Update and discussion related to the August 12, 2020 memo to Council, to include creation of ad hoc committees.

Contact: Karina Brasgalla, brasgallakx@elpasotexas.gov

Karina Brasgalla gave a brief explanation regarding the memo to Council. She did not know when the memo would be placed on a City Council agenda.

MOTION:

Motion made by Board Member Garibay, seconded by Board Member Dr. Miles-Bonart AND UNANIMOUSLY CARRIED TO ENTER CLOSED SESSION.

NOT PRESENT FOR THE VOTE: Board Member Dillabough

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

CS1. Information, Discussion, and Action: Update on status of open space acquisition using 2012 Quality of Life Bond Funds. **Contact:** Lisa Gala, galalm@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

CS2. Information, Discussion, and Action: Review of the Priority Property Acquisition List.

Contact: Lisa Gala, galalm@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

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MOTION:

Motion made by Board Member Tures, seconded by Vice-Chairwoman Benavides AND UNANIMOUSLY CARRIED TO RETURN TO OPEN MEETING.

NOT PRESENT FOR THE VOTE: Board Members Dillabough and White

12.11. Adjournment

MOTION:

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

NOT PRESENT FOR THE VOTE: Board Members Dillabough and White

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