



The El Paso Downtown Management District Board of Directors meeting will be held Thursday, December 3, 2020 at 11:30 a.m. by video and telephone communications as allowed by the Office of Attorney General of Texas with approval by Texas Governor Greg Abbott.

FILED FOR RECORD
IN MY OFFICE

2020 NOV 23 PM 2:20

Video Conference

- Join ZOOM Meeting: <https://us02web.zoom.us/j/82981260502>
- Meeting ID: 829 8126 0502

Telephone Conference

- Telephone & Audio Participation: 1-346-248-7799
- Meeting ID: 829 8126 0502

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

The public is strongly encouraged to sign up to speak on items on this agenda before 11am, on Thursday, December 3, 2020. Visit <https://downtownelpaso.com/procedures-for-addressing-the-el-paso-downtown-management-district-dmd-board-of-directors/> or call 915-240-3116 to sign up prior to the start of the meeting.

AGENDA:

1. Call meeting to order.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA will be considered by the Downtown Management District (DMD) Board to be routine and will be enacted by one motion unless separate discussion is requested by Board Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. The Board may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the DMD Board of Directors as posted, unless otherwise revised by this or other motion of the Board, without the necessity of reading the wording of each item into the record.

CONSENT AGENDA

2. Approval of Minutes:
 - a. October 22, 2020 Board of Directors Meeting
 - b. October 22, 2020 Special Meeting and Public Hearing
3. DMD October Investment Reports
 - a. TexPool Accounts – balance, rate and status
4. 2021 DMD Board/Committee Meeting Schedule
5. Recognition of donations, contributions and sponsorships to the El Paso Downtown Management District:
 - a. Meyers Group/Hotel Paso del Norte - \$5,000 for Holiday Decorations
 - b. Franklin Mountain Property Services - \$2,500 for Holiday Decorations
 - c. City Council Rep. Cissy Lizarraga’s Office - \$2,000 for Holiday Decorations
 - d. Hernandez Fashions, Krystal Jeans, Ace of Jeans – \$1,000 for Holiday Decorations
 - e. Salom Investments - \$1,000 for Holiday Decorations
 - f. Hero Athletic, Continental Dry Goods - \$500 for Holiday Decorations
 - g. Ettinger Family - \$500 for Holiday Decorations
 - h. Scherr Legate Attorneys at Law - \$500 for Holiday Decorations

REGULAR AGENDA

6. Committee Report: Finance Committee – Chair Wayne Soza
 - a. Monthly Financial Summary

7. Presentation, Discussion and Action on Amending the 2020-2021 Downtown Management District Budget.
8. Committee Report: Grant Programs Update – Chair Jamie Gallagher
 - a. Grant Programs Status/Fund Balance Report
9. Discussion and Action for Approval of a Reimbursement Grant Agreement submitted by Legate Co. Texas, LLC for the property located at 201 E. San Antonio Ave.
 - a. That the Executive Director be authorized to sign a Reimbursement Grant Agreement for the Downtown Commercial Façade Improvement Grant Program for property located at 201 E. San Antonio Ave. (FAC 20-04) in the amount of \$25,000.00 with said project to be completed in accordance with the execution of the Agreement.
10. Discussion and Action for Approval of Reimbursement Grant Agreements submitted by WestStar Tower, LLC for the property located at 601 N. Mesa St.
 - a. That the Executive Director be authorized to sign a Reimbursement Grant Agreement for the Downtown Pedestrian Corridor Improvement Grant Program for property located at 601 N. Mesa St. (PCI 20-02) in the amount of \$10,000.00 with said project to be completed in accordance with the execution of the Agreement.
 - b. That the Executive Director be authorized to sign a Reimbursement Grant Agreement for the Downtown Signature Signage & Lighting Grant Program for property located at 601 N. Mesa St. (SSL 20-02) in the amount of \$25,000.00 with said project to be completed in accordance with the execution of the Agreement.
11. Committee Report: Infrastructure & Advocacy Committee – Chair Martin Morgades
 - a. Sanitation Program
 - i. Operations Manager – Richard Bustamante
 - b. Safety & Security Action Plan
 - i. El Paso Police Department Camera Registration Program
 - ii. Communications Platform/Tools for Business to Business Communication
 - c. City of El Paso Chapter 20.20 Historic Preservation Policy Revisions
 - d. Texas Urban Area Coalition and Legislative Policy Advocacy
12. Discussion and Action to approve the DMD Position Statement establishing generic principles for the revision of City of El Paso Chapter 20.20 pertaining to Historic Preservation Policy.
13. Discussion and Action to approve the DMD Position Statement supporting the creation of the Texas Metro Downtowns Coalition, the DMD's inclusion in the Coalition, and Coalition's policy priorities for the 87th Legislative Session of the Texas Legislature.
14. Committee Report: Marketing Committee – Johnny Escalante
 - a. Current & Upcoming DTEP Promotions
 - i. "Always Here" Campaign
 - b. Social Media & INSIDER Distribution List
 - c. DMD in the News
 - d. Office & Marketing Assistant – Arwen Lyle
15. President's Report
 - a. Board Member Spotlight
 - b. 2021 Executive Committee Make-up
16. Executive Director's Report
 - a. DMD Boundary Expansion Update
 - b. EPA Brownfields Grant Update
17. Construction & Event Update – Richard Bustamante
 - a. Current/Upcoming Projects and Events

18. Economic Development Update by City of El Paso (Mirella Craigo)
19. Call to the Public* (no action)
20. Open Discussion of topics relevant to Downtown El Paso (no action)
21. Discussion of the Next Board Meeting – January 28, 2021 at 11:30 a.m. (no action)
22. Executive Session

At any time during the Board Meeting, the Board may, upon motion and affirmative vote of a majority of the Board in attendance, retire into Executive Session pursuant to the Texas Government Code, Chapter 551, Sections 551.071 and 551.074(a) for the purpose of consultations with legal counsel and/or discussion of a specific matter permitted to be in Executive Session pursuant to Texas Law. Executive Session is a closed, private meeting of the Board at which the public may not attend. No action and no voting may occur in Executive Session. The Board will return to open session to take any final action on any item discussed in Executive Session, or if no action is necessary, to continue or adjourn the meeting, as appropriate. The items to be discussed in executive session, if any, include the topics listed on the agenda, and possibly the following specified item(s):

- None

23. Adjourn

** Call to the Public is an opportunity for members of the public to bring topics and issues to the DMD Board's attention. The Call to the Public is reserved for items generated by the public. It is not for items already posted on the Board Meeting Agenda. Items that are brought up by the public may not be discussed among the Board members or acted upon by the Board, except for limited questions related directly to the topic or a discussion whether to post the public raised item on a future agenda. Individuals who would like to address the Board must sign up on the available form prior to the start of the meeting or submit the form electronically to the DMD Executive Director at least one hour prior to the start of the meeting. Each participant is limited to three minutes to make comments. Any group of five or more persons must appoint one person to present the group's views to the Board and will be limited to three minutes to make comments. Personal attacks, name-calling, and rude or slanderous remarks will not be tolerated.*

Posted this 23rd day of November, 2020, at the El Paso County Courthouse, 500 E. San Antonio, El Paso, Texas; El Paso City Hall, 300 N. Campbell, and at the administrative office of the El Paso Downtown Management District, 201 E. Main, Suite 107, El Paso, Texas, pursuant to instructions of Laura Pople, Vice President of the El Paso Downtown Management District.

BY: , Teresa Mais

EL PASO DOWNTOWN MANAGEMENT DISTRICT

Minutes of the Meeting of the Board of Directors – December 3, 2020

The Texas Governor temporarily suspended specified provisions of the Texas Open Meetings Act to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations. A recording of this meeting is available upon request.

Attendees: _____ **Total Members:** 21 **Quorum: 11 needed**
Total Members Present: 16

Marianne Ayub	Bill Burton	Johnny Escalante	Jon Law
Sam Legate	Ben Marcus	Mike McQueen	Pacelli Mesta
Martin Morgades	Eric Pearson	Laura Pople	Alejo Restrepo
Wayne Soza	Peter Spier	Ruben Torres	Laura Uribarri

Total Members Not Present: 5

Arlene Carroll	Jamie Gallagher	Steve Ortega	Y.I. Santoscoy
Brad Taylor			

Ex-Officio Members:

Staff: Joe Gudenrath; Terry Mais; Rudy Vasquez; Richard Bustamante; Arwen Lyle
Guests: Bob Blumenfeld – Attorney; Pam Sifuentes, Philip Etiwe, Kevin Smith, Tony De La Cruz, Providencia Velasquez–City of El Paso; Commissioner David Stout, Carlos Martinez – El Paso County; Rida Asfahani, Chris Esper – Root Architects; Matthew Mena

1. Call meeting to order

Mike McQueen called the meeting to order at 11:32 am on December 3, 2020 via video conference. Notice of the DMD Board of Directors Meeting Agenda was posted at the El Paso County Courthouse, El Paso City Hall, and at the administrative office building of the El Paso Downtown Management District, and on the downtownelpaso.com webpage by Teresa Mais on November 23, 2020 in accordance with the Texas Open Meeting Act on the dates indicated.

Gudenrath performed Roll Call: Quorum was established.

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CONSENT AGENDA

McQueen stated the items on the Consent Agenda are considered to be routine. McQueen requested a Motion and Second to approve the Consent Agenda.

2. Approval of Minutes:

- a. October 22, 2020 Board of Directors Meeting
- b. October 22, 2020 Special Meeting and Public Hearing

3. DMD October Investment Reports

- a. TexPool Accounts – balance, rate and status

4. 2021 DMD Board/Committee Meeting Schedule.

5. Recognition of donations, contributions and sponsorships to the El Paso Downtown Management District:

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- e. Salom Investments - \$1,000 for Holiday Decorations
- f. Hero Athletic, Continental Dry Goods - \$500 for Holiday Decorations
- g. Ettinger Family - \$500 for Holiday Decorations
- h. Scherr Legate Attorneys at Law - \$500 for Holiday Decorations

Discussion: None
Moved: Wayne Soza
Seconded: Peter Spier
Affirmation Vote: For: 16; Against: 0; Abstaining: 0; Absent: 0
Motion Approved.

REGULAR AGENDA

Mike McQueen introduced the DMD’s newest employees: Richard Bustamante and Arwen Lyle.

6. Committee Report: Finance Committee

- a. Monthly Financial Summary
Soza gave a brief overview of the DMD’s current financial position.

7. Presentation, Discussion and Action on Amending the 2020-2021 Downtown Management District Budget.

Gudenrath reviewed a series of budget amendments brought to the board for consideration. One amendment reflects an increase in revenue estimates for Interlocal Sanitation Services, and the remainder reflect the timing of the CARES Act grant programs which was initially spread over two budget years.

Discussion: Board members asked if the amendments related to the CARES Act grant were budget neutral. Gudenrath confirmed that actual grant related expenses will be reimbursed by actual revenue.
Moved: Eric Pearson
Seconded: Laura Pople
Affirmation Vote: For: 15; Against: 0; Abstaining: 0; Absent: 1 (Escalante)
Motion Approved.

8. Committee Report: Grant Programs Update

- a. Grant Programs Status/Fund Balance Report
Gudenrath provided an update on the status of current projects and the program’s fund balance. He pointed out that all City funds had been obligated and the fund was currently running a deficit on paper. The fund will be replenished in January 2021 prior to running a cash deficit.

9. Discussion and Action for Approval of a Reimbursement Grant Agreement submitted by Legate Co. Texas, LLC for the property located at 201 E. San Antonio Ave.

- a. That the Executive Director be authorized to sign a Reimbursement Grant Agreement for the Downtown Commercial Façade Improvement Grant Program for property located at 201 E. San Antonio Ave. (FAC 20-04) in the amount of \$25,000.00 with said project to be completed in accordance with the execution of the Agreement.

Gudenrath presented information on the proposed grant project and expressed the committee’s recommendation to approve. He noted that Board Member, Sam Legate, is the owner of the property and will be abstaining from the discussion and vote.

Discussion: Gudenrath introduced Chris Esper of Root Architecture who was present to represent the project. Esper provided brief comments regarding the project.
Moved: Ben Marcus

Seconded: Jon Law

Roll Call Vote: For: 15; Against: 0; Abstaining: 1 (Legate); Absent: 0

Motion Approved.

Legate thanked the Board for its support of the project, and identified Root Architecture as being instrumental in bringing the project to fruition and obtaining the necessary Historic Landmark Commission approvals. Asfahani thanked Legate for the opportunity and expressed his confidence in being able to execute projects within the downtown and the historic district.

10. Discussion and Action for Approval of Reimbursement Grant Agreements submitted by WestStar Tower, LLC for the property located at 601 N. Mesa St.

- a. That the Executive Director be authorized to sign a Reimbursement Grant Agreement for the Downtown Pedestrian Corridor Improvement Grant Program for property located at 601 N. Mesa St. (PCI 20-02) in the amount of \$10,000.00 with said project to be completed in accordance with the execution of the Agreement.
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Gudenrath presented information on the proposed grant projects and expressed the committee's recommendation to approve. He noted that Board Member, Peter Spier, is an employee of the ownership and will be abstaining from the discussion and vote.

Discussion: None

Moved: Eric Pearson

Seconded: Wayne Soza

Roll Call Vote: For: 15; Against: 0; Abstaining: 1 (Spier); Absent: 0

Motion Approved.

11. Committee Report: Infrastructure & Advocacy Committee

- a. Sanitation Program
 - i. Operations Manager – Richard Bustamante
Gudenrath welcomed Bustamante to the DMD Team.
- b. Safety & Security Action Plan
 - ii. El Paso Police Department Camera Registration Program
 - iii. Communications Platform/Tools for Business to Business Communication
Gudenrath stated that staff is working on the implementation of the identified tactics. He added that weekend, off-duty officer patrols of the shopping district began the previous weekend and continues through the weekend before Christmas.
- c. City of El Paso Chapter 20.20 Historic Preservation Policy Revisions
Gudenrath stated that efforts to revise Chapter 20.20 have been underway for over a year, and the DMD has been heavily involved. De La Cruz provided some background regarding the effort and the desired outcomes. Agenda Item #12 is a position statement to identify general principles for the proposed revisions that would allow staff to support the revisions as currently presented.
- d. Texas Urban Area Coalition and Legislative Policy Advocacy
Gudenrath provided the Board an update on the cooperation of seven major Texas downtown organizations, efforts to establish a coalition, and the development of a legislative priority list to pursue in the upcoming State Legislative Session. Agenda Item #13 is a position statement supporting the DMD's inclusion in the coalition and current priorities developed through conversations among the seven participating organizations.

12. Discussion and Action to approve the DMD Position Statement establishing generic principles for the revision of City of El Paso Chapter 20.20 pertaining to Historic Preservation Policy.

Discussion: Legate asked what the DMD sought to achieve. Gudenrath responded that the Infrastructure Committee got involved early on to make sure the revisions helped to establish a clear approval process for property owners. Legate stated he has no problem with the process, but has concern about the Historic Landmark Commission. He stated that a punitive process is harmful to redevelopment and reinvestment. Mesta asked about the potential impact of the Federal designation being pursued by the County. Velasquez stated that there is no regulatory

impact unless a property owner seeks the associated tax incentives. Morgades thanked Gudenrath, the Infrastructure Committee and Planning staff for their work over the past year. Legate asked about the status of a task force he participated on at the request of the City Manager. Etiwe said the results of that effort will be presented soon. Etiwe also thanked Gudenrath and the DMD Board for their interest and attention to this matter.

Moved: Laura Pople

Seconded: Bill Burton

Roll Call Vote: For: 16; Against: 0; Abstaining: 0; Absent: 0

Motion Approved.

13. Discussion and Action to approve the DMD Position Statement supporting the creation of the Texas Metro Downtowns Coalition, the DMD’s inclusion in the Coalition, and Coalition’s policy priorities for the 87th Legislative Session of the Texas Legislature.

Discussion: McQueen advised the board that at this point, inclusion among the coalition does not require any monetary or staffing contribution. Uribarri asked how the priorities will be communicated with the local delegation. If the board supports inclusion, Gudenrath will notify the delegation upon the finalization of the coalition and its priorities. Commissioner Stout advised the Board that he is concerned that the legislature will act to prohibit tax-payer funded lobbying, and this may be an issue the coalition involves itself in at a later date. Law added that there may also be an effort to ban the efforts of coalitions like the one proposed.

Moved: Sam Legate

Seconded: Ben Marcus

Roll Call Vote: For: 16; Against: 0; Abstaining: 0; Absent: 0

Motion Approved.

14. Committee Report: Marketing Committee

a. Current & Upcoming DTEP Promotions

i. “Always Here” Campaign

Vasquez advised the board about new messaging and efforts revolving around the reopening of the Downtown. Uribarri expressed a desire for UTEP to find downtown backdrops or buildings to provide opportunities for graduating students to take advantage of as a replacement for typical graduation ceremonies and settings.

b. Social Media & INSIDER Distribution List

Vasquez gave a brief update on the DMD’s social media channels and the weekly newsletter.

c. DMD in the News

Gudenrath informed the Board of DMD media mentions in October and November 2020.

d. Office & Marketing Assistant – Arwen Lyle

Gudenrath welcomed Lyle to the DMD Team.

15. President’s Report

a. Board Member Spotlight

McQueen opted to postpone the Board Member Spotlight until the next meeting when more time is available.

b. 2021 Executive Committee Make-up

McQueen identified that the Executive Committee will be comprised of himself, Pople, Soza, Gallagher, Torres, Morgades and Escalante for the upcoming year.

16. Executive Director’s Report

a. DMD Boundary Expansion Update

Gudenrath reported that the City Council approved the boundary expansion on November 24th and thanked McQueen, Morgades, Spier, Escalante, and DMD Attorneys Blumenfeld and Pulido for making this effort possible.

b. EPA Brownfields Grant Update

Gudenrath stated that outreach and planning efforts will kick off soon. A few projects have been identified, but he requested other possible properties and projects to come forward.

17. Construction & Event Update

a. Current/Upcoming Projects and Events

Bustamante gave a brief update about current construction projects still underway in the downtown and upcoming events.

18. Economic Development Update by City of El Paso

Pam Sifuentes presented an update on recent efforts by the City to support local and small businesses during the pandemic.

19. Call to the Public* (no action)

None

20. Open Discussion of topics relevant to Downtown El Paso (no action)

Burton notified the Board that he is working with the El Paso Community Foundation to develop and reinforce local COVID-19 prevention practices, and invited others to participate in this campaign. Pearson stated that the Community Foundation has recently secured an allotment of masks and PPE for those with needs. Escalante stated that he is looking forward to serving as chair of the Marketing Committee, he appreciates the effort of staff to help businesses remain relevant during the pandemic, and encourages all board members to reach out to him if they have any ideas on how to promote the Downtown community.

21. Discussion of the Next Board Meeting – January 28, 2021 at 11:30 a.m. (no action)

22. Executive Session

At any time during the Board Meeting, the Board may, upon motion and affirmative vote of a majority of the Board in attendance, retire into Executive Session pursuant to the Texas Government Code, Chapter 551, Sections 551.071 and 551.074(a) for the purpose of consultations with legal counsel and/or discussion of a specific matter permitted to be in Executive Session pursuant to Texas Law. Executive Session is a closed, private meeting of the Board at which the public may not attend. No action and no voting may occur in Executive Session. The Board will return to open session to take any final action on any item discussed in Executive Session, or if no action is necessary, to continue or adjourn the meeting, as appropriate. The items to be discussed in executive session, if any, include the topics listed on the agenda, and possibly the following specified item(s):

- None

23. Adjourn

By consensus of the Board the meeting adjourned at 12:54 pm.

Submitted by:



Laura Pople, Vice-President
DMD Board of Directors

Date: 12/7/2020