



*The El Paso Downtown Management District Board of Directors meeting will be held Thursday, September 24, 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.*

**Video Conference**

- Join ZOOM Meeting: <https://us02web.zoom.us/j/82956858987>
- Meeting ID: 829 5685 8987

FILED FOR RECORD  
IN MY OFFICE

2020 SEP 21 AM 10:30

**Telephone Conference**

- Telephone & Audio Participation: 1-346-248-7799
- Meeting ID: 829 5685 8987

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, September 24, 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.
2. Introduction of New DMD Board Member – Marianne Rosas-Ayub

**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**

3. Approval of Minutes:
  - a. August 27, 2020 Board of Directors Meeting
4. Approve contract with Strickler Prieto LLP for performance of annual audit for the year ending September 30, 2020 and allocate \$6,000 for costs associated with the audit from Budget Line 3525 (Accounting) of the FY2020-2021 Budget.
5. DMD August Investment Reports
  - a. TexPool Accounts – balance, rate and status

**REGULAR AGENDA**

6. Action to ratify the First Amendment to the Sub-Recipient Grant Agreement with City of El Paso for the Enhanced Sanitation Services Program entered into on August 7, 2020. This Amendment was signed by DMD Board President, Mike McQueen on September 3, 2020, and increases the overall program budget/reimbursable expenses and adjusts the program dates.
7. Action to authorize the DMD Board President to sign necessary amendments to the Sub-Recipient Grant Agreements with the City of El Paso when timing does not allow for full board consideration, when the amendment does not substantially change the original scope of services, and when the amendment does not provide any financial commitment from the DMD. All amendments signed by the DMD Board President will be brought to the DMD Board at the following meeting for ratification.
8. Presentation, Discussion and Possible Action to approve the terms of an Interlocal Agreement between the City of El Paso, and the Downtown Management District (DMD), a Texas Municipal Management District, organized under Texas Local Government Code Chapter 375 to facilitate the enhanced and efficient delivery of services including but not limited to sanitation services, downtown event permitting, economic development, and grant programs, and authorize the DMD Board President or Executive Director to enter into the final agreement with the City of El Paso.
9. Committee Report: Finance Committee – Chair Wayne Soza
  - a. Monthly Financial Summary
10. Committee Report: Grant Programs Update – Chair Jamie Gallagher
  - a. Grant Programs Status/Fund Balance Report
11. Discussion and Action for Approval of a Reimbursement Grant Agreement for the Downtown Commercial Façade Improvement Grant Program
  - 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 200 Anthony Street (FAC 19-02) in the amount of \$25,000.00 with said project to be completed in accordance with the execution of the Agreement.
12. Committee Report: Infrastructure & Advocacy Committee – Chair Martin Morgades
  - a. Sanitation Program
    - i. Enhanced Sanitation Services
  - b. Safety & Security Action Plan Development
  - c. City of El Paso Historic Preservation Policy Revisions
13. Committee Report: Marketing Committee – Rudy Vasquez
  - a. Current & Upcoming DTEP Promotions
    - i. Fresh Air Food Court
  - b. Social Media & INSIDER Distribution List
  - c. DMD in the News
14. President’s Report
  - a. DMD Boundary Expansion
  - b. DMD Board Officers, Committee Chairs, Committee Charters
  - c. Executive Director Performance Evaluation

CITY CLERK DEPT  
2020 SEP 21 AM9:37

15. Possible Action to Complete Executive Director Performance Evaluation and Compensation Review.

CITY CLERK DEPT  
2020 SEP 21 AM 9:37

16. Executive Director's Report

- a. Operations Manager Vacancy
- b. 2021 Legislative Agenda and Texas Urban Area Coalition

17. Construction & Event Update – Joe Gudenrath

- 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 – October 22, 2020 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):*

- Discussion Regarding Executive Director Performance Evaluation and Compensation Review (Section 551.074, Personnel Matter)

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 21<sup>st</sup> day of September, 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 Peple, 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 – September 24, 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: 20

Table with 4 columns and 5 rows listing attendees: Marianne Ayub, Bill Burton, Arlene Carroll, Johnny Escalante, Jamie Gallagher, Jon Law, Sam Legate, Ben Marcus, Mike McQueen, Pacelli Mesta, Martin Morgades, Steve Ortega, Eric Pearson, Laura Pople, Y.I. Santoscoy, Wayne Soza, Peter Spier, Brad Taylor, Ruben Torres, Laura Uribarri.

Total Members Not Present: 1

Table with 4 columns and 1 row listing non-attendees: Alejo Restrepo.

Ex-Officio Members:

Staff: Joe Gudenrath; Terry Mais; Analissa Carreon; Rudy Vasquez
Guests: Gwen Pulido—Attorney; Mirella Craigo and Pamela Sifuentes—City of El Paso; Commissioner David Stout and Carlos Martinez – El Paso County

1. Call meeting to order

Mike McQueen called the meeting to order at 11:33 am on September 24, 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 September 21, 2020 in accordance with the Texas Open Meeting Act on the dates indicated.

Gudenrath performed Roll Call: Quorum was established.

2. Introduction of New DMD Board Member – Marianne Rosas-Ayub

McQueen introduced Marianne Rosas-Ayub to the board. Rosas-Ayub provided information about her background and career.

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

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

3. Approval of Minutes:  
August 27, 2020 Board of Directors Meeting
4. Approve contract with Strickler Prieto LLP for performance of annual audit for the year ending September 30, 2020 and allocate \$6,000 for costs associated with the audit from Budget Line 3525 (Accounting) of the FY2020-2021 Budget.
5. DMD August Investment Reports
  - a. TexPool Accounts – balance, rate and status

Discussion:	None
Moved:	Bill Burton
Seconded:	Eric Pearson
Affirmation Vote:	For: 19; Against: 0; Abstaining: 0; Absent: 1 (Legate)
Motion Approved.	

REGULAR AGENDA

McQueen requested that Items 6 and 7 be taken together.

6. Action to ratify the First Amendment to the Sub-Recipient Grant Agreement with City of El Paso for the Enhanced Sanitation Services Program entered into on August 7, 2020. This Amendment was signed by DMD Board President, Mike McQueen on September 3, 2020, and increases the overall program budget/reimbursable expenses and adjusts the program dates.
7. Action to authorize the DMD Board President to sign necessary amendments to the Sub-Recipient Grant Agreements with the City of El Paso when timing does not allow for full board consideration, when the amendment does not substantially change the original scope of services, and when the amendment does not provide any financial commitment from the DMD. All amendments signed by the DMD Board President will be brought to the DMD Board at the following meeting for ratification.

Gudenrath advised the board that Item #6 ratifies the first Amendment to the Sub-Recipient Agreement that was signed by McQueen. The amendment extends the deadline to request reimbursement and increases the overall program budget. Item #7 authorizes the Board President to sign future amendments that do not substantially change the original scope or require a financial commitment from the DMD.

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| Discussion:      | None  |
| Moved:           | Peter Spier   |
| Seconded:        | Wayne Soza  |
| Roll Call Vote:  | For: 17; Against: 0; Abstaining: 1 (Ayub); Absent: 2 (Carroll and Legate) |
| Motion Approved. |   |

8. Presentation, Discussion and Possible Action to approve the terms of an Interlocal Agreement between the City of El Paso, and the Downtown Management District (DMD), a Texas Municipal Management District, organized under Texas Local Government Code Chapter 375 to facilitate the enhanced and efficient delivery of services including but not limited to sanitation services, downtown event permitting, economic development, and grant programs, and authorize the DMD Board President or Executive Director to enter into the final agreement with the City of El Paso.

Gudenrath outlined the terms of the agreement reached with the City of El Paso.

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| Discussion: | Soza asked about our ability to address any changes in the cost of the DMD providing the services identified. Gudenrath stated that there is a clause in the agreement that would allow the parties to revisit the contribution paid by the City to DMD should circumstances warrant. Escalante ask about previous discussions about including tree care and maintenance as part of the agreement. Gudenrath stated that the DMD identified that as an area of |
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interest and improvement, but the City elected to maintain their management of the efforts. He added that it does not relieve them of their responsibility.

**Moved:** Bill Burton  
**Seconded:** Eric Pearson  
**Roll Call Vote:** For: 20; Against: 0; Abstaining: 0; Absent: 0  
**Motion Approved.**

**9. Committee Report: Finance Committee**

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

**10. Committee Report: Grant Programs Update**

- a. Grant Programs Status/Fund Balance Report  
Gallagher provided an update on the status of current projects and the program's fund balance.

**11. Discussion and Action for Approval of a Reimbursement Grant Agreement for the Downtown Commercial Façade Improvement Grant Program**

- 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 200 Anthony Street (FAC 19-02) in the amount of \$25,000.00 with said project to be completed in accordance with the execution of the Agreement.**

Gallagher presented information on the proposed grant project and expressed the committee's recommendation to approve.

**Discussion:** None  
**Moved:** Jamie Gallagher  
**Seconded:** Arlene Carroll  
**Roll Call Vote:** For: 17; Against: 0; Abstaining: 1 (Ayub); Absent: 2 (Carroll and Legate)  
**Motion Approved.**

**12. Committee Report: Infrastructure & Advocacy Committee**

- a. Sanitation Program  
i. Enhanced Sanitation Services  
Morgades advised the Board that we are working to fulfill the obligations of the CARES Act Grant we received and additional staff have been added to the team.
- b. Safety & Security Action Plan Development  
Morgades stated that with current needs and the board's support of an expanded budget, the committee will utilize its upcoming meeting to discuss appropriate strategies. He invited any interested parties to join the October meeting.
- c. City of El Paso Historic Preservation Policy Revisions  
Morgades informed the Board that the City will be moving forward with its proposed revisions to the Historic Preservation Code (Chapter 20.20). He added that Gudenrath has been working with the Planning Department and that the committee will be considering a position statement that could be brought to the board for consideration in October.

**13. Committee Report: Marketing Committee**

McQueen advised the Board that the Marketing Committee still needs a chair and he encouraged any interested board members to reach out to him.

- a. Current & Upcoming DTEP Promotions  
i. Fresh Air Food Court  
Vasquez advised the board about Fresh Air Food Court. Carroll compliment staff on the program.
- b. Social Media & INSIDER Distribution List  
Vasquez gave 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 August 2020.

**14. President's Report**

- a. DMD Boundary Expansion  
McQueen advised the board that a Special Meeting has been called for October 22<sup>nd</sup> to hear and possibly consider the petitions for expansion of the DMD boundaries.
- b. DMD Board Officers, Committee Chairs, Committee Charters  
McQueen advised the board that October is the meeting to consider Board Officers and other organizational items. He encouraged anybody who is interested in a leadership position, or may be interested in the future to reach out to him or Gudenrath.
- c. Executive Director Performance Evaluation  
McQueen stated that the board will go into Executive Session at the end of the meeting to discuss Gudenrath's performance evaluation and will consider Item #15 upon returning to the regular meeting.

**15. Possible Action to Complete Executive Director Performance Evaluation and Compensation Review.\***

\* Item #15 was considered at the end of the agenda following Executive Session.

**Discussion:** None  
**Moved:** Jon Law  
**Seconded:** Laura Pople  
**Roll Call Vote:** For: 15; Against: 0; Abstaining: 0; Absent: 5 (Escalante, Marcus, Ortega, Santoscoy, Taylor)

**Motion Approved.**

**16. Executive Director's Report**

- a. Operations Manager Vacancy  
Gudenrath advised the board of the open position, asked for assistance in recruitment and outlined the schedule for filling the position.
- b. 2021 Legislative Agenda and Texas Urban Area Coalition  
Gudenrath advised the board that for the past two years there has been increasing collaboration among urban area organization across Texas. The group is discussing ways to work together including establishing a role within the upcoming State Legislative session. Gudenrath stated that he will develop a set of principles for the board's consideration that he could then use within the coalition to support or oppose legislation.

**17. Construction & Event Update**

- a. Current/Upcoming Projects and Events  
Gudenrath gave a brief update about current construction projects still underway in the downtown and events including the upcoming groundbreaking for the Children's Museum. Pearson stated he would distribute a link to the online event.

**18. Economic Development Update by City of El Paso**

Mirella Craigo presented an update on recent actions by the TIRZ #5 Board and the availability of \$13.5 million in grants available for businesses. Ayub asked where she could find additional information about the grant program. Craigo directed her to the City's website.

**19. Call to the Public**

None

**20. Open Discussion of topics relevant to Downtown El Paso**

None.

**21. Discussion of the Next Board Meeting—October 22, 2020 at 11:30 am**

**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):*

- Discussion Regarding Executive Director Performance Evaluation and Compensation Review (Section 551.074, Personnel Matter)

**Motion to enter into Executive Session (12:25pm):** Jon Law

**Seconded:** Laura Pople

**Affirmation Vote:** For: 20; Against: 0; Abstaining: 0; Absent: 0

**Motion Approved.**

**Motion to return to Board Meeting (12:58pm):** Bill Burton

**Seconded:** Laura Pople

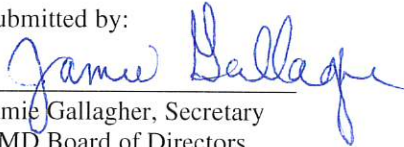
**Affirmation Vote:** For: 15; Against: 0; Abstaining: 0; Absent: 5 (Escalante, Marcus, Ortega, Santoscoy, Taylor)

**Motion Approved.**

**23. Adjourn**

By consensus of the Board the meeting adjourned at 12:59 pm.

Submitted by:



Jamie Gallagher, Secretary  
DMD Board of Directors

Date:

