



Board of Directors Meeting  
Laura Pople, Vice-President

The El Paso Downtown Management District Board of Directors meeting will be held Thursday, September 23, 2021 at 11:30 a.m. at the Aloft El Paso Downtown, Lower Level Conference Room, 303 Texas Avenue, El Paso, Texas

**Public Comment**

The public is strongly encouraged to sign up to speak on items on this agenda before 11am, on Thursday, September 23, 2021. 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:**

FILED FOR RECORD  
IN MY OFFICE

2021 SEP 20 AM 11:07

- 1. Call meeting to order.
- 2. Welcome new Board Members.

DELIA BRIONES  
COUNTY CLERK  
EL PASO COUNTY, TEXAS

**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 26, 2021 Board of Directors Meeting
- 4. DMD August Investment Reports
  - a. TexPool Accounts – balance, rate and status
  - b. Bank of Texas Certificates of Deposit – balance and rate
- 5. Acknowledgement of expenditures exceeding \$5,000 and 15% of the original budgeted amount established as part of the 2020-2021 DMD Budget:

Line No.	Item	Actual (thru August)	Budget	Variance	Explanation
3159b	Sanitation Part Time	\$76,133	\$34,560	\$41,573	Probation program still suspended.
3540	Legal	\$11,744	\$6,000	\$5,744	HR Audit & boundary expansion finalization
6017	DMD Event/Promotion	\$23,342	\$2,000	\$21,342	New event. Portion of costs offset by other event savings, event profits, and sponsorships

- 6. Approve contract with Strickler Prieto LLP for performance of the annual audit for the year ending September 30, 2021 and allocate \$6,000 for costs associated with the audit from Budget Line 3525 (Accounting) of the FY 2021-2022 Budget.

**REGULAR AGENDA**

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

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 Park Foothills Apartments, LLC (Empire Properties) for the property located at 526 W. Missouri Avenue
  - a. That the Executive Director be authorized to sign a Reimbursement Grant Agreement for the Downtown Commercial Facade Improvement Grant Program for property located at 526 W. Missouri Avenue (FAC 20-10) in the amount of \$7,850.00 with said project to be completed in accordance with the execution of the Agreement.
10. Committee Report: Infrastructure & Advocacy Committee – Chair Martin Morgades
  - a. Brownfields Site Reuse & Revitalization Program Update
    - i. Grant Application Process & Timeline
  - b. Position Statement
    - i. Downtown 10 Project
11. Discussion and Action to approve the DMD Position Statement advocating for the appropriate improvements of the I-10 corridor through Downtown El Paso.
12. Committee Report: Marketing Committee – Chair Johnny Escalante
  - a. Website Redesign Progress Report
  - b. Current & Upcoming DTEP Promotions
  - c. Social Media & INSIDER Distribution List
  - d. DMD in the News
13. President’s Report
  - a. DMD Board Officers, Committee Chairs, Committee Charters
  - b. Executive Director Performance Evaluation
14. Possible Action to Complete Executive Director Performance Evaluation and Compensation Review.
15. Executive Director’s Report
  - a. Strategic Plan Review/Dashboard
  - b. Annual Survey Results
16. Construction & Event Update – Richard Bustamante
  - a. Current/Upcoming Projects and Events
17. Economic Development Update by City of El Paso (Mirella Craigo)
18. Economic Development Update by El Paso County (Michael Hernandez)
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 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):*

- 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 2<sup>nd</sup> day of September, 2021**, 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 – September 23, 2021

Location: Aloft El Paso Downtown, Lower Level Conference Room, 303 Texas Avenue, El Paso, Texas

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

Nadia Baem	Johnny Escalante	Jamie Gallagher	Edgar Lopez
Pacelli Mesta	Martin Morgades	Edgar Orozco	Steve Ortega
Mark Osborn	Eric Pearson	Laura Pople	Alejo Restrepo
Peter Spier	Brad Taylor	Ruben Torres	Laura Uribarri

**Total Members Not Present:** 5

Bill Burton	Arlene Carroll	Sam Legate	Y.I. Santoscoy
Wayne Soza			

**Ex-Officio Members:** Commissioner David Stout

**Staff:** Joe Gudenrath; Rudy Vasquez; Richard Bustamante; Arwen Lyle; Terry Mais

**Guests:** Bob Blumenfeld, DMD Attorney; Sito Negron and Michael Hernandez, El Paso County; Miranda Diaz and Rafael Arellano, City of El Paso

### **1. Call meeting to order**

Laura Pople called the meeting to order at 11:32am on September 23, 2021 in the Aloft El Paso Downtown, Lower Level Conference Room, 303 Texas Avenue, El Paso, Texas. 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 20, 2021 in accordance with the Texas Open Meeting Act on the dates indicated.

### **2. Welcome new Board Members**

Pople announced that the slate of seven Board nominations were approved by the City Council on a 6-2 vote. Board members introduced themselves. Gudenrath introduced himself and the DMD staff.

## **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**

Pople provided a brief overview of all items and stated the items on the Consent Agenda are considered to be routine. Pople requested a Motion and Second to approve the Consent Agenda.

### **3. Approval of Minutes:**

- a. August 26, 2021 Board of Directors Meeting

### **4. DMD August Investment Reports**

- a. TexPool Accounts – balance, rate and status
- b. Bank of Texas Certificates of Deposit – balance and rate

**5. Acknowledgement of expenditures exceeding \$5,000 and 15% of the original budgeted amount established as part of the 2020-2021 DMD Budget:**

Line No.	Item	Actual (thru August)	Budget	Variance	Explanation
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6017	DMD Event/Promotion	\$23,342	\$2,000	\$21,342	New event. Portion of costs offset by other event savings, event profits, and sponsorships

**6. Approve contract with Strickler Prieto LLP for performance of the annual audit for the year ending September 30, 2021 and allocate \$6,000 for costs associated with the audit from Budget Line 3525 (Accounting) of the FY 2021-2022 Budget.**

**Discussion:** None  
**Moved:** Jamie Gallagher  
**Seconded:** Ruben Torres  
**Roll-Call Vote:** For: 15; Against: 0; Abstaining: 1 (Mesta-Item #3 only); Absent: 1 (Pearson)  
**Motion Approved.**

**REGULAR AGENDA**

**7. Committee Report: Finance Committee**

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

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

- a. Grant Programs Status/Fund Balance Report  
 Gallagher and Gudenrath gave a brief overview of current projects and budget status.

**9. Discussion and Action for Approval of a Reimbursement Grant Agreement submitted by Park Foothills Apartments, LLC (Empire Properties) for the property located at 526 W. Missouri Avenue**

- 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 526 W. Missouri Avenue (FAC 20-10) in the amount of \$7,850.00 with said project to be completed in accordance with the execution of the Agreement.**

**Discussion:** Mesta pointed out that the building is within the San Francisco Heights Historic District and has received its Certificate of Appropriateness from the City of El Paso.  
**Moved:** Johnny Escalante  
**Seconded:** Brad Taylor  
**Roll-Call Vote:** For: 15; Against: 0; Abstaining: 0; Absent: 1 (Pearson)  
**Motion Approved.**

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

- a. Brownfields Site Reuse & Revitalization Program
  - i. Grant Application Process and Timeline  
 Gudenrath stated that a legal review of the previous RFQ process and the current agreement with Stantec would allow for an amendment to the agreement to include applying for and implementing additional grants. The guidelines for the 2022 Brownfields Assessment grant cycle were released on September 20<sup>th</sup> and the DMD will move forward with an application. Morgades clarified that although coalitions are not allowed to apply this year, it would not preclude the County or the City from making their own application.
- b. Position Statement
  - i. Downtown 10 Project

Morgades stated that at the August Board Meeting, the Board approved a position statement in support of efforts to examine the potential of a Deck Plaza over I-10, and asked the Infrastructure and Advocacy Committee to revise a statement addressing TXDoT's Downtown 10 project. He added that he committee discussed the issue, engaged other board members and came up with a draft for consideration.

**11. Discussion and Action to approve the DMD Position Statement advocating for the appropriate improvements of the I-10 corridor through Downtown El Paso.**

- Public Comment:** Eduardo Calvo, MPO; Robert Storch, Private Citizen; Sito Negron, Sunset Heights Neighborhood Association. Steve Ortega was allowed to respond to a comment directed at him by Mr. Storch.
- Discussion:** The position statement proposed by the Infrastructure & Advocacy Committee was ready by Gudenrath. Stout voiced opposition to the statement's support for expanded capacity, voicing doubt over current projections and the project's ability to address traffic. He added that a larger capacity will result in more problems and recommended support for the rehabilitation of the current roadway. He went on to state his belief that Ortega had a conflict of interest. Ortega objected to Stout's accusation. He stated that he has no conflict of interest, has disclosed his work with the El Paso Chamber, and sought a legal clarification prior to the August meeting. Blumenfeld stated that he did not identify a conflict of interest, and that the law supports the engagement of people vested in the success of downtown. Pearson stated that he would like to see a stronger, more specific statement, and would support delaying a DMD endorsement. Mesta stated that TXDoT and the MPO have made improvements to regional traffic flow, and although the DMD represents property/business owners, it is building a downtown for the betterment of all of El Paso. He added that this opportunity should be pursued for the benefit to the community and to facilitate increased trade with Mexico. Morgades asked Calvo if the Plaza project would occur without an I-10 project. Calvo express doubt. Morgades went on to share personal observations that truck traffic has not shifted to 375 and he sees constant problems with traffic flow on I-10. Pearson requested that the DMD amend the statement to oppose any expansion of the current footprint, and voiced doubt that any position taken will be taken seriously by TXDoT. Ortega did not accept Pearson's amendment request. Ortega went on to say that TXDoT will take funds elsewhere, and now is the time to move forward with the project. Spier stated that the community needs these types of investments, but also agrees that the DMD's opinion may not make much a difference. Mesta asked Calvo if the footprint will be widened. Calvo stated that some alternatives increase the current footprint, but it will depend on the final design. Stout stated that delaying this issue would make sense as the County is seeking additional information and analysis.
- Moved:** Steve Ortega  
**Seconded:** Pacelli Mesta  
**Roll-Call Vote:** For: 14; Against: 1 (Pearson); Abstaining: 1 (Uribarri); Absent: 0  
**Motion Approved.**

**12. Committee Report: Marketing Committee**

- a. Website Redesign Progress Report  
Escalante updated the board on the efforts underway to redesign the website.
- b. Current & Upcoming DTEP Promotions  
Escalante highlighted the current and upcoming promotions including the DTEP Tasting Tour, Employee Appreciation Day and the Fiesta de las Luces.
- c. Social Media & INSIDER Distribution List  
Escalante reviewed the continued growth in DMD Social Media profiles.
- d. DMD in the News  
Gudenrath informed the Board of DMD media mention in August 2021.

**13. President's Report**

- a. DMD Board Officers, Committee Chairs, Committee Charters

Gudenrath/Pople advised the Board that a number of housekeeping items will be placed on the October meeting agenda. Those interested in serving as an officer or committee chair should reach out to Gudenrath for more information.

b. **Executive Director Performance Evaluation**

Pople thanked the Board for participating in the evaluation, and Morgades for helping manage the process. She recommended proceeding through the rest of the agenda before going into Executive Session and considering Item #14.

**14. Possible Action to Complete Executive Director Performance Evaluation and Compensation Review:**

Item was considered following the Executive Session.

**Motion:** Approve the annual evaluation of DMD Executive Director Joe Gudenrath, and the contractual salary increase.  
**Discussion:** None  
**Moved:** Pacelli Mesta  
**Seconded:** Eric Pearson  
**Roll-Call Vote:** For: 15; Against: 0; Abstaining: 0; Absent: 1 (Escalante)  
**Motion Approved.**

**15. Executive Director's Report**

- a. Strategic Plan Review/Dashboard  
Gudenrath gave a very brief overview and promised to distribute the information to the Board by email.
- b. Annual Survey Results  
Gudenrath gave a very brief overview and promised to distribute the information to the Board by email.

**12. 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.

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

Miranda Diaz gave a brief overview of the City's Small Business Outreach efforts.

**14. Economic Development Update by El Paso County**

Michael Hernandez gave a brief update on the County's effort to secure a National Historic District designation for Segundo Barrio.

**15. Call to the Public\* (no action)**

None

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

None

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

**18. 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)

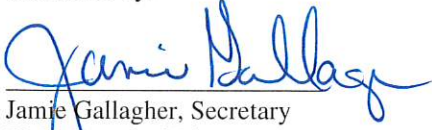
**Moved:** Steve Ortega  
**Seconded:** Eric Pearson  
**Roll-Call Vote:** For: 16; Against: 0; Abstaining: 0; Absent: 0  
**Motion Approved to enter into Executive Session at 12:48pm.**

**Moved:** Steve Ortega  
**Seconded:** Martin Morgades  
**Roll-Call Vote:** For: 15; Against: 0; Abstaining: 0; Absent: 1 (Escalante)  
**Motion Approved to return to the Regular Board Meeting at 1:07pm.**

**19. Adjourn**

By consensus of the Board the meeting adjourned at 1:09 pm.

Submitted by:

  
Jamie Gallagher, Secretary  
DMD Board of Directors

Date: 10/2/2021