

2023 AUG 21 AM 10:26

DELIA BRIONES  
COUNTY CLERK  
EL PASO COUNTY, TEXAS



**Board of Directors Meeting  
Ruben Torres, President**

*The El Paso Downtown Management District Board of Directors meeting will be held Thursday, August 24, 2023 at 11:30 a.m. at the Center for Civic Empowerment on the 17<sup>th</sup> Floor of the Blue Flame Building, 304 Texas Avenue, El Paso, Texas.*

**Virtual & Telephone Participation**

- a. Webex Meeting Link – <https://elpasotexas.webex.com/elpasotexas/j.php?MTID=m0b5e5d0942a52943960f0c7820512bbc>  
Webex Meeting Number (Access Code): 2499 757 6501  
Webex Meeting Password: swE9zFujc34
- b. Join by Phone – 1-844-992-4726 (United States Toll Free)

**Public Comment**

**The public is strongly encouraged to sign up to speak on items on this agenda before 11am, on Thursday, August 24, 2023. 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.*

2. Presentation & Discussion regarding the El Paso County PACE Program.

**CONSENT AGENDA**

3. Approval of Minutes:
  - a. June 22, 2023 Board of Directors Meeting
4. DMD June & July 2023 Investment Reports
  - a. TexPool Accounts – balance, rate and status
5. Approval of Texas Public Funds Investment Act Quarterly Report for April 2023 – June 2023

**REGULAR AGENDA**

6. Committee Report: Finance Committee – Chair Arlene Carroll
  - a. Monthly Financial Summary
7. Presentation, Discussion and Action on Approval of 2023-2024 Downtown Management District Budget.
8. Discussion and Action to Approve Adoption of the Tax Assessment Rate of \$.12 per \$100 in valuation for FY 2023-2024.
9. Discussion and Possible Action to authorize the President or Vice President to negotiate and enter into the First Amendment to the 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 amend Section 4.2.4. Contribution for Services to increase the City's payment for contracted and shared services.

10. Committee Report: Grant Programs Update – Chair Jamie Gallagher
  - a. Grant Programs Status/Fund Balance Report
  
11. Discussion and Action for Approval of Reimbursement Grant Agreements submitted by Elizabeth Dipp Metzger/ORO Investments LLC for the property located at 320 Texas Ave.
  - 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 320 Texas Ave. (FAC 22-04) in the amount of \$22,828.78 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 320 Texas Ave. (SSL 22-03) in the amount of \$23,132.50 with said project to be completed in accordance with the execution of the Agreement.
  
12. Committee Report: Infrastructure & Advocacy Committee – Chair Martin Morgades
  - a. Brownfields Community Assessment Grant Implementation & Community Outreach
  - b. Position Statement Updates
    - i. El Paso Streetcar Operations
    - ii. Noise Ordinance
    - iii. Texas Tech University College of Architecture Campus Expansion and El Paso Community Foundation Partnership.
  
13. Discussion & Action to approve the DMD Position Statement regarding a potential Texas Tech University College of Architecture Campus Expansion and El Paso Community Foundation Partnership.
  
14. Committee Report: Marketing Committee – Lupe Diaz
  - a. Special Event Coordinator – Marilú Alemán
  - b. Current & Upcoming DTEP Promotions
  - c. DMD Welcome Ambassador Program
  - d. Social Media & INSIDER Distribution List
  - e. DMD in the News
  
15. President's Report
  - a. Board Member Nominations
  
16. Discussion and Action on Approval of recommendations to City Council to fill upcoming vacancies on the Downtown Management District Board of Directors as follows:

<u>Position</u>	<u>Candidate</u>	<u>Last Appt Date</u>	<u>Term#</u>	<u>Expiration Date</u>
Place 15	Maxey Scherr	NA	1	August 2026
Place 16	Manuel Burke	NA	1	August 2026
Place 17	Joanne Richardson*	2022	1	August 2026
Place 18	Yolanda Giner	NA	1	August 2026
Place 19	Kristi Daugherty	NA	1	August 2026
Place 20	Guillermo Garcia	NA	1	August 2026
Place 21	Patrick Merrick	NA	1	August 2026

\* Indicates candidate was appointed to a partial term and is being nominated for his/her first full term.

All the above persons recommended are qualified to serve on the Board in accordance with the qualifications established by Chapter 375 as follows: are at least 18 years old, and are connected within the District as either (1) a resident, (2) owner of property, (3) owner of stock on property, as an individual or in a corporate capacity, (4) owner of a beneficial interest in a trust that owns property, or (5) be an agent, employee or tenant of the owners listed in categories 2, 3 and 4. And further, all of the above persons have experience in at least one of the following statutorily mandated areas: (1) energy matters, (2) commercial banking, (3) real estate development, (4) finance and insurance matters, (5) matters relating to retail or the provision of services, (6) provision of utilities, or (7) general issues the district will address.

17. Discussion and Action on Appointment by Board of Directors to fill the unexpired term of Place II on the Downtown Management District Board with Jose Garcia. (The appointment to fill an unexpired term does not require City Council approval and is final upon Board approval.)
18. Executive Director's Report
  - a. Tree and Landscaping Maintenance Interlocal Agreement Update
  - b. Elected Official & Administrator Meetings
  - c. DMD Officers and Committee Chairs
  - d. Committee Adjustment and Alignment with DMD Strategic Plan
  - e. Downtown Power Hour Luncheon Series
19. Construction & Event Update – Richard Bustamante
  - a. Current/Upcoming Projects and Events
20. Economic Development Update by City of El Paso
21. Economic Development Update by El Paso County
22. Recognition of Outgoing Board Members
23. Call to the Public\* (no action)
24. Open Discussion of topics relevant to Downtown El Paso (no action)
25. Discussion of the Next Board Meeting – Thursday, September 28, 2023 – 11:30am (no action)
26. 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

27. 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 August 2023, 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 Ruben Torres, 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 – August 24, 2023**

**Location: Center for Civic Engagement, 17<sup>th</sup> Floor of Blue Flame Building, 304 Texas Avenue, El Paso, Texas**

**Attendees:** \_\_\_\_\_ **Total Members:** 20 **Quorum: 11 needed**  
**Total Members Present (In Person):** 15

Nadia Baem (11:41am)	Bill Burton	Daniela Caro	Arlene Carroll
Jamie Gallagher	Steve Ortega	Cynthia Ortwein	Mark Osborne (12:25pm)
Michael Parra	Eric Pearson	Alejo Restrepo	Joanne Richardson
Peter Spier	Brad Taylor	Ruben Torres	

**Total Members Present (Online):** 0

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**Total Members Not Present:** 5

Sam Legate	Edgar Lopez	Pacelli Mesta	Martin Morgades
Y.I. Santoscoy			

**Ex-Officio Members:** NONE

**Staff:** Joe Gudenrath; Richard Bustamante; Lupe Diaz; Terry Mais; Marilú Alemán

**Guests:** Robert Aguinaga, DMD Attorney; Bob Blumenfeld, DMD Attorney (online); Sito Negron, Office of Commissioner Stout; Charlene Heydinger, President of the Texas PACE Authority

**1. Call meeting to order**

Ruben Torres called the meeting to order at 11:38am on August 24, 2023 in the Center for Civic Engagement, 17<sup>th</sup> Floor of the Blue Flame Building, 304 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 August 21, 2023 in accordance with the Texas Open Meeting Act.

**2. Presentation & Discussion regarding the El Paso County PACE Program**

Charlene Heydinger provided an overview and update on the program. Pearson, Ortega, Torres and Carroll followed up with questions.

**CONSENT AGENDA**

**3. Approval of Minutes:**

a. **June 22, 2023 Board of Directors Meeting**

**4. DMD June & July 2023 Investment Reports**

a. **TexPool Accounts – balance, rate and status**

**5. Approval of Texas Public Funds Investment Act Quarterly Report for April 2023-June 2023**

**Discussion:** None.  
**Moved:** Jamie Gallagher  
**Seconded:** Arlene Carroll  
**Roll-Call Vote:** For: 14; Against: 0; Abstaining: 0; Absent: 1 (Osborne)

**Motion Approved.**

## REGULAR AGENDA

### **6. Committee Report: Finance Committee**

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

Items #7, #8 and #9 were considered at the same time.

### **7. Presentation, Discussion and Action on Approval of 2023-2024 Downtown Management District Budget.**

### **8. Discussion and Action to Approve Adoption of the Tax Assessment Rate of \$.12 per \$100 in valuation for FY 2023-2024.**

### **9. Discussion and Possible Action to authorize the President or Vice President to negotiate and enter into the First Amendment to the 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 amend Section 4.2.4. Contribution for Services to increase the City's payment for contracted and shared services.**

**Discussion:** Gudenrath presented the proposed FY2023-2024 budget. Items #7, #8 and #9 were considered at the same time.

**Moved:** Steve Ortega

**Seconded:** Brad Taylor

**Roll-Call Vote:** For: 14; Against: 0; Abstaining: 0; Absent: 1 (Osborne)

**Motion Approved.**

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

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

### **11. Discussion and Action for Approval of Reimbursement Grant Agreements submitted by Elizabeth Dipp Metzger/ORO Investments LLC for property located at 320 Texas 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 320 Texas Ave. (FAC 22-04) in the amount of \$22,828.78 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 320 Texas Ave. (SSL 22-03) in the amount of \$23,132.50 with said project to be completed in accordance with the execution of the Agreement.

**Discussion:** Torres asked about the "Signature" nature of the signage. Gudenrath responded that staff and the committee consider the old-fashioned bank signage to be signature of a prior time period and the banking industry.

**Moved:** Eric Pearson

**Seconded:** Michael Parra

**Roll-Call Vote:** For: 13; Against: 0; Abstaining: 1 (Ortega); Absent: 1 (Osborne)

**Motion Approved.**

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

- a. Brownfields Community Assessment Grant Implementation & Community Outreach  
Gudenrath provided an update on the program and planned outreach efforts.
- b. Position Statement Updates
  - i. El Paso Streetcar Operations  
Gudenrath advised that the City Council has approved the expansion of system hours/days but has reduced the number of cars in operation at a given time.

- ii. Noise Ordinance  
Gudenrath advised that the City has hired the Responsible Hospitality Institute to provide recommendations on Noise Ordinance amendments.
- iii. Texas Tech University College of Architecture Campus Expansion and El Paso Community Foundation Partnership.  
Gudenrath stated that Agenda Item #13 is a position statement in response to the presentation given at the June Board Meeting by representatives from the Texas Tech University College of Architecture and the El Paso Community Foundation. Pearson added that additional educational programs have been added this semester at Texas Tech and that they are currently working with the City.

**13. Discussion and Action to approve the DMD Position Statement regarding a potential Texas Tech University College of Architecture Campus Expansion and El Paso Community Foundation Partnership.**

**Discussion:** Gudenrath presented the exact verbiage of the position statement.  
**Moved:** Steve Ortega  
**Seconded:** Jamie Gallagher  
**Roll-Call Vote:** For: 14; Against: 0; Abstaining: 1 (Pearson); Absent: 0

**Motion Approved.**

**14. Committee Report: Marketing Committee**

- a. Special Event Coordinator – Marilú Alemán  
Gudenrath introduced the DMD’s new Special Event Coordinator.
- b. Current & Upcoming DTEP Promotions  
Alemán reported on the Tasting Tour, Employee Appreciation Day, and Restaurant Week.
- c. DMD Welcome Ambassador Program  
Diaz reported that they are still seeking staff in order to launch the program for this year’s Winterfest.
- d. Social Media & INSIDER Distribution List  
Diaz reviewed the current levels of engagement across the DMD’s social media channels and newsletter.
- e. DMD in the News  
Diaz reviewed DMD media mentions in June and July 2023.

**15. President’s Report**

- a. DMD Board Member Nominations  
Torres thanked the Board Members who submitted nominations and expressed his support for the slate being proposed. He also expressed his gratitude for the opportunity to serve on the DMD Board and his pride in the organization.

Items #16 and #17 were considered at the same time.

**16. Discussion and Action on Approval of recommendations to City Council to fill upcoming vacancies on the Downtown Management District Board of Directors as follows:**

<u>Position</u>	<u>Candidate</u>	<u>Last Appt Date</u>	<u>Term#</u>	<u>Expiration Date</u>
Place 15	Maxey Scherr	NA	1	August 2026
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*\* Indicates candidate was appointed to a partial term and is being nominated for his/her first full term.*

All the above persons recommended are qualified to serve on the Board in accordance with the qualifications established by Chapter 375 as follows: are at least 18 years old, and are connected within the District as either (1) a resident, (2) owner of property, (3) owner of stock on property, as an individual or in a corporate capacity, (4) owner of a beneficial interest in a trust that owns property, or (5) be an agent, employee or tenant of the owners listed in categories 2, 3 and 4. And further, all of the above persons have experience in at least one of the following statutorily mandated areas: (1) energy matters, (2) commercial banking, (3) real estate development, (4) finance and insurance matters, (5) matters relating to retail or the provision of services, (6) provision of utilities, or (7) general issues the district will address.

**17. Discussion and Action on Appointment by Board of Directors to fill the unexpired term of Place 11 on the Downtown Management District Board with Jose Garcia. (The appointment to fill an unexpired term does not require City Council approval and is final upon Board approval.)**

**Discussion:** None. Items #16 and #17 were considered at the same time.  
**Moved:** Eric Pearson  
**Seconded:** Steve Ortega  
**Roll-Call Vote:** For: 15; Against: 0; Abstaining: 0; Absent: 0

**Motion Approved.**

**18. Executive Director's Report**

- a. Tree and Landscaping Maintenance Interlocal Agreement Update  
Gudenrath reported that the City is once again interested in contracting with the DMD to perform Tree and Landscaping services within Downtown El Paso. Once a scope of services and budget are created, staff will bring the item to the Board for consideration.
- b. Elected Official & Administrator Meetings  
Gudenrath stated that meetings with EPISD and EPCC are being scheduled and Board Members will be invited to participate.
- c. DMD Officers and Committee Chairs  
Gudenrath stated that with the departure of Board members, the organization will be looking for new committee chairs and officers. He requested that all Board members be willing to consider such roles.
- d. Committee Adjustment and Alignment with DMD Strategic Plan  
Gudenrath stated that Committee Charters presented in October will be fashioned along the lines of the recently adopted Strategic Plan. This will be an opportunity for membership realignment and inclusion of new members.
- e. Power Hour Luncheon Series  
Gudenrath stated that this year's series of luncheons was a big success with participation by fifteen Board Members, sixteen stakeholders, and representatives from the series' sponsor – Kemp Smith.

**19. 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.

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

None

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

None

**22. Recognition of Outgoing Board Members**

Ortega recognized and thanked all outgoing DMD Board members and presented a gift of appreciation. Outgoing Board Members include Legate, Santoscoy, Gallagher, Torres, Restrepo, and Morgades.

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

None

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

None

**25. Discussion of the Next Board Meeting – September 28, 2023 at 11:30am. (no action)**

None

**26. Executive Session**

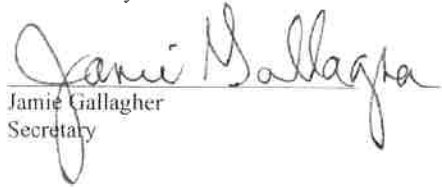
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**None**

**27. Adjourn**

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

Submitted by:

  
Jamie Gallagher  
Secretary

Date: August 30, 2023