

March 4, 2021

Dear Downtown Property Owners:

Disappointing and revealing. Those two words best summarize El Paso County's recent actions relating to its proposed Downtown Historic District (the District). The County continues to mislead by providing inaccurate information to the public regarding the District (and, at least so far, has made no effort to correct those acknowledged inaccurate statements). Worse, the County has decided it is not even willing to meet with representatives of the City and Downtown property owners to discuss the proposed District including possible compromises. Instead, the County has decided to press forward with its proposed District, as is, and to continue to ask Downtown property owners to withdraw their objections to the District. In light of the County's hidden agenda and lack of transparency (as shown below) it is now more important than ever, that more of you object to the proposed District, and that those who have already objected, not withdraw those objections.

**The County continues providing inaccurate information to the public.**

**1. Commissioner Stout denies that one purpose of the proposed District is to kill the City's multi-purpose center (MPC) project.**

To support this contention, Commissioner Stout has repeatedly stated that the County began working on a proposed historic district long before the City had selected the location for the MPC. However, at the February 26, 2021 County Commissioners meeting, Jose Landeros, Interim Director of Economic Development for the County, made a presentation. As part of that presentation, he explained that the County began its initial work on the project in February 2016. He also explained that the City selected the location for the MPC in October 2016. Finally, he said the County did not set the boundaries for its proposed Downtown District until the spring of 2020, over three years after the City had selected the location for the MPC. When the boundaries for the proposed District were set, Commissioner Stout and the County knew that the District included the location of the MPC. It is disingenuous for Commissioner Stout to imply that when the County first proposed the District, it did not know the location of the MPC was within the District.

**2. One of the purposes for placing the District on the National Register of Historic Places is to be able to use state statutes regarding State Antiquities Landmarks (SAL) to kill the City's MPC project.**

Understanding the use of State Antiquities Landmarks (SAL) must begin with a little background regarding Max Grossman's efforts to stop the City from proceeding with the MPC. In 2018, Max Grossman asked the Texas Historic Commission (THC) to designate several properties within the footprint of the MPC as SALs. The THC did not grant that request because Max Grossman did not have the approval of the City, the owner of those properties. The reason Max Grossman wanted those properties to be designated as SALs was because the City would lose control over those properties. In that event, the City would not be able to demolish those properties to make way for the MPC without the permission of the THC.

Max Grossman knows, however, there is another way to have the properties within the footprint of the MPC designated as SALs. That alternative way was to have those properties included in a district placed on the National Register of Historic Places. If the proposed District is established, then under the Antiquity Code of Texas (the Code), any person can nominate any City owned property within the proposed District as a SAL. Once a property is designated as a SAL, under the Code, the SAL becomes the "sole property of the State of Texas and may not be removed, altered, damaged, destroyed, salvaged, or excavated without a contract with or permit from the [THC]." In contrast, without the establishment of the proposed District, no City owned property can become a SAL without the City's consent. Realizing this was one of the purposes behind the proposed District, the City asked the County to remove the footprint of the MPC from the proposed District. The County refuses to do so.

At the February 26, 2021 Commissioners Court meeting, during his presentation to the public, Mr. Landeros incorrectly stated that City property within the location of the MPC did not have to be in a proposed district and ultimately on the National Register for the property to become a SAL based on its nomination by persons like Max Grossman. That statement was wrong. (At the February 16, 2021 City Council meeting, Commissioner Stout gave the same misleading testimony about the SAL designation as Mr. Landeros. To date, Commissioner Stout has not acknowledged or corrected his false and misleading testimony.) The Code provides that the only remaining way for Max Grossman to nominate City property within the location of the MPC to become a SAL is if the County succeeds with its proposed District. Since the meeting, Mr. Landeros has privately admitted he misspoke, but there has not been any public correction by the County or any acknowledgment that misinformation was provided to the public at its Saturday meeting.

**3. The County refuses to remove the location of the MPC from its proposed District because one of its purposes for the District is to kill the MPC.**

At the City Council's February 16, 2021 meeting one of the City Council members asked questions about why the County refused to remove the location of the MPC from its proposed District. Commissioner Stout participated in that meeting and attempted to answer those questions. His answers were not credible; they were neither straightforward nor transparent. His answers indicate that he has a hidden agenda. The questions included asking why the County deleted certain property owned by the El Paso Housing Authority from inclusion in the proposed Segundo Barrio Historic District at the request of the Housing Authority but the County would not grant the City's similar request. Commissioner Stout responded that the MPC property could not be removed because it would create a donut hole in the proposed District and that the District would no longer have a contiguous boundary. Both of these statements are false. First, there would not be a donut hole. That would only be true if the area requested to be excluded was located entirely within the interior of the proposed District, which it is not. Second, if the MPC property was excluded from the proposed District, the boundary of the proposed District would still be contiguous. The MPC property lies adjacent to the southern border of the Downtown District exactly like the Housing Authority's carved out property lies adjacent to the northern edge of the Segundo Barrio District. Excluding the MPC property would in fact create a district very similar to the Segundo Barrio District. Please look at the maps included with this letter, which provide further evidence of Commissioner Stout's false and misleading statements to City Council.

The property excluded for the Housing Authority is larger than the MPC property the City asked to have excluded. It is simply not credible to think that excluding the 13 properties within the footprint of the MPC—properties that constitute less than 7.5% of all contributing properties within the proposed District—would cause the THC to reject a revised proposed Downtown District consisting of the remaining 161 contributing properties. And if the County was faced with an option of having a chance to get a district approved that constituted more than 92% of a district that would not be approved, it is hard to imagine why the County would not compromise and pursue a district that encompassed more than 92% of its original proposal unless there was some hidden agenda.

From Commissioner Stout's opinion published in the February 21, 2021 El Paso Inc., it appears he has known for some time of Max Grossman's hidden purpose behind supporting the proposed District and that he continues to refuse to acknowledge that purpose.



**4. The County refuses to meet with the City and Downtown property owners to discuss the proposed District and to discuss even the possibility of compromise.**

At the February 26, 2021 County Commissioners meeting, Paul Foster, a Downtown property owner who has been involved in the historical restoration of several downtown buildings, spoke to the Commissioners. He asked for a meeting that would include an elected County official, an elected City official, and some number of Downtown property owners for the purpose of discussing the proposed District and to see if there is a way to move forward.

A path forward that involves compromise by all sides is not difficult to conceive. It could involve the County agreeing to remove the location of the MPC from the proposed District, the City amending its relevant ordinance to remove the language regarding the National Register, and a sufficient number of Downtown property owners withdrawing their objections to allow the proposed District to proceed. This outline of possibilities has been presented to the County. On March 1, 2021, at another County Commissioners meeting, the County Commissioners discussed the proposed District in executive session for well over an hour. At the conclusion of the meeting, we were informed the County would not meet with the City and some number of Downtown property owners as had been proposed. Instead, the County would proceed with its proposed District. No interest in meeting. No interest in compromise.

Instead of meeting and discussing compromise, the County has its employees contacting Downtown property owners asking them to withdraw their objections. In addition, Max Grossman and at least one of his lawyers has been doing the same thing.

There is only one logical conclusion that can be drawn from the County's refusal to meet and even discuss a possible compromise. One critical purpose of the County is for the District to include the location of the MPC so that it can be used by Max Grossman in another attempt to kill the City's MPC. The County is unwilling to yield on that critical hidden purpose. The County is unwilling to discuss a modified district that would include over 92% of the presently proposed district, even if that means the failure of 100% of its presently proposed district. It's disheartening to realize that the County is allowing Max Grossman to weaponize the historic designation process to achieve his personal, political agenda—namely, killing the MPC when 72% of El Pasoans approved its construction.

**What is the appropriate response?**

At this point, the belligerent and uncompromising position taken by the County demands only one appropriate response. Those Downtown property owners who have already objected to the proposed District should refuse any request by the County to withdraw their objections. Those property owners who have not yet objected should do so now. If you contact us, we will help you make your objection.

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A majority of Downtown private property owners have already sent their objections to the THC. The County's proposed District will fail if you stand firm. It is surprising, if not shocking, that your County elected officials refuse to meet and even discuss these issues with you and the City. But you can be sure they will hear your objections. Perhaps that will be a step in the right direction the next time the County needs your participation.

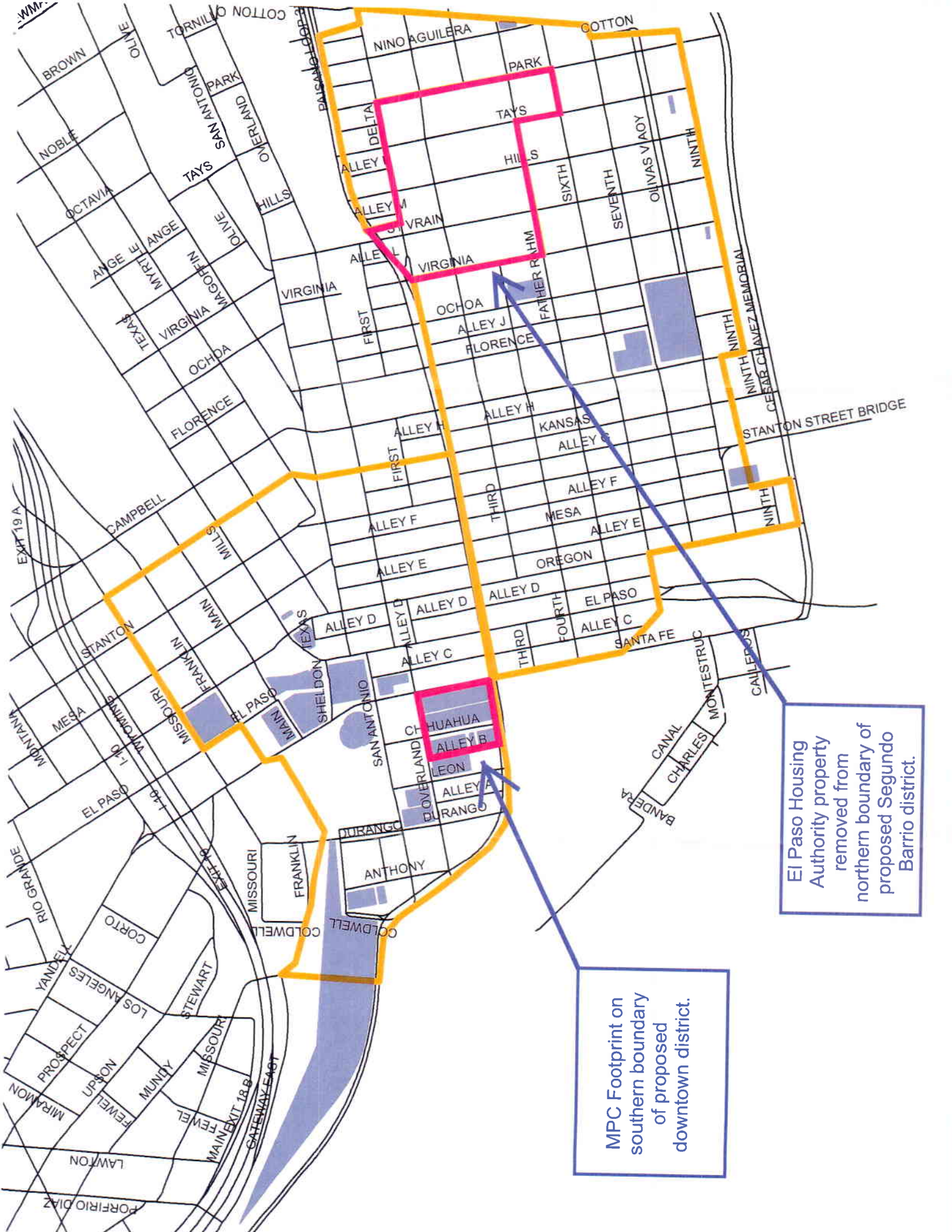
Sincerely,



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El Paso Housing Authority property removed from northern boundary of proposed Segundo Barrio district.

MPC Footprint on southern boundary of proposed downtown district.



# SBR Draft

United States Department of the Interior  
National Park Service / National Register of Historic Places REGISTRATION FORM  
NPS Form 10-900 OMB No. 1024-0018

Downtown El Paso Historic District, El Paso County, Texas

Map 3. Overview map of contributing and noncontributing resources within the El Paso Downtown Historic District (map 1 of 3). Sources: Base map from ESRI, overlay by HHM.

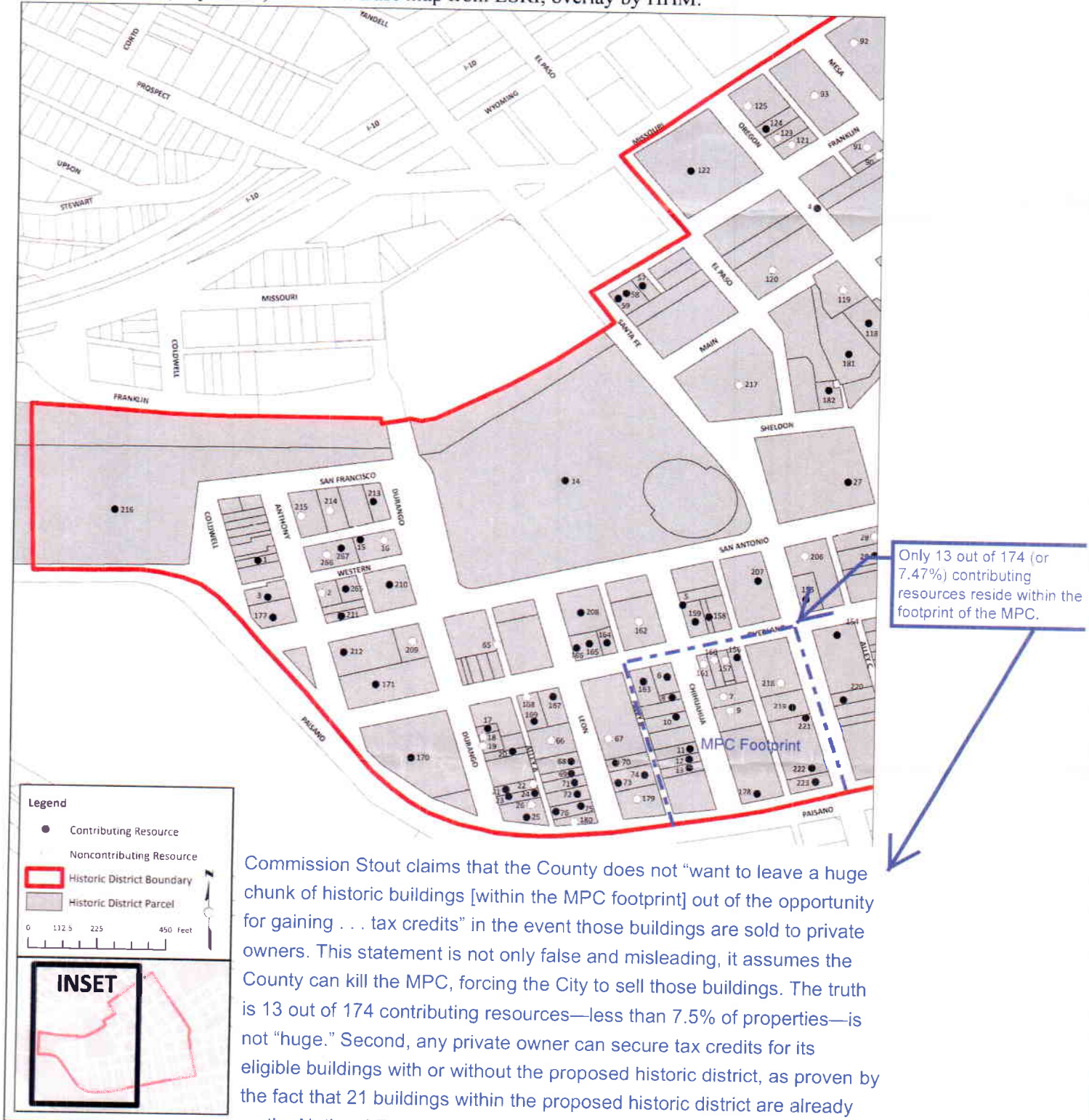


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Downtown El Paso Historic District, El Paso County, Texas

Map 4. Detailed map of contributing and noncontributing resources within the El Paso Downtown Historic District (map 2 of 3). Sources: Base map from ESRI, overlay by HHM.



Commission Stout claims that the County does not "want to leave a huge chunk of historic buildings [within the MPC footprint] out of the opportunity for gaining . . . tax credits" in the event those buildings are sold to private owners. This statement is not only false and misleading, it assumes the County can kill the MPC, forcing the City to sell those buildings. The truth is 13 out of 174 contributing resources—less than 7.5% of properties—is not "huge." Second, any private owner can secure tax credits for its eligible buildings with or without the proposed historic district, as proven by the fact that 21 buildings within the proposed historic district are already on the National Register (thus securing tax credits).