

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: Mayor and Council

AGENDA DATE: January 23, 2018

CONTACT PERSON NAME AND PHONE NUMBER: Michiel R. Noe 915-212-0005

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 4 - Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

SUBJECT:

Discussion and action on the Multipurpose Performing Art & Entertainment Center and the proposed Memorandum of Understanding that with the State Historic Preservation Office.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE CITY OF EL PASO
AND THE STATE HISTORIC PRESERVATION OFFICE
REGARDING THE CITY'S MULTIPURPOSE PERFORMING ARTS CENTER
PROPOSED TO BE LOCATED IN DOWNTOWN EL PASO

WHEREAS, the City of El Paso (the "City") is in the process of acquiring eighteen (18) properties in an area of downtown El Paso, Texas bounded as follows:

- On the north by West Overland Avenue
- On the east by South Santa Fe Street
- On the south by Paisano Drive, and
- On the west by an alley midway between Leon Street and Chihuahua Street,

and intends to assemble these properties with two (2) city-owned properties within the boundaries to create the site (the "Site", attached hereto as Exhibit A) for a multipurpose performing arts center (the "Project") approved by El Paso voters in 2012;

WHEREAS, in 2015, the Site was identified as the preferred location for the Project by a City consultant after conducting numerous public meetings and workshops and the Site was previously identified by other independent studies in 2001, 2006, and 2012 as a preferred location for a large, public arena or similar facility;

WHEREAS, the Site includes nine (9) commercial properties; eight (8) residential properties; two (2) municipal properties, one vacant lot and one small, private alleyway with a cumulative area (comprised of all of the properties including roads and alleys internal to its boundaries) slightly exceeding five (5) acres;

WHEREAS, a 1998 report entitled *The Union Plaza Downtown El Paso Development Archeological Project: Overview, Inventory and Recommendations* prepared by the Anthropology Research Center of the Department of Sociology and Anthropology at the University of Texas at El Paso (the "1998 Study") identified seven (7) buildings within the Site to be of potential historical interest and four (4) properties within the Site to have potential for being historical archeological sites;

WHEREAS, the Site is not in whole or in part designated as an historic district, none of the buildings within the Site are listed on the National Register of Historic Places, and none of the properties within the Site have been designated with national or state landmarks or historical markers;

WHEREAS, the archeological monitoring conducted from September 2001 to January 2003 during the construction of the parking garage located in the nearby block bounded by Overland Ave., Leon Street, Durango, and San Antonio Street found no historical deposits;

WHEREAS, the archeological reviews conducted during construction of the City's Fire Station #11 (immediately adjacent to the Site) did not result in any significant archeological findings, no properties were identified meeting the National Register criteria, and the fire station project resulted in a finding on August 11, 2000 of No Significant Impact on the environment pursuant to the National Environmental Protection Act guidelines;

WHEREAS, the Texas Natural Resources Code (the “Code”) requires the City to provide notice to the Texas Historic Commission (the “Commission”) before breaking ground on a project located on public land that affects a cumulative area larger than five (5) acres, unless the City and Commission enter into a memorandum of understanding; and

WHEREAS, the City has previous experience with such memorandums of understanding, having entered into a Memorandum of Agreement with the State Historic Preservation Office, among others, on the 1998 Union Plaza Transit Terminal project that addressed both architectural and potential archeological deposits in the area, where nothing of significance was found.

NOW, THEREFORE, in order to take into account the effect of the Project on potential historic properties or archeological deposits, the City (pursuant to approval by the City Council of the City of El Paso) and the Commission agree as follows:

1. Acquisition. The City intends to acquire the following properties within the Site:

305 Chihuahua*	212 Overland	215 Paisano
308/312 Chihuahua	216 Overland	307 Santa Fe
309 Chihuahua	220 Overland	
315 Chihuahua	302 Overland*	
323 Chihuahua		
327 Chihuahua		

*Note: The residential building at 305 Chihuahua wraps around the commercial building at 302 Overland and are both on the same parcel of real property.

2. Ownership. The City owns the following properties within the Site:

311 Chihuahua	224 Overland	309 Santa Fe
321 Chihuahua	306 Overland	325 Santa Fe
325 Chihuahua	301 Paisano	331 Santa Fe

3. Demolition. Demolition of buildings on properties within the Site owned by the City shall be permitted only after the Mitigation Plan described below is undertaken.

4. Mitigation Plan. The City and Commission agree to the following mitigation plan.

- A. Preservation of Buildings. After extensive review by the City, the City has identified two (2) buildings that it currently owns to be of historical interest.

- (i) Trost Fire Station. The Trost Fire Station at 331 S. Santa Fe is the only building within the Site designed by an architect of note. The City agrees not to demolish the Trost Fire Station. This building will be incorporated into the design of the Project.
- (ii) Mansion. The “Mansion” at 306 W. Overland is the only building within the Site specifically associated with events that made significant, unique contributions to the patterns of the City’s history. There is significant internal damage to this building. The City agrees not to demolish the Mansion, provided it is structurally

possible to incorporate the building into the design of the Project. If it is not structurally possible to incorporate the Mansion into the Project, the City will make reasonable efforts to include the façade or other unique elements of the Mansion into the Project.

- B. Record of Buildings. For each building within the site owned by the City that is permitted for demolition, the City shall provide or, if necessary, prepare:
- (i) measured drawings;
 - (ii) photographs; and
 - (iii) written documentation of each building to include: general description of the location of the building, historic context and/or early area development, physical description (interior, exterior, styles, key features), building architect (if known), building ownership history, and building uses over time.
- C. Architectural Elements. The City agrees to address architectural elements of the building at 212 W. Overland (not currently owned by the City), referred to circa 1900 as the “Chinese Laundry.”
- D. Historical Interpretation of the Site. The City agrees to engage a qualified consultant to research and develop an historical interpretation. The interpretation shall include components that can be included in and around the Project.
- E. Preservation Incentives. The City agrees to provide rehabilitation incentives to properties in the Project’s larger planning area.
5. No Project Notification. The City and the Commission agree that compliance with the terms of this MOU relieves the City of the requirements under Section 191.0525 of the Code and Rule 26.7(d)(1) of the Texas Administrative Code.

[Signatures of parties on following page]

This Memorandum of Understanding is entered into effective October ____, 2017 by signature of the parties below.

TEXAS HISTORICAL COMMISSION

Mark Wolfe
Executive Director

CITY OF EL PASO, TEXAS

Tomás González
City Manager

APPROVED AS TO FORM:

Sylvia Borunda Firth
City Attorney

APPROVED AS TO CONTENT:

Cary Westin
Economic Development Managing Director

EXHIBIT A

Depiction of the Site

