

June 7, 2018

Dear Dee,

I regret that the City has rejected the plan which you presented to me for preserving a large part of El Paso's historical past. Yes, it has been 25 years since anyone, most especially the City, has done anything other than ignore its importance while systematically destroying by neglect a great part of the architectural and archeological heritage of El Paso. As incredible as it might seem, it has been 26 years since the City has created a historic district. The lack of interest in Duranguito was in large measure a City-inflicted wound. The so called "Arena", another downtown sports complex, entered into public discussion in 2001. Since that time, it obviously raised a barrier for investors with private equity except those who joined with the City in supporting the MPC. Planning for the demolition of a historic area is not a proper way for encouraging investment in those buildings in the path of destruction.

I would be curious to hear the voices of the City's "historical experts" in contrast to those of every major preservation organization of merit in the State and beyond, who resolutely support preserving Duranguito in much the same fashion as we have been suggesting. These, by the way, include many individuals who are themselves experts, and who fervently share in this sentiment. It is gratifying to know that the City has a collection of credentialed experts who are on par with those of the National Trust for Historic Preservation, Preservation Texas and the Texas Historical Foundation. I would be pleased to discuss their vision if provided with names and contact information. As you have noted, I walked the area myself after meeting with the architect, supposedly selected by the City and I can assure you their plans fall short of the historic structures. Most significantly, the Trost Fire House was to be preserved as a partial façade, the Chinese laundry destroyed, along with the brothel, and everything else of value dealt with by a wrecking ball. As to building a sports arena, I would think that decision resides with the 3rd Court of Appeals in Austin. Our only objection with the construction is that it is to be sited atop Duranguito which would end up the sacrificial lamb to yet another downtown sports complex.

Here is my response to Mr. Rodriguez's letter:

RODRIGUEZ LETTER

1. Mr. Rodriguez states that "your conversations with Mr. Bryan are a continuation of the mediation procedures." Mediation was February 28 only. Since then we were in settlement discussions which, as a result of the email of May 28, we now consider to be over.
2. Mr. Rodriguez states that we have reversed our position on permitting sports in the future "Arena." No we have not. Rather, we indicated that we would dismiss our objection to the "Arena" accommodating sports within the context of a final settlement.

3. Mr. Rodriguez indicates that I “have not seen all the studies commissioned by the City.” There are 4 studies and I have thoroughly reviewed them all:

C.H. Johnson Consulting (2001)

City of El Paso and the Paso del Norte Group Foundation, “Downtown 2015 Plan” (2006)

City of El Paso, Texas Comprehensive Plan (2012)

Master Planning Report (2015)

Of these 4 documents, only those from 2001 and 2006 specifically recommend Duranguito for the “Arena” location, but the 2006 study is not a “study” in any sense of the word because it was drafted by the Paso del Norte Group, which was dominated by local property owners and developers. The 2012 study recommends 4 possible sites, but warns that the Duranguito location “would remove blocks of existing infrastructure and building fabric” (p. 181). The last study (2015) does not recommend a specific location within downtown. Thus, only the 2001 study specifically recommended the Duranguito site, but its recommendation was not repeated in 2012 or 2015.

4. Meanwhile, the City ignores its own 1998 survey and the County 2017 survey, which both recommend establishing a historical overlay in Duranguito. The City also ignores its own HLC and City Plan Commission, which both voted overwhelmingly to oppose the “Arena” location, and it ignores the National Trust for Historic Preservation, Preservation Texas, the Texas Historical Foundation, El Paso County Historical Commission, El Paso County Historical Society, and the entire academic and professional community of historians and archaeologists.
5. Mr. Rodriguez refers to Duranguito as a “failing area” even though a federal grant replaced the pavements and sidewalks, added street lighting, benches and a park, as well as subterranean infrastructure. From my observation the neighborhood was until 2001 very much intact and had numerous residents living there. Also, before the City intervened to start “relocating” residents from the “Arena” footprint, there were many thriving businesses there that have since been forcibly closed. Any deterioration is a result of the City’s neglect and its failure to designate the neighborhood as a historic district as recommended by the City’s own survey 20 years ago, thus preventing property owners from having access to historic tax credits.

6. Mr. Rodriguez's suggestion that the City would face litigation if it attempted to establish an H-overlay district in Duranguito has no legal basis. I would suggest that is a legal opinion that is best left to the new City attorney; but as a lawyer myself, I respectfully suggest that is not the case.
7. The address of the Chinese Laundry is 212 W. Overland Ave., not "216 Overland." We have not changed our position at all. Relocation was a suggestion in my original letter but we subsequently learned that it is not possible. If the "Arena" structure were built north of Overland, there would be no need to demolish the Chinese Laundry or 216, 220 and 224 Overland Avenue. All four structures could be repurposed in a manner that would complement the project. Demolishing the Chinese Laundry, one of the most important and unique buildings in West Texas, is deplorable and would be disrespectful to Chinese-El Pasoans and the community at large. Mr. Rodriguez seems to reject any attempt to integrate the Chinese laundry into the "Arena" project. For him and City staff, demolition is easier than repurposing historic buildings, as is common practice in other Texas cities.
8. Mr. Rodriguez indicates that Ford Powell & Carson will review 215 W. Paisano Dr. in order to support the City's recommendation for its destruction. He claims that the County's 2017 survey calls the structure non-contributing. In fact, Appendix A, page 99 cites the building as "contributing" to a NRHP district. The main building was constructed in 1914 (see City directory of that year) and has a long and interesting history. An addition was constructed to the north in 1962. The entire complex is "contributing" and the firm that conducted the study is highly reputable as well as impartial. The complex contributes to the beauty and character of the street and neighborhood and it is decorated with attractive murals.
9. Mr. Rodriguez objects that we insist on preserving 320 W. San Antonio Avenue. No we do not. But we do wish to preserve 311 and 315 W. Overland Ave (see my letter of April 9). The former is individually eligible for the NRHP and the latter is "contributing" to a NRHP and is a century-old tenement in excellent condition with a large number of residents residing therein. In any case, neither the original map that was presented to me nor the second one that was subsequently sent included these two properties in the MPC footprint.
10. As for the five damaged structures, the City needs to fix all of them. The City failed to enforce the Court Order from the 8th COA, as it failed to rescind the demolition permits. Furthermore, the purchase agreements with the property owners make clear that the City had agreed to pay for demolition, and the City failed to contact JMR demolition to cancel the project after the court order was issued. The City has the power to deny demolition permits to whomever it wishes. Mr. Rodriguez indicates that the property owners can

“over excavate without any requirements” resulting in “potential resources being destroyed.” No they cannot. They would be bound by THC guidelines and, in any case, they cannot destroy any building without City approval.

11. Mr. Rodriguez objects to public statements made by Dr. Grossman regarding City taxes and debt as well as his suggestion that the MPC not be built at all. There is no agreement restricting Dr. Grossman’s speech, any more than there are on those who refer to me as an outsider and rich oilman.

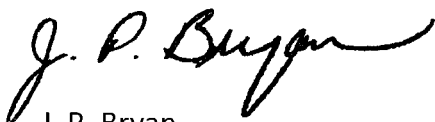
12. Mr. Rodriguez recommends that you and I meet because “philosophical differences need to be resolved.” The fact is that the philosophical gulf between you and me has only widened, especially because our last represents a 180-degree turnaround from the original plan you presented to me. We are accused of “going backwards” in our “requests and demands” but it is the City that has failed to stick to its original agreement, which has evolved ever since, and based on your email has apparently been canceled altogether. But let me add, you and I do have a philosophical difference. I believe that whenever possible, private enterprise should be the main economic driver behind historic preservation, with government providing tax incentives and protective supervision of historical assets as its primary objective. This, regrettably, has not been the prevailing philosophy in El Paso for at least 26 years and this attempt to demolish Duranguito is now the absolute poster-child for this abuse and disregard for this centerpiece of El Paso’s historical heritage.

If allowed to proceed, the Arena will be an enduring headstone to that rich history which lies both below ground and above the surface.

Other than that, there is probably much more philosophy that unites us than divides us.

We remain open to overtures from the City, but given the responses that have been provided to us, including the last response, it appears that any further negotiations will not be productive.

Yours truly,



J. P. Bryan