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HISTORIC LANDMARK COMMISSION MEETING MINUTES

1st FLOOR, CITY COUNCIL CHAMBERS

CITY HALL BUILDING, 300 N. CAMPBELL

JULY 21, 2014

4:00 P.M.

The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 1st Floor, City Hall Building, July 21, 2014, 4:00 p.m.

The following commissioners were present:

Chairman David Berchelmann

Vice-Chairman Edgar Lopez

Commissioner Beatriz Lucero

Commissioner Randy Brock

Commissioner Cesar Gomez

Commissioner Ricardo Fernandez

The following commissioners were not present:

Commissioner William C. Helm II

Commissioner John L. Moses

The following City staff members were present:

Ms. Providencia Velázquez, Historic Preservation Officer, Economic Development

Ms. Karla Nieman, Assistant City Attorney, City Attorney's Office

CALL TO ORDER

Chairman Berchelmann called the meeting to order at 4:10 p.m., quorum present.

CHANGES TO THE AGENDA

1. Postpone to the August 4th meeting - Item 1. – **PHAP14-00014**, 3200 Wheeling; and
2. Move Item 8. – Mr. Joe Gudenrath, Executive Director, Downtown Management District, to the forefront of the agenda

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Brock **AND UNANIMOUSLY CARRIED TO MOVE ITEM 8 TO THE FOREFRONT OF THE AGENDA.**

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None.



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II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

- PHAP14-00013:** Being 12 Manhattan Heights All of Block (7500 Sq. Ft.), City of El Paso, El Paso County, Texas
Location: 3200 Wheeling Avenue
Historic District: Manhattan Heights
Property Owner: El Paso Independent School District
Representative: New Republic Architecture
Representative District: 2
Existing Zoning: R-3/H (Residential/Historic)
Year Built: 1920
Historic Status: Landmark
Request: Certificate of Appropriateness for demolition and reconstruction of an existing exterior ramp and construction of a new ramp in the courtyard
Application Filed: 6/19/14
45 Day Expiration: 8/3/14

Ms. Velázquez gave a presentation and noted the applicant is requesting a Certificate of Appropriateness for the construction of a new ramp in the courtyard. She explained the representative has revised the proposal for the reconstruction of the exterior ramp; however, the representative has not had an opportunity to meet with the property owner regarding the proposed courtyard ramp.

Ms. Velázquez requested commissioners remove the request for a Certificate of Appropriateness for the construction of a new ramp in the courtyard from the application and suggest the representative come back when he is ready to present his revised proposal.

Ms. Nieman reiterated August 3rd was the 45-day expiration date; however, if the representative is willing to amend his request, commissioners are no longer required to approve the request by the expiration date.

Ms. Velázquez clarified the representative has amended the application removing the request for a Certificate of Appropriateness for the construction of a new ramp in the courtyard from the application.



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Mr. Rodrigo Chow, architect, New Republic Architecture, reiterated the changes suggested by commissioners at the July 7th HLC meeting, as follows for the exterior ramp:

- a. using stucco covered concrete instead of the scored CMU;
- b. using a flat concrete coping on the top;
- c. removing the chain link fence and installing wrought iron instead.

Ms. Julie Rutledge, Manhattan Heights Neighborhood Association Board Member and property owner within the Manhattan Heights Historic District, commented on the existing railing and wrought iron fencing colors surrounding the school. Additionally, Ms. Rutledge and Vice-Chairman Lopez discussed proposed and existing concrete and stucco colors.

Vice-Chairman Lopez clarified the wrought iron fencing would be painted the same color as the school stucco; however, the concrete will be left exposed.

Ms. Velázquez suggested a darker color for the wrought iron fencing and asked commissioners to include that modification language in the motion. She suggested the railing and wrought iron fencing match the existing wrought iron fencing surrounding the school.

The Historic Preservation Office recommends **APPROVAL WITH MODIFICATIONS*** of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *Introduce fire exits, stairs, landings, and ramps on rear or inconspicuous side locations.*
- *Construct fire exits, stairs, landings, and ramps in such a manner that they do not damage historic materials and features. Construct them so that they can be removed in the future with minimal damage to the historic structure.*
- *Design and construct new fire exits, stairs, and landings to be compatible with the scale, materials, details, and finish of the historic structure.*
- *Features added to assist persons with disabilities should be designed and constructed so that the original design of the entrance or porch is not diminished and historic materials or features are not damaged.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *New construction will not destroy historic materials, features, and spatial relationships that characterize the property.*
- *The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*
- *New construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

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****THE MODIFICATIONS ARE THAT THE CHAIN LINK FENCE BE REMOVED AND REPLACED WITH DARK METAL PICKET FENCING; THAT THE CEMENT COVERED ROCK WALL AT THE MAIN FAÇADE BE REPLACED WITH A NEW STUCCO WALL; AND THAT THE RAMP AT THE INTERIOR COURTYARD BE ELIMINATED FROM THIS APPLICATION AND A REVISED PROPOSAL BE SUBMITTED AT A LATER DATE FOR REVIEW AND CONSIDERATION.***

MOTION:

Motion made by Vice-Chairman Lopez, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE THE EXTERIOR RAMP IN FRONT OF THE SCHOOL WITH THE FOLLOWING MODIFICATIONS:

1. ***STUCCO COLORS TO MATCH EXISTING SCHOOL STUCCO COLORS; AND***
2. ***PROPOSED WROUGHT IRON FENCING COLOR TO MATCH EXISTING WROUGHT IRON FENCING***

2. **PHAP14-00014:** Being 12 Manhattan Heights All of Block (7500 Sq. Ft.), City of El Paso, El Paso County, Texas
 Location: 3200 Wheeling Avenue
 Historic District: Manhattan Heights
 Property Owner: El Paso Independent School District
 Representative: ASA Architecture
 Representative District: 2
 Existing Zoning: R-3/H (Residential/Historic)
 Year Built: 1920
 Historic Status: Landmark
 Request: Certificate of Appropriateness for changes to previously approved building
 Application Filed: 6/23/14
 45 Day Expiration: 8/7/14

POSTPONED TO AUGUST 4, 2014 HLC MEETING

3. **PHAP14-00016:** Being 87 Government Hill 11 and 12 (7000 sq. ft.), City of El Paso, El Paso County, Texas
 Location: 4425 Cumberland Avenue
 Historic District: Austin Terrace
 Property Owner: Albert Molinar
 Representative: Grace Pitzer, Borderland Windows
 Representative District: 2
 Existing Zoning: R-4/H (Residential/Historic)

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Year Built:	1939
Historic Status:	Contributing
Request:	Certificate of Appropriateness for the removal of eleven metal casement windows and replacement with vinyl single hung and slider windows
Application Filed:	7/7/14
45 Day Expiration:	8/21/14

Ms. Velázquez gave a presentation and noted the applicant sought approval of a Certificate of Appropriateness for the removal of eleven metal casement windows and replacement with vinyl single hung and slider windows.

The Historic Preservation Office recommends **APPROVAL WITH MODIFICATIONS*** of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *If windows are damaged beyond repair, replacement windows should match the type (such as double hung), style (for example six panes over six panes), and finish (paint).*
- *Doors and windows are considered important character-defining features because of significant detailing.*
- *Installation of windows similar to the original in appearance and structural purpose, regardless of construction materials is permitted.*
- *Windows in secondary façades shall be reviewed on a case by case basis.*
- *Do not use single pane picture windows or horizontal sliding windows if they are not the original window types.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.*

***THE MODIFICATIONS ARE THAT THE NEW WINDOWS ON THE MAIN FAÇADE (NUMBERS SIX AND SEVEN) AND THE FIRST WINDOW ON THE WEST FAÇADE (NUMBER EIGHT) MATCH THE EXISTING IN TERMS OF OPERATION AND CONFIGURATION AND THAT THEY BE INSTALLED WITH THREE-DIMENSIONAL, EXTERIOR APPLIED MUNTINS.**

Vice-Chairman Lopez, Chairman Berchelmann, and Commissioners Lucero and Gomez commented and asked questions of staff and the representative.

Ms. Grace Pitzer, Borderland Windows representative, responded to comments and questions from staff and commissioners.



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Commissioner Lucero suggested windows 5, 6, 7, and 8 be casement windows.

No further discussion, Chairman Berchelmann clarified windows 5, 6, 7, and 8 be casement windows, everything else will be single-hung windows.

MOTION:

Motion made by Commissioner Lucero, seconded by Vice-Chairman Lopez AND UNANIMOUSLY CARRIED TO APPROVE BASED ON THE RECOMMENDATIONS BY THE HLC, WINDOWS 5, 6, 7, AND 8 BE CASEMENT, THE REST OF THE WINDOWS BE A COMBINATION OF SINGLE-HUNG AND SLIDER WITH COLOR RECOMMENDATION BY STAFF AND THREE DIMENSIONAL MUNTINS BE PLACED ON THE WINDOWS.

4. PHAP14-00017:	Being 17 Sunset Heights 42 and 43, City of El Paso, El Paso County, Texas
Location:	837 W. Yandell Drive
Historic District:	Sunset Heights
Property Owner:	Jorge Morales
Representative:	JMG Homes
Representative District:	8
Existing Zoning:	A-3/H (Apartment/Historic)
Year Built:	1939
Historic Status:	Contributing
Request:	Certificate of Appropriateness for the construction of dormers with slider windows
Application Filed:	7/10/14
45 Day Expiration:	8/24/14

Ms. Velázquez gave a presentation and noted the applicant sought approval of a Certificate of Appropriateness for the construction of dormers with slider windows.

The Historic Preservation Office recommends **DENIAL** of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *Doors and windows are considered important character-defining features because of significant detailing. When windows are involved in the construction process it is recommended to repair rather than replace.*
- *Do not use single pane picture windows or horizontal sliding windows if they are not the original window types.*
- *New construction should utilize doors and windows of compatible size, style, and material in an appropriate pattern so as not to detract from the historical significance of the existing building.*



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- *Retain and preserve the pattern, arrangement, and dimensions of door and window openings on principal elevations. Often the placement of doors and windows is an indicator of a particular architectural style, and therefore contributes to the building's significance. Doors and windows for new construction and additions should be compatible in proportion, location, shape, pattern, size, and details to existing units.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *New construction will not destroy historic materials, features, and spatial relationships that characterize the property.*
- *New construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

For ventilating purposes, Commissioner Gomez suggested louvers instead of dormers.

Chairman Berchelmann, Vice-Chairman Lopez, and Commissioners Gomez asked questions of staff and the property owner.

Vice-Chairman Lopez was not opposed to the dormers; however, the window was inappropriate, it looks like a bathroom window. Rather than dormers, he agreed with Commissioner Gomez that louvers were the better choice.

Mr. Jorge Morales, property owner, responded to comments and questions from commissioners.

For ventilation purposes, Ms. Julie Rutledge, member of the public, suggested installing a ridge vent on the rooftop. The ridge vent improves ventilation significantly and is not visible.

Vice-Chairman Lopez suggested one dormer on the opposite elevation (street side). He explained ridge vents are placed on rooftops only; however, he suggested the property owner install vents on the eaves. These vents, with mosquito netting, will push the hot air out and bring fresh air in. Furthermore, he explained new home constructions have vents in the soffits, with screens (mosquito netting) and a mechanical exhaust (located at the highest point) to circulate the air. He suggested Mr. Morales replace the existing louver with something more efficient, something of aluminum or sheet metal, and painted to match the existing. He referred to the house at 1604 Hawthorne whereby the louvers were replaced with sheet metal.

Commissioner Gomez added that venting the eaves would not be as costly as installing the dormers.

Mr. Morales requested commissioners approve his request with the modifications as suggested by commissioners.



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Ms. Velázquez reiterated she had recommended denial; however, commissioners have offered a variety of suggestions. Instead of voting on the request today, she suggested commissioners ask the property owner if he would consider the commissioner's options, possibly less costly.

Mr. Morales responded he would like to; however, the contractor has already begun the renovations.

MOTION:

Motion made by Vice-Chairman Lopez, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO DENY:

1. **THE CONSTRUCTION OF THE NEW DORMERS;**
2. **WITH THE RECOMMENDATION THAT THE OWNER PROVIDE VENTS ON THE SOFFITS ON THE PERIMETER OF THE HOUSE; AND**
3. **INSTALL RIDGE VENTS IN ORDER TO MAKE THE AIR FLOW.**

5. **PHAP14-00018:** Being 20 Manhattan Heights 18 & 19, City of El Paso, El Paso County, Texas
- Location: 2734 Federal Avenue
- Historic District: Manhattan Heights
- Property Owner: Cynthia Marentes
- Representative: Cynthia Marentes
- Representative District: 2
- Existing Zoning: A-3/H (Apartments/Historic)
- Year Built: 1927
- Historic Status: Contributing
- Request: Certificate of Appropriateness for the installation of a rooftop air conditioning unit
- Application Filed: 7/14/14
- 45 Day Expiration: 8/28/14

Ms. Velázquez gave a presentation and noted the applicant sought approval of a Certificate of Appropriateness for the installation of a rooftop air conditioning unit.

The Historic Preservation Office recommends **DENIAL** of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *The installation of mechanical equipment, such as air conditioning units, television, radio antennae, satellite dishes, and solar panels often results in a visually cluttered appearance to a building's exterior.*
- *Mechanical equipment should be installed in the least-visibly obtrusive location on the building,*



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preferably at the rear of the building.

- *In no case should mechanical equipment be installed on a visually-prominent point on a roof or where it becomes the most noticeable component of the building.*
- *If a new mechanical system is needed, install it so that it causes the least amount of alteration to the building's exterior façades, historic building fabric, and site features.*
- *Locate new mechanical equipment and utilities, including heating and air-conditioning units, meters, exposed pipes, and fuel tanks, in the most inconspicuous area, usually along a building's rear façade, screened from public view.*
- *It is not appropriate to install mechanical equipment in locations that compromise character defining roofs or on roof slopes that are prominently visible from the street.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *New construction will not destroy historic materials, features, and spatial relationships that characterize the property.*
- *New construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Ms. Cynthia Marentes, property owner/representative, gave a PowerPoint presentation and responded to comments and questions from commissioners and staff.

Mr. Paul Drury, Mountain Star Heating & Cooling, explained the proposed unit dimensions are 38" (h), 46" (d) x 61" (length); additionally, Mr. Drury responded to comments and questions from commissioners and staff.

Mr. Paul Drury, contractor, responded to comments and questions from commissioners and staff.

Ms. Velázquez recommended Mr. Drury provide roof plans denoting the exact location of the proposed unit. She suggested Mr. Drury provide photos of the roof and proposed unit for review prior to the installation.

MOTION:

Motion made by Vice-Chairman Lopez, seconded by Commissioner Lucero AND UNANIMOUSLY CARRIED TO APPROVE WITH THE FOLLOWING MODIFICATIONS:

1. ***THE LOCATION OF THE A/C UNIT ON THE ROOF TOP;***
2. ***THE A/C UNIT WILL BE LOCATED AT THE BACK OF THE HOUSE, AT THE CENTER OF THE RIDGE, AS LOW AS POSSIBLE, WITH THE LOWEST CURVE PER PILE AS POSSIBLE, POSSIBLY USING A SHORTER UNIT; AND***
3. ***IF VISIBLE FROM THE STREET, PAINT THE UNIT THE SAME COLOR AS THE ROOF***

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- Addresses of property HLC commissioners have requested that HLC staff review or investigate and provide a report to the HLC. If no addresses are submitted in advance and listed under this agenda item, commissioners may announce such addresses under this agenda item. Discussion on property announced at this meeting will take place during the next regularly scheduled meeting. July 21, 2014 deadline for HLC members to request for agenda items to be scheduled for the August 4, 2014 meeting. August 4, 2014 deadline for HLC members to request for agenda items to be scheduled for the August 18, 2014 meeting.

UPDATE REGARDING THE PROPERTY LOCATED AT 1033 UPSON

Ms. Velázquez explained the property owners painted the brick exterior without a permit and/or approval of the Historic Landmark Commission. Via email, Code Enforcement staff notified Ms. Velázquez the case was brought before the judge in June. *The final outcome from the judge was to fine both property owners \$500 each. There was no order given by the judge to come into compliance.* The property owner's attorney had stated that they were going to appeal again to the City Council; however, now that the judge issued these fines, there was nothing forcing the property owners to take action.

Ms. Velázquez stated she was not satisfied with the outcome and would speak with our legal staff as to what other action could be taken. From this outcome, she determined that the courts have basically said our ordinance has no teeth; furthermore, property owners can violate the ordinance, go to court, and be not be punished.

FOR THE RECORD

Ms. Velázquez read into the record the email from Code Enforcement staff.

Ms. Nieman stated was not aware of the violation; however, the judge may have issued the maximum punishment allowed under that provision. She was concerned with the property owners' due process, in terms of already being cited, and possibly having the city issue another citation or violation. She suggested commissioners purpose an amendment to the existing ordinance language. Ms. Nieman explained she and Ms. Velázquez will be researching if the judge was presented other options, requesting a plan and ordering the property owners to comply with the judge's plan.

Ms. Nieman noted that recently Building Permits & Inspections Department had tripled the fine amounts for commercial construction. She added the city has attempted to become more proactive in preventing situations like this in the future.

Chairman Berchelmann commented on property owners finding loopholes within the ordinance language. He suggested staff research the existing ordinance language and propose suggestions to commissioners at the next meeting.



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Chairman Berchelmann asked staff if commissioners could propose triple fees for property owners to City Council.

Ms. Nieman replied commissioners have the capacity to purpose amendments to the ordinance language. Staff would prepare the purposed amendments for City Council review and approval.

Vice-Chairman Lopez asked staff if it were possible to research other cities' historic preservation ordinances and fee processes.

Ms. Velázquez explained she has proposed, once a property owner has violated the ordinance, no permits or approvals can be processed until the violation has been remedied. She has found this to be a very effective tool.

Chairman Berchelmann asked staff to place something on the next agenda.

HLC Staff Report

7. Update on Administrative Review Cases since the last HLC meeting for the properties listed on the attachment posted with this agenda.

Chairman Berchelmann asked commissioners if they had any comments and/or questions for staff. *There were none.*

MOTION:

Motion made by Commissioner Lucero, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE HLC STAFF REPORT AS PRESENTED.

Other Business – Discussion and Action

8. Mr. Joe Gudenrath, Executive Director, El Paso Downtown Management District, commented on his professional background and looked forward to working with commissioners, the city, the county, etc.

Chairman Berchelmann thanked Mr. Gudenrath for coming to speak before commissioners. He looked forward to the future preserving existing historic structures and bringing new opportunities to fruition.



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9. Approval of Regular Meeting Minutes for June 2, June 16, and July 7, 2014.

Chairman Berchelmann asked commissioners if they had any additions, corrections, and/or revisions for staff.

June 16, 2014 minutes

Chairman Berchelmann requested the staff revise the June 16 minutes, page 10 of 16 as follows:

~~Chairman Berchelmann considered a building vacant if it was less than 75% or 90% occupied.~~ Chairman Berchelmann asked if a building can be considered vacant if it is less than 75% or 90% occupied.

MOTION:

Motion made by Commissioner Lucero, seconded by Vice-Chairman Lopez AND UNANIMOUSLY CARRIED TO APPROVE THE JUNE 2ND AND JUNE 16TH MINUTES WITH THE CORRECTION MADE BY THE CHAIR.

JUNE 2ND ABSTENTIONS

Commissioner Helm

JUNE 16TH ABSTENTIONS:

None

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:48 P.M.