



**HISTORIC LANDMARK COMMISSION MEETING MINUTES
2ND FLOOR ECONOMIC DEVELOPMENT CONFERENCE ROOM
JANUARY 9, 2012
4:00 P.M.**

The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 2nd Floor, City Hall Building, January 9, 2012, 4:00 p.m.

Chair Riccillo called the meeting to order at 4:01 p.m.

The following Commissioners were present:

Mr. Joe Riccillo, Chair
Ms. Stephanie Fernandez
Mr. Joel Guzman (4:24 p.m.)
Mr. Ricardo Gonzalez (4:10 p.m.)
Mr. Randy Brock
Mr. James Booher
Mr. David Berchelmann

The following City Staff were present:

Ms. Providencia Velázquez, Planning, Historic Preservation Officer
Ms. Sol Cortez, City Attorney's Office, Assistant City Attorney
Mr. Robert Almonte, City Attorney's Office, Assistant City Attorney

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None

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John F. Cook

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CHANGES TO THE AGENDA

None.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Berchelmann and **UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS IT STANDS.**

NOT PRESENT FOR THE VOTE:

Commissioner Guzman and Vice-Chair Gonzalez

II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

1. **PHAP11-00037:** Lot 1 Franklin Heights 1 to 3 & w 20 Ft., City of El Paso, El Paso County, Texas
- Location: 1000 Myrtle Avenue
- Historic District: Magoffin
- Property Owner: MVP Development Inc.
- Representative: Robert Gonzalez
- Representative District: 8
- Existing Zoning: RMU-H/SP (Residential Mixed Use-Historic/Special Permit)
- Year Built: 2010-2011
- Historic Status: Non-Contributing
- Request: Certificate of Appropriateness for the construction of a metal picket fence at the front property line.
- Application Filed: 12/22/2011
- 45 Day Expiration: 02/05/2012



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Ms. Velázquez gave a PowerPoint presentation and noted the subject property was within the historic district; however, the property to the left was not. The property owner is proposing to put in a metal picket fence at the front property line of Building B with landscaping behind the fence. The fence is proposed to be 6' high for security purposes. The proposed fence will match the existing black painted, metal picket fence. Ms. Velázquez noted 6' picket fences are common throughout the neighborhood.

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

The Magoffin Historic District Design Guidelines recommend the following:

- Fencing should be incorporated into the overall design. Construction of new fences should be of compatible materials in order to complement the building.
- Brick, stone, and wrought iron are acceptable materials.
- The height of the proposed fence should complement the structure and should not obstruct the public's view of the building. Solid fencing and/or landscaping on residential properties located on any corner lots should not exceed three feet in height.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Booher and **UNANIMOUSLY CARRIED TO APPROVE THE CERTIFICATE OF APPROPRIATENESS WITH THE MATCHING FENCE AS PER THE ORIGINAL DRAWINGS.**

Ms. Velázquez clarified the fence must match the fence that is located at the property line.

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NOT PRESENT FOR THE VOTE:

Commissioner Guzman and Vice-Chair Gonzalez

2. 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. January 9, 2011 deadline for HLC members to request for agenda items to be scheduled for the January 23, 2012 meeting. January 23, 2012 deadline for HLC members to request for agenda items to be scheduled for the February 13, 2012 meeting.

Chair Riccillo noted that today was the deadline for HLC members to add properties for the next meeting; additionally, the next meeting is the deadline for the following meeting.

- A. Magoffin Villas at 915, 917, 1001 Magoffin Avenue and 1000, 1008, 1010 Myrtle Avenue

No new information.

- B. Fall Mansion at 1725 Arizona Avenue

Ms. Velázquez explained that at the December 12, 2011 meeting, comments regarding the monument sign at the front of the property were made. Staff reviewed the originally submitted plans and noted the sign was not there; however, Staff reviewed the plans submitted for permitting and the sign was there. The sign has been officially approved. Staff would have recommended approval of the sign as it:



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- a. is not mounted on the building;
- b. is not a residence; therefore, a sign is permitted;
- c. the sign is not a distraction; and
- d. the sign material(s) match the building.

Staff will provide a photo of the sign.

C. Houston Elementary at 2851 Grant Avenue

No new information.

D. Alamo Elementary at 500 South Hills Street

No new information.

E. 1033 Upson Drive

Ms. Velázquez stated City Council gave the applicant 90 days to comply; the 90 days will be up in early to mid-February. Staff drove by the property and, so far, the paint has not been removed. If the paint is not removed after the 90 days, Code Enforcement will be notified.

Mr. Almonte explained that the HLC could not grant an extension since it was the City Council that gave the order.

HLC Staff Report

3. Update on Administrative Review Cases since the last HLC meeting for the properties listed on the attachment posted with this agenda. (See Attachment "A")

No comments from Commissioners.



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Planning & Economic Development Department Reports

4. None.

Visionaries in Preservation Report

5. None.

Other Business

6. A. Approval of Special Meeting Minutes for November 7, 2011 and Regular Meeting Minutes for December 12, 2011.

SPECIAL MEETING MINUTES – NOVEMBER 7, 2011

Chair Riccillo asked Commissioners if they had any additions/corrections/revisions. There being none.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Berchelmann and **UNANIMOUSLY CARRIED TO APPROVE THE NOVEMBER 7, 2011 SPECIAL MEETING MINUTES, AS PRESENTED.**

NOT PRESENT FOR THE VOTE:

Commissioner Guzman

REGULAR MEETING MINUTES – DECEMBER 12, 2011

Chair Riccillo asked Commissioners if they had any additions/corrections/revisions. There being none.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Berchelmann and **UNANIMOUSLY CARRIED TO APPROVE THE DECEMBER 12, 2011 REGULAR MEETING MINUTES, AS PRESENTED.**

NOT PRESENT FOR THE VOTE:



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Commissioner Guzman

B. Discussion on the Downtown Historic District Design Guidelines.

At this time, Staff is working on a time-sensitive project. Ms. Velázquez noted that Staff would not have time to work on the Guidelines this month. Additionally, Staff will include information from the Administrative Review Guidelines so that the Downtown Historic District Design Guidelines are in synch.

Chair Riccillo requested Staff leave this item on for future agendas.

C. Discussion on the San Jacinto Plaza non-contributing status.

Mr. Almonte understood the item was placed on the agenda due to some dissatisfaction regarding the San Jacinto Plaza plans and/or proposal not going forward. He noted the San Jacinto Plaza is not registered on the state's list as a Recorded Texas Historic Landmark or on the National Register. Regarding the plaques located in the plaza, the City would have to get permission from the state prior to moving those.

Via previous discussions, Chair Riccillo clarified that the non-contributing or contributing status does not mean anything.

Mr. Almonte concurred. At this time, Mr. Almonte introduced the new legal counsel for the Historic Landmark Commission, Ms. Sol Cortez. Mr. Almonte explained that legal counsel will work on clearer definitions for contributing and non-contributing for the code.

Chair Riccillo explained that the Plaza is labeled as non-contributing in the system; however, the Guidelines label it as contributing.

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Mr. Almonte noted other properties are mislabeled in documents, as well as, within the system. He explained Staff researched and found documentation listing the Plaza as a non-contributing property.

Vice-Chair Gonzalez understood that City Council stated the San Jacinto Plaza did not have to come before the HLC because it is listed as a non-contributing property.

Mr. Almonte could not confirm that it was City Council who stated that. He explained that the Legal Department was asked whether or not the Plaza had to come before the HLC. Initially, the Legal Department was of the opinion that it did; however, documentation (Mr. Almonte was not sure if it was an ordinance approved by City Council in 1992) was found which indicated that originally the HLC had Downtown Historic District Design Guidelines; afterward, City Council passed another ordinance stating the Downtown Historic District Design Guidelines do not apply to non-contributing properties within the Downtown historic district. Mr. Almonte explained that the advice from the Legal Department to Staff and City Council was that the San Jacinto Plaza did not have to come before the HLC. He was unsure whether or not the Legal Department provided any formal recommendation to the City Council. To clarify, Mr. Almonte explained because of the ordinance passed in 1992 stating San Jacinto Plaza was a non-contributing property and that the Guidelines do not apply to a non-contributing property, the San Jacinto Plaza does not have to come before the HLC.

Chair Riccillo asked if Mr. Almonte could provide the HLC with a copy of that 1992 ordinance.

Mr. Almonte responded he would provide that documentation to the HLC.

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Vice-Chair Gonzalez stated even if everyone agrees the Plaza is a non-contributing property and that the Guidelines do not apply, that is not the same as saying that the historic preservation ordinance does not apply.

Mr. Almonte explained that he and the Vice-Chair disagree as to the intent of the ordinance language. The language states that although the Plaza is located within a historic district the HLC does not have purview over non-contributing properties. Furthermore, that ordinance is unique to the Downtown Historic District Design Guidelines.

Vice-Chair Gonzalez noted that other historic districts do not have guidelines; in cases where no guidelines exist, Staff will use guidelines from another historic district. Vice-Chair Gonzalez asked if anybody was suggesting that the historic preservation ordinance did not apply to H-Overlay properties within historic districts that do not have guidelines.

Mr. Almonte stated he did not think that that was a suggestion.

Vice-Chair Gonzalez explained City Council did not state the historic preservation ordinance does not apply to non-contributing properties. City Council said the guidelines do not apply to non-contributing properties within the downtown historic district. Rezoning ordinances are law; guidelines are not even mandatory. The fact that guidelines do not apply was an indication that the City Council wants the HLC to proceed on its own knowledge and discretion without referring to guidelines regarding non-contributing properties in the Downtown Historic District.

Chair Riccillo responded that is why the HLC should review the 1992 ordinance language. Perhaps the HLC could insert clarifying language. That would be appropriate while Staff is in the process of revising the Downtown Historic District Design Guidelines.

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Commissioner Guzman arrived at 4:24 p.m.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Berchelmann and **UNANIMOUSLY CARRIED TO ADJOURN THE HISTORIC LANDMARK COMMISSION MEETING AT 4:25 P.M.**

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