



HISTORIC LANDMARK COMMISSION MEETING MINUTES
1st FLOOR, CITY COUNCIL CHAMBERS
CITY HALL BUILDING, 300 N. CAMPBELL
JUNE 2, 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, June 2, 2014, 4:00 p.m.

The following commissioners were present:

Chairman David Berchelmann
Commissioner Beatriz Lucero
Commissioner Randy Brock
Commissioner Cesar Gomez
Commissioner John L. Moses
Commissioner Ricardo Fernandez

The following commissioners were not present:

Vice-Chairman Edgar Lopez
Commissioner William Helm

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, quorum present.

CHANGES TO THE AGENDA

None.

I. CALL TO THE PUBLIC – PUBLIC COMMENT

Rather than the three-minute time limit per speaker, Dr. Max Grossman, UTEP Professor, Architectural History; Vice-Chairman, El Paso County Historical Commission; and Chairman, El Paso County Historical Commission, Architectural Preservation Committee, requested commissioners allow him five minutes.

Mayor

Oscar Leaser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

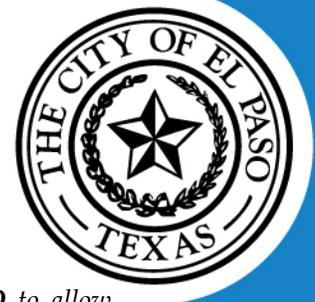
Lilia B. Limon

District 8

Cortney C. Niland

City Manager

Joyce A. Wilson



MOTION:

Motion made by Commissioner Moses and **UNANIMOUSLY CARRIED** to allow Dr. Grossman five minutes.

Dr. Grossman commented on the following:

1. El Paso Times articles regarding current demolition of five (5) historic buildings, an entire city block, located on E. San Antonio Avenue on the corner of S. Mesa Street;
2. El Paso Historical Commission Society (“EPHCS”), Architectural Preservation Subcommittee (“APS”) pushing for reform regarding serious structural problems in the Municipal Code and in the administrative status quo, currently in place, regarding preservation;
3. EPCHC APS study and the demolition of the John T. Muir building:
 - a. Borderplex Community Trust (REIT) does not own the building but is willing to purchase the building provided the building will be demolished;
 - b. The John T. Muir building is located within the Downtown Historic District and is designated “Non-contributing”;
 - c. Building stands on San Jacinto Plaza, between two Trost buildings, and the Roberts Banner;
 - d. The HLC voted unanimously (8-0) to deny demolition; however, the City Council overruled the HLC;
 - e. Commissioners are professionals in their fields, City Council does not have your expertise, that is why you have been appointed by City Council;
 - f. Elected public officials are making decisions to demolish historic properties crucial to our future historic economy, as well as important for posterity;
 - g. The John T. Muir building is demolished;
 - h. Developer promises the property will be zoned ‘mixed use’ (developers are not required to submit plans for ‘mixed use’ zoned properties);
 - i. The Downtown Management District (“DMD”) finds out the property will be converted into a parking lot;

Mayor

Oscar Leeser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lilia B. Limon

District 8

Cortney C. Niland

City Manager

Joyce A. Wilson



4. Downtown Historic District
 - a. Unknown/unnamed professional/non-professional persons create the boundaries of the Downtown Historic District in 1992;
 - b. Unknown/unnamed professional/non-professional persons determine which buildings are designated *contributing and non-contributing*;
 - c. Recent decisions to demolish are being made based upon the boundaries and the designations within;
 - d. Boundaries/designation were never intended to provide guidance for demolition, yet two Henry C. Trost buildings are now gone because of those designations;
5. Within the Downtown Historic District, five buildings demolished:
 - a. **John T. Muir Building:**
 - i. Non-contributing designation - because the building was designated *non-contributing*; therefore, considered *a throwaway*;
 - ii. Building defaced beyond repair – not true, Dr. Grossman informed Council that underneath the veneer is a perfectly intact ceramic tile 1916 façade, which will be the envy of West Texas. *Indeed, during demolition, the veneer came off and there stood a beautiful building, days before it was flattened.*
 - b. **Union Bank & Trust** (1914) (non-contributing) – same issues as the Muir Building
 - c. **First National Bank** (unique 1885 Victorian); and
 - i. Building burns down;
 - ii. No “Code Enforcement”
 1. another structural problem with the City;
 2. Municipal Code not enforced;
 - d. **Two buildings adjacent the First National Bank** were demolished quite quickly,
 - i. *properties are now vacant lots*
 - ii. **no plans to construct/build;**
 - iii. **The empty lots will be sold for the cost of demolition under \$600.00 (the cost of demolitions permits);**
6. **Five buildings demolished on East San Antonio, buildings constructed between 1885 and 1914:**
 - a. **Half of East San Antonio Avenue is within the Downtown Historic District (*protected*);**

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



- i. East San Antonio is the most significant corridor of historic architecture in El Paso;
- ii. Seven Trost buildings between the Richard Caples and Popular Department Store, one on side, and the Paso Del Norte hotel on the other;
- b. Other half is outside the Historic District boundaries (*not protected*);
 - i. River Oaks Properties, property owner, demolishes eight buildings.

HERITAGE TOURISM

Dr. Grossman stated if El Pasoans wants tourists, *heritage tourists*, to exit the highway and visit our city, rather than continuing on to Austin or Phoenix, we had better make some changes quickly. For example, Downtown San Antonio has a \$400 million heritage economy, Santa Fe, Mesilla, San Diego Gaslight District, are a few examples of what could happen if we just put into place common sense legislation.

PETITION SIGNATURES

In conclusion, *El Paso County Historical Commission*, in conjunction with the new non-profit *Texas Trost Society*, has gathered 850 El Paso voter signatures since last week. The intent is to gather over 5,000 signatures by the end of the summer. Furthermore, we intend to develop political power to bring to bear during City Council elections, questioning potential candidates where they stand on these issues for the record.

MEETING WITH REPRESENTATIVE NILAND (DISTRICT 8)

El Paso County Historical Commission will be meeting with Representative Niland, Wednesday this week to discuss the following:

- 1. City Council must appoint an independent, professional body (“Commission”) to review:
 - a. the boundaries of the downtown district
 - b. the historic designations therein
 - c. Code Enforcement policies

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



- d. definition of economic hardship
 - e. all structural deficiencies and redundancies, see Chapter 20.20, governing the architecture of the district, both inside and outside the district
2. The Commission of the developing community will be:
- a. independent of City Council, will have no entangling alliances
 - b. will make recommendations within nine months
 - c. recommendations to be voted upon by Council during Council meetings not killed in committee.

Dr. Grossman explained heritage tourism will be a very big issue as the 2016 election draws closer. He stated the El Paso Historical Society are capitalists who recognize property rights, we would not advocate saving every single building; however, we believe we need to save contiguous buildings along El Paso Street, Texas Avenue, and East San Antonio Avenue. We need corridors of contiguous historical building stock in order to reach critical mass as we approach the development of a heritage tourism economy, which is what we are sorely lacking here, with all our vast history and culture and these incredible buildings that we have.

II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

1. **PHAP14-00007:** Being Lot 7 Sunset Heights 32 and 33, City of El Paso, El Paso County, Texas
- Location: 1125 Terrace Court
- Historic District: Sunset Heights
- Property Owner: Rosalba Gonzalez
- Representative: Rosalba Gonzalez
- Representative District: 8
- Existing Zoning: R-4/H (Residential/Historic)
- Year Built: 1904
- Historic Status: Landmark
- Request: Certificate of appropriateness for the removal of existing metal fence and construction of a rock wall at the side and rear property lines.
- Application Filed: 5/19/14
- 45 Day Expiration: 7/03/14

Economic & International Development – Historic Preservation Division
 801 Texas Avenue (79901-1503) | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-1567

EL PASO.IT'SALLGOOD.

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the removal of an existing metal fence and construction of a rock wall at the side and rear property lines. As the property is located on the corner of Terrace and Nevada the existing metal fence is quite visible from the public right-of-way. The subject and adjacent properties each maintain similar characteristics with regard to brick and stucco walls, ashlar and rubble walls, and patterns of masonry that are visible.

Ms. Velázquez read the following staff recommendations into the record:

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

The Design Guidelines recommend the following:

- *Introduce new fences and walls compatible in material, design, scale, location, and size with original fences and walls in the historic district.*
- *The height of the proposed fence should complement the structure and should not obstruct the public's view of the building. Any proposed fence higher than 32" solid or 48" open, measured from ground level, at front property line or a side yard property line on a corner lot, shall be reviewed by the HLC. Any proposed fence higher than 6 ft., between buildings on an interior property line or across the rear property line, shall be reviewed by the HLC.*

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.*

Chairman Berchelmann asked if anyone in the audience wished to speak in favor of or opposition to the request. *There was no response.*

Chairman Berchelmann commented on the importance of sand to mortar ratio when constructing rock walls. He asked if the property owner could ensure that the appropriate mixture would be used.

Ms. Velázquez suggested Commissioner approve the Certificate of Appropriateness with the modification that the specifications, including mortar recipe, be sent to the Historic Preservation Office for approval.

Mayor

Oscar Leeser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lilia B. Limon

District 8

Cortney C. Niland

City Manager

Joyce A. Wilson



Ms. Yvette Ramirez, daughter of the property owner, explained her father will be in charge of the project, he is very knowledgeable regarding rock wall construction.

MOTION:

Motion made by Commissioner Moses, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE.

- 2. **PHAP14-00009:** Beings Lots 11 to 13, 218 Campbell, City of El Paso, El Paso County, Texas
 - Location: 118 N. Campbell Street
 - Historic District: Independent
 - Property Owner: Catholic Diocese of El Paso
 - Representative: Jorge Vergen
 - Representative District: 8
 - Existing Zoning: C-5/H (Commercial/Historic)
 - Year Built: 1892
 - Historic Status: Landmark
 - Request: Certificate of appropriateness for the removal of the existing windows and French doors and replacement with vinyl one over-one windows.
 - Application Filed: 5/28/14
 - 45 Day Expiration: 7/12/14

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the removal of the existing windows and French doors and replacement with vinyl one over-one windows. To clarify, the windows are not being replaced for the church; they are for the rectory next door. All parties involved worked very hard to reach a solution, according to the guidelines, i.e., the replacing like with like (window type), different material can be used for the windows, and the muntins must be three-dimensional exterior applied. Unfortunately, the manufacturer could not create the aluminum windows, as hoped; instead, the representative is proposing vinyl windows.

Mayor

Oscar Leaser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lilia B. Limon

District 8

Cortney C. Niland

City Manager

Joyce A. Wilson



Ms. Velázquez showed photos of and commented on the hodgepodge of window types on the building, adding it was quite a challenge trying to meet the guidelines specific to *replacing in-kind*. She recommended that the representative select one window type and present that to the commission.

Ms. Velázquez read the following staff recommendations into the record:

The Historic Preservation Office recommends **APPROVAL** 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:

- *When repair is not feasible, door and window products will be reviewed on an individual basis using the following criteria:*
 - a. *Architectural and historical compatibility*
 - b. *Comparison to original profile*
 - c. *Level of significance of original doors and windows to the architectural style of the building.*
 - d. *Three dimensional exterior applied muntins that simulate or match the original muntins may be approved. Single dimension interior applied muntins are not appropriate.*
- *For commercial and/or institutional buildings, or the replacement of steel casement windows, if it is not feasible to repair original windows, select replacements products that are compatible in proportion, location, shape, pattern, size, and details to the original window component.*

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

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

Mr. David Alvarado, contractor, brought a replica of the proposed window type to show Commissioners; additionally, he responded to comments and/or questions.

Mr. Jorge Vergen, property manager, Catholic Diocese of El Paso, explained the screens and wrought iron bars will be removed from the windows.

Mayor

Oscar Leaser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lilia B. Limon

District 8

Cortney C. Niland

City Manager

Joyce A. Wilson



MOTION:

Motion made by Commissioner Brock, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE.

- 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. June 2, 2014 deadline for HLC members to request for agenda items to be scheduled for the June 16, 2014 meeting. June 16, 2014 deadline for HLC members to request for agenda items to be scheduled for the July 7, 2014 meeting.

There were no address requests from commissioners.

Ms. Velázquez noted that, last week, she gave a PowerPoint presentation to Code Enforcement staff. The presentation explained what the Historic Landmark Commission entails, guidelines, what Code Enforcement staff should be on the lookout for, etc. She noted they were enthusiastic; however, once all City Development Department staff, with Code Enforcement staff, are all located in the same building, she will schedule a meeting with Code Enforcement to address enforcing the code specific to historic districts.

HLC Staff Report

- 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 Moses AND UNANIMOUSLY CARRIED TO APPROVE THE HLC STAFF REPORT.

Mayor
Oscar Leaser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



Other Business

- 5. Approval of Regular Meeting Minutes for May 5, 2014

Chairman Berchelmann asked commissioners if they had any additions, corrections, and/or revisions for staff. *There were none.*

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE THE REGULAR MEETING MINUTES FOR MAY 5, 2014.

Prior to adjourning, commissioners and staff reflected on comments made by Dr. Grossman.

Commissioner Moses asked staff if commissioners could give an opinion on matters without having any authority.

FOR THE RECORD

For the record, Ms. Karla Nieman, Assistant City Attorney, stated she would be filling in for Ms. Kristen Hamilton, Assistant City Attorney, who is on maternity leave until the middle of August.

Ms. Nieman explained she was not familiar with this commission’s duties and responsibilities; however, as a commission, she thought commissioners would have some purview as to what is occurring with regard to the downtown buildings. She felt commissioners could provide a report or statement to City Council regarding information presented by Dr. Grossman today or a recommendation from the commission, as a whole, to amend the Downtown Historic District map, the contributing and non-contributing status, and defining economic hardship in the code. As professionals in your field, commissioners can provide that level of expertise.

June 16, 2014 HLC agenda

Chairman Berchelmann requested staff post an item on the HLC agenda, *“Discussion and action to re-evaluate the Downtown Historic District map.”*

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



For clarification, Ms. Velázquez suggested wording the agenda item as follows “Comment/Discussion on Downtown historic district map, independent commission, etc.”

Ms. Nieman suggested for purposes of posting the agenda, leave out “etc.”, we want the public to know what will be discussed.

Ms. Velázquez and Chairman Berchelmann recommended wording the agenda item as follows “Comment/Discussion on Downtown historic district and issues relating to surrounding properties outside the district.”

UPDATE - CAFÉ CENTRAL APPEAL TO CITY COUNCIL

Ms. Velázquez noted at the May 20, 2014 Council meeting City Representatives unanimously **APPROVED** the appeal by the applicant regarding the HLC’s decision to deny a certificate of appropriateness application for property located at 109 N. Oregon Street.

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 4:40 P.M.

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson