



HISTORIC LANDMARK COMMISSION MEETING MINUTES

REVISED

**1st FLOOR, CITY COUNCIL CHAMBERS
CITY HALL BUILDING, 300 N. CAMPBELL**

**JUNE 16, 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 16, 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 William Helm
Commissioner John L. Moses

The following commissioners were not present:

Commissioner Ricardo Fernandez

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 4:06 p.m., quorum present.

CHANGES TO THE AGENDA

None.

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None.

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Oscar Leeser

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II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

- 1. PHAP14-00010: Being 75 Government Hill 7 and 8, City of El Paso, El Paso County, Texas
- Location: 4315 Trowbridge Drive
- Historic District: Austin Terrace
- Property Owner: Gabino and Ofelia Ramos
- Representative: Yvonne Martinez
- Representative District: 2
- Existing Zoning: R-4/H (Residential/Historic)
- Year Built: 1917
- Historic Status: Contributing
- Request: Certificate of appropriateness for the construction of porch on the rear façade after-the-fact
- Application Filed: 6/2/14
- 45 Day Expiration: 7/17/14

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the construction of porch on the rear façade after-the-fact. She noted that the porch, *constructed without permits and approval from the Commission*, is somewhat visible from the alleyway. She received no comments from the Austin Terrace Neighborhood Association. During her site visit, Ms. Velázquez noted she did not see any other properties with porches in the rear; however, this structure is very similar to an addition in the rear. Furthermore, the structure is within the guidelines.

Chairman Berchelmann noted had the property owners applied for a permit, prior to construction, staff would have realized the property was located within a historic district.

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:

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

- Locate decks at the rear of the structure, or in a location not readily visible from the street.
- It is not appropriate to install decks that require the removal of historic materials, or otherwise damage or obscure architectural features. Design and construct decks so that they may be removed in the future without damage to historic structure.

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.

MOTION:

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

2. **PHAP14-00011:** Being Lot 8 Mundy Heights 9 and 10, City of El Paso, El Paso County, Texas
- Location: 1516 Upson Drive
- Historic District: Sunset Heights
- Property Owner: Yelena Kapilevich
- Representative: Yelena Kapilevich
- Representative District: 8
- Existing Zoning: R-4/H (Residential/Historic)
- Year Built: 1916
- Historic Status: Contributing
- Request: Certificate of Appropriateness for the construction of a masonry and metal picket fence at the front and side property lines
- Application Filed: 6/2/14
- 45 Day Expiration: 7/17/144

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the construction of a masonry and metal picket fence at the front and side property lines. The property owner is requesting the fence to allow children and pets access to the front yard.

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The property owner is requesting a six-foot wall, two feet of stucco and four feet of metal picket fencing. Due to the requested height of the fence exceeding four feet, the request must be presented to commissioners.

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:

- *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.*

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 additions and adjacent or related 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.*

Vice-Chairman Lopez wondered if the proposed stucco would match the existing home.

Ms. Velázquez explained commissioners could make that modification in their motion, i.e., *approval with the modification that the stucco, in the front and on the sides, make the color and texture of the existing house.*

Chairman Berchelmann asked Ms. Velázquez if she received any comments from the Sunset Heights Neighborhood Association.

Ms. Velázquez responded no.

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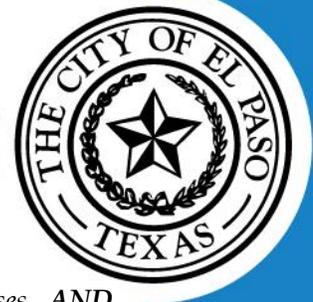
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MOTION:

Motion made by Vice-Chairman Lopez, seconded by Commissioner Moses AND UNANIMOUSLY CARRIED TO APPROVE WITH THE MODIFICATION THAT THE STUCCO AND THE COLOR MATCH THE EXISTING HOUSE.

- 3. **PHAP14-00012:** 11 Sunset Heights 3 To 8 (46047 Sq. Ft.), City of El Paso, El Paso County, Texas
 - Location: 631 Stewart Court
 - Historic District: Sunset Heights
 - Property Owner: City of El Paso
 - Representative: Javier Reyes
 - Representative District: 8
 - Existing Zoning: A-2/H (Apartment/Historic)
 - Year Built: N/A
 - Historic Status: N/A
 - Request: Certificate of Appropriateness for the construction of a monument sign
 - Application Filed: 6/2/14
 - 45 Day Expiration: 7/17/144

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the construction of a monument sign. In 2013, commissioners approved the construction for the park. Today’s request is for the construction of a monument sign, which was not part of the original plans. The sign will be constructed of red brick, approximately five feet in height, with two nameplates, in the name of *John Karr*. The proposed sign will be located on the corner of Stewart Court and Los Angeles Drive and will not be attached to any walls or significant structures, and the sign will not have any lighting attachments.

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:

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- Introduce new signage that is compatible in material, size, color, scale, and character with the building or the district.
- Introduce new signs, including graphics for windows or awnings, that are easily read and of simple design.
- Install monument signs in appropriate locations on low standards or ground bases. Consider screening the base of ground signs with plantings to enhance its appearance.

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.

MOTION:

Motion made by Commissioner Helm, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE AS RECOMMENDED.

4. 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 16, 2014 deadline for HLC members to request for agenda items to be scheduled for the July 7, 2014 meeting. July 7, 2014 deadline for HLC members to request for agenda items to be scheduled for the July 21, 2014 meeting.

HLC Staff Report

5. 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.

Referring to the property located at 2801 Silver Avenue and the request to replace the roofing with a polyurethane roofing system, Commissioner Moses wondered what it was that was being replaced.

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Ms. Velázquez explained the asphalt or other polyurethane material behind the parapet wall that is not visible. This is a flat roof so the polyurethane will not be visible from the right-of-way.

MOTION:

Motion made by Chairman Lucero, seconded by Commissioner Brock, AND UNANIMOUSLY CARRIED TO APPROVE THE ATTACHMENT "A" AS PRESENTED.

Other Business

6. Comment/Discussion on Downtown Historic District and issues related to outside properties.

JUNE 2ND PUBLIC COMMENT - DR. MAX GROSSMAN

At the June 2nd HLC meeting, Dr. Max Grossman UTEP Professor, Architectural History; Vice-Chairman, El Paso County Historical Commission; and Chairman, El Paso County Historical Commission, Architectural Preservation Committee addressed the commission, during Public Comment, and spoke on a number of issues regarding River Oaks Properties and the demolition of buildings just outside the Downtown Historic District.

INDEPENDENT PROGRESSIVE BODY

Ms. Velázquez elaborated on issues proposed by Dr. Grossman as follows:

1. City Council will be asked to appoint an Independent Progressive body to review:
 - a. Downtown Historic District boundaries;
 - b. Historic designations therein, i.e., non-contributing, contributing;
 - c. Code Enforcement and policies to define *economic hardship* not currently defined in the code;
 - d. All structural deficiencies and redundancies in *Chapter 20.20 Historic Landmark Preservation* with regard to designations, demolitions, etc.; and
 - e. Architecture outside the current District boundaries

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2. Independent Progressive body:
 - a. Consisting of architects, architectural historians and others who have knowledge of older structures and historic preservation
 - b. Independent Progressive body to work independently of the city;
 - i. Having no ties to the city;
 - ii. Objective not subjective
3. That the Independent Progressive body be given nine months to review and make recommendations to City Council specifically the Downtown Historic District and what can be done to protect it;
 - a. Between 1992 and 2012 – there have been approximately 10 demolitions of structures, both inside and outside the boundaries

Please provide names of anyone commissioners think would like to be appointed to this Independent Progressive body. Please give them to Ms. Velázquez.

Vice-Chairman Lopez asked if there would be a conflict of interest for commissioners to be a part of the Independent Progressive body.

Ms. Velázquez thought there might be as commissioners do work with the city. It was her impression that members of this Independent Progressive body will be extremely honest and will speak very frankly.

CHAPTER 20.20, HISTORIC LANDMARK PRESERVATION

Regarding Chapter 20.20, Historic Landmark Preservation, Ms. Velázquez requested commissioners and staff review, make changes (stronger language) and propose ways to save downtown. She requested commissioners and staff carefully redefine what is contributing and non-contributing and not give so much weight to the non-contributing status of a property.

CONTRIBUTING/NON-CONTRIBUTING STRUCTURES WITHIN THE DOWNTOWN HISTORIC DISTRICT

Commissioner Helm noted at the same time if there is a way for evaluating contributing or non-contributing structures within the current district boundaries. Consider previous arguments regarding non-contributing structures and the number of times City Council has approved a demolition.

Ms. Velázquez noted she has said in the past that *what is non-contributing today could very well be contributing tomorrow.*

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HERITAGE CORRIDORS (HERITAGE ECONOMY) THROUGH DOWNTOWN

Years ago, Commissioner Moses noted there was discussion of a possible *Heritage Corridor* through Downtown. He remembered the idea never went to City Council.

Ms. Velázquez responded Dr. Grossman had also mentioned that at the previous HLC meeting, rather he called it *Heritage Tourism*. Dr. Grossman stated El Paso has so much architectural fabric that establishing a *Heritage Tourism* economy could be accomplished very easily. However, before anything like that can be established, we need to make greater strides in saving our architecture.

MAP – REVIEW OF CURRENT DOWNTOWN HISTORIC DISTRICT

Chairman Berchermann asked Ms. Velázquez what the process would be to review, redraw the boundaries.

Ms. Velázquez responded she found an original map, which showed a much larger district. Most significantly, the recently demolished buildings (*constructed in the 1880s and 1890s*) located on El Paso Street were within the originally proposed historic district boundaries. The Downtown Historic District map was revised and gerrymandered due to political pressure. In order to get support to have a district many compromises were made, including removing structures to outside the boundaries, leaving them without any protection.

Even if those demolished structures were located within the boundaries of the district or non-contributing, the request to demolish would have to come before the commission. Should commissioners deny the request, the appeal would be presented to the city council.

Ms. Velázquez explained the current map boundaries, and why the district is so small, is the result of property owners not wanting to abide by all the restrictions.

DOWNTOWN VACANT BUILDINGS/PROPERTY OWNERS

Vice-Chairman Lopez stated the *city should establish fines, or incentives*, for all the vacant building property owners. Those individuals pay the same taxes as other downtown property owners who maintain their properties. At the very least, the vacant building property owners should maintain the façade.

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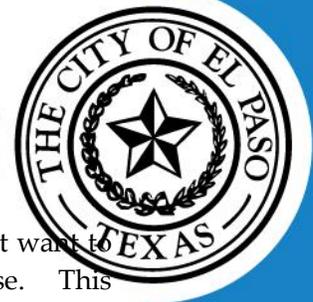
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Ms. Velázquez responded she has spoken to property owners who do not want to renovate their properties because their property taxes would increase. This unjustifiably penalizes those property owners who maintain their properties. Establishing incentives is not a city issue but a State of Texas issue; however, establishing fines is a city issue.

Chairman Berchelmann commented on the City of San Antonio’s efforts to combat vacant buildings with fines. From www.mysanantonio.com, he read into the record the *May 21, 2014, City Looks to Breathe Life Into Vacant Buildings* article.

Ms. Velázquez replied, as far as preservation programs, San Antonio is the gold standard. She elaborated on San Antonio’s preservation program department, what they do, etc., heritage tourism is a real money maker.

Ms. Nieman stated the City of El Paso does have a vacant building ordinance, similar to what the Chair read into the record. The ordinance is located in *Title 19 Building and Construction, Chapter 18.40 Vacant Buildings*, of the code, approved by City Council in 2013. She explained the Fire and Building Development & Permitting Departments were given this responsibility; however, she was unsure how successful the results are. Ms. Nieman noted there is language in the ordinance regarding registration provision fees and fines.

~~Chairman Berchelmann considered a building vacant if it was less than 75% or 90% occupied.~~ **Chairman Berchelmann asked if a building can be considered if it is less than 75% or 90% occupied.** However, in a five-story occupied building, the ground floor, or top floor, should not count. Furthermore, commissioners do not have a lot of *teeth* to propose changes.

In his opinion, Commissioner Helm said that the vacant building ordinances did not have a lot of *teeth* either; for example, \$500.00/\$750.00 fines for property owners is not a lot, unless it was per day.

Chairman Berchelmann asked staff if the city offered incentives to revitalize vacant buildings in downtown.

Ms. Velázquez responded there are grants and tax incentive programs for historic properties; additionally, there are fee waivers for permits. The fee waivers are to encourage property owners to remodel/maintain their properties. It was her opinion

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that the city is doing everything it could to give property owners the incentive to preserve their properties.

Other states, Commissioner Helm explained have been successful when they have taxed toward the highest end use of the building, *which is included in the property tax bill*, rather than its current vacant use. Otherwise, as currently exists, there is no incentive for property owners to improve their properties as this would increase the value of their property.

Ms. Velázquez explained, yes, buildings are taxed according to their best and highest use whether the building was vacant or not, which should incentivize property owners to get occupants into buildings and start paying rent. However, this is a state issue.

Vice-Chairman Lopez clarified the first step commissioners have to do is to redefine the Downtown historic district boundaries and the number of buildings.

Ms. Velázquez agreed and commented on the recently demolished buildings. If commissioners know of anyone they might recommend to serve on this board, please provide her with those names as soon as possible. She asked commissioners to start considering what changes they would like to make to *Chapter 20.20 Historic Landmark Preservation* as she would like to start discussing those changes in September. *To access any the City Municipal Code go to www.municode.com*. Ms. Velázquez recommended commissioners review Dallas, San Antonio, and Denver historic preservation landmark codes.

Commissioner Helm wondered if the City of Denver added taxes on the property tax side.

Ms. Velázquez was unsure; however, she would research that for the commissioner.

Chairman Berchelmann asked if any of the city council representatives had spoken with Ms. Velázquez regarding demolitions or matters related to historic districts.

Ms. Velázquez responded no. She added that there was not much staff and the commission could have done since those recently demolished structures were outside the boundaries of the Downtown historic district. It was her opinion that the commissioners and staff should approach the city council representatives first rather than vice-versa.

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Vice-Chairman Lopez noted the article, as read into the record by Chairman Berchermann, referred to properties inside and surrounding the historic districts.

Chairman Berchermann stated the article also referred to properties bordering the historic districts and not to bring down the value of those properties. He requested staff include this agenda item on future agendas for discussion and action.

Commissioner Lucero wondered if, as a commission, do commissioners need to support what was discussed at the June 2nd meeting. She noted that Dr. Grossman was requesting commissioners' support via the El Paso County Historical Commission. She suggested commissioners prepare a statement.

Ms. Velázquez concurred and reiterated that Dr. Grossman was asking for the commissioners' support.

PROPOSED ARENA

Vice-Chairman Lopez commented on recent city/county discussions regarding a proposed arena. He asked if staff knew where the proposed arena would be located.

Ms. Velázquez understood the proposed arena would be located downtown.

POINT OF ORDER

Ms. Nieman interjected this topic of discussion was not posted on the agenda unless the vice-chairman could relate the proposed arena to the agenda item.

Vice-Chairman Lopez explained the location(s) of the proposed arena would be valuable information to the commission as the arena could affect historic structures, especially if a structure is contributing or has historic value.

For Ms. Nieman, Ms. Velázquez explained properties may be located within a historic district or impact any designated properties. Should the proposed arena be located in the Downtown historic district, the request would be brought before the commission.

For example, Chairman Berchermann suggested the train station.

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Ms. Velázquez doubted the train station would be impacted as this is the only Daniel Burnham structure in El Paso. Furthermore, the train station is listed on the local, state, and national registers as a historic property.

RECOMMENDATION TO CITY COUNCIL

Ms. Nieman could find no reason why commissioners could not make a recommendation to city council. She asked how Dr. Grossman proposed to present his suggestion to City Council representatives. She understood Dr. Grossman is a member of the El Paso County Historical Commission; therefore, Dr. Grossman would present his recommendation to County Commissioners first. The County Commissioners would then prepare a statement or a resolution regarding the proposal.

Independent Progressive body: Afterward, County Commissioners would then bring their statement or resolution to City Council representatives so that some type of agreement between the two entities could be reached.

Chairman Berchelmann suggested commissioners wait until Dr. Grossman returns from being out of town.

Ms. Velázquez agreed and added he should return in approximately two months and commissioners could then ask Dr. Grossman for a formal written statement. Afterwards, commissioners could then decide what the next step would be.

Commissioner Moses suggested obtaining a formal written statement from the El Paso County Historical Commission, via Mr. Bernie Sargent.

Chairman Berchelmann suggested waiting for the El Paso County Historical Commission to prepare the documents.

Commissioners Moses suggested telling the El Paso County Historical Commission what commissioners are interested in.

EMAILING MR. BERNIE SARGENT

Ms. Velázquez suggested commissioners direct her to send an email to Mr. Sargent stating the El Paso Historic Landmark commissioners discussed Dr. Grossman’s

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proposal for an Independent Progressive body and list commissioner questions/concerns/information.

Chairman Berchelmann asked the other commissioners if they would like Ms. Velázquez to send an email to Mr. Sargent. Commissioners agreed.

Ms. Velázquez asked what questions/concerns/information she should ask Mr. Sargent.

Chairman Berchelmann would like to know what the El Paso County Historical Commission will be asking the city representatives for, for example, what the set up will be, what is the plan of action.

Ms. Velázquez replied she would send an email to Mr. Sargent in regards to:

1. What the plan of action is;
2. What the timeline for the plan of action is; and
3. Would Mr. Sargent like to address the commission.

Commissioner Helm wondered if the request to form this progressive independent body is above and beyond the city to look at the county's historic district and contributing properties or is that part of the whole discussion. If it is above and beyond:

1. Could commissioners address our concerns regarding the 10 structures demolished in this year; and
2. Will it be the City Council representatives who will review what structures are contributing;
3. Will it be another body; or
4. Will it be the El Paso Historic Landmark Commission?

Ms. Velázquez understood the independent body would be above and beyond. She also understood Dr. Grossman's proposal was to have this independent progressive body review the boundaries and contributing and non-contributing structures. Afterwards, the independent progress body review would be presented to commissioners for further review then to City Council for discussion and action.

Chairman Berchelmann asked if commissioners could propose changes to the Downtown historic district map to the City Plan Commission and City Council. He stated that there would have to be numerous public meetings, a very involved process.

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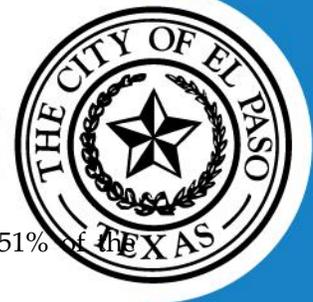
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Ms. Velázquez responded yes and explained that commissioners need 51% of the property owners' approval in order to designate an area as historic.

Chairman Berchelmann asked staff to research the names of property owners in the current downtown historic district.

Ms. Velázquez responded she would research that for commissioners and she will start with the original proposal and property owners.

Ms. Nieman explained commissioners should direct, make a motion, staff to have Ms. Velázquez research information.

Vice-Chairman Lopez explained, to designate a building as historic, commissioners and staff do not have to have approval from the property owner. It would probably be much easier to individually designate downtown buildings as historic rather than profile the historic map.

Ms. Velázquez agreed.

Commissioner Gomez asked staff if structures must meet certain criteria.

For individual properties, as well as historic district, Ms. Velázquez explained there are 11 criteria for designation. Those 11 criteria are then broken down into three categories:

1. Architectural;
2. Cultural; or
3. Historic.

However, the structure has to only meet one of these in order to be designated historic.

Commissioner Helm noted properties not located within an historic district can also be designated historic.

Ms. Velázquez agreed and added many properties within the Downtown district are considered landmarks, meaning the properties individually can stand on their own and be designated as historic without being part of a district.

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Commissioner Helm commented on the newly remodeled/renamed Multigate building. For example, the building is neither inside the historic district nor designated contributing property. Just because a structure is classified as non-contributing does not mean it is worthy of demolition.

Chairman Berchelmann requested Ms. Velázquez send an email to Mr. Sargent and ask if he would like to address the commission regarding Dr. Grossman’s proposal. He also requested staff leave this same agenda item language on for the next meeting. He requested commissioners review Chapter 20.20 Historic Landmark Preservation.

7. Approval of Regular Meeting Minutes for June 2, 2014

There were no minutes to review.

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:02 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