



**Economic & International Development Department**

**REVISED**

**HISTORIC LANDMARK COMMISSION MEETING MINUTES  
1<sup>st</sup> FLOOR, CITY COUNCIL CHAMBERS  
CITY HALL BUILDING, 300 N. CAMPBELL  
AUGUST 18, 2014  
4:00 P.M.**

**Mayor**  
Oscar Leeser

**City Council**

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Ann Morgan Lilly

*District 2*  
Larry Romero

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Claudia Ordaz

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

**City Manager**  
Tommy Gonzalez

The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 1<sup>st</sup> Floor, City Hall Building, August 18, 2014, 4:00 p.m.

The following commissioners were present:

- Chairman David Berchelmann
- Vice-Chairman Edgar Lopez
- Commissioner Randy Brock
- Commissioner Cesar Gomez
- Commissioner William C. Helm II
- Commissioner John L. Moses
- Commissioner Ricardo Fernandez (*left meeting at 5:01p.m.*)

The following commissioners were not present:

- Commissioner Beatriz Lucero

The following City staff members were present:

- Ms. Providencia Velázquez, Historic Preservation Officer, Economic Development
- Ms. Kristen Hamilton, Assistant City Attorney, City Attorney’s Office

**CALL TO ORDER**

Chairman Berchelmann called the meeting to order at 4:04 p.m., quorum present.

**CHANGES TO THE AGENDA**

*None.*

**I. CALL TO THE PUBLIC – PUBLIC COMMENT**

*None.*



**Economic & International Development Department**

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**II. REGULAR AGENDA – DISCUSSION AND ACTION**

**Certificate of Appropriateness**

1. **PHAP14-00020:** Being 124 Government Hill W. 107.67 ft. of (30 & 31) & S. 10 ft. of N. 20 ft. of W. 23.50 ft. of E. 83.33 ft. of 30 (5618.50 sq. ft.), City of El Paso, El Paso County, Texas
- Location: 1706 Raynolds Street  
 Historic District: Austin Terrace  
 Property Owner: Consuelo Diaz  
 Representative: Consuelo Diaz  
 Representative District: 2  
 Existing Zoning: R-4/H (Residential/Historic)  
 Year Built: 1938  
 Historic Status: Contributing  
 Request: Certificate of Appropriateness for the demolition of the existing rockwall garage and construction of a new stucco garage with shingle roof
- Application Filed: 8/4/2014  
 45 Day Expiration: 9/18/2014

Ms. Velázquez gave a presentation and noted the applicant is requesting a Certificate of Appropriateness for the demolition of the existing rockwall garage and construction of a new stucco garage with shingle roof. Per the presentation photo of the garage from the alley, Ms. Velázquez pointed out the very large crack in the rockwall and noted the garage was most likely not structurally sound. Per the diagram submitted, she pointed out that the property owner and the adjacent property owner’s garage were side by side and possibly share a common wall. The property owner would like to demolish the existing garage and construct a new garage similar to the existing house. The proposed garage would be stucco with a shingled gable roof facing the side. Ms. Velázquez read into the record the following:

The Historic Preservation Office recommends **APPROVAL WITH A MODIFICATION\*** 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:*
- *Retain the original materials and features of historic garages and outbuildings including windows, doors, siding, trim, and latticework. If replacement of an element is necessary, match the original in design, and, if possible, materials.*
  - *Design new garages and outbuildings to be compatible with the main structure on the lot in material and design, using existing historic outbuildings in the districts as an example.*
  - *Limit the size and scale of garages and accessory structures so that the integrity of the original structure, or the size of the existing lot, is not compromised or significantly diminished.*
  - *New garages and accessory buildings should be located in rear yards.*



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

- *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.*

***\*THE MODIFICATION IS THAT THE ROOF OF THE NEW GARAGE BE A FLAT ROOF WITH A PARAPET RATHER THAN A SHINGLE WITH A WOOD FINISH.***

Chairman Berchelmann commented on the existing house's pitched roof.

Regarding the proposed garage, Ms. Velázquez noted the proposed gable roof would face the side, the garage door would not be facing the front; additionally, the recommended modification would provide a very low parapet. Regarding additions in the historic district, she has previously cautioned property owners to keep it simple, not complicated. Although color(s) for the proposed garage have not been determined, she recommended color(s) to match the house.

Vice-Chairman Lopez agreed with Ms. Velázquez's recommendation regarding color(s). He requested the texture of the stucco, the eave, the profile of the roof and the shingle match the existing house. Furthermore, he felt the modification for a flat roof would complement the existing house, as long as the color and materials match.

Ms. Velázquez clarified the Vice-Chairman was in favor of the proposed design, as long as, the proposed structure matched, with regard to the color and texture of the stucco, etc., match the existing house.

Commissioner Helm asked Ms. Velázquez if the modification was to flatten the parapet or the roof.

Ms. Velázquez clarified to flatten the parapet and commented on the interior roof and drainage.

Commissioner Helm explained if they are to match the eave line then the parapet will be gone; however, if the proposed garage roof is to match the house then the parapet will come down underneath the roofline and the roofline will overhang the wall's eave three to six inches.

Vice-Chairman Lopez commented on the elevation having the same condition the overhead compartment. He recommended keeping the gable roof.

Chairman Berchelmann asked Ms. Velázquez if the garage doors would have windows.

Ms. Velázquez replied yes.

Vice-Chairman Lopez wondered if there were other garages with gable roofs in the neighborhood.

Ms. Velázquez responded, the abutting neighbor's garage.



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Mr. Frank Rodriguez, TRE Construction/representing the property owner, explained the suggestion for the gable roof was the neighbor. In the future, this neighbor might apply for a Certificate of Appropriateness to construct a gable roof on his garage, to match. Mr. Rodriguez explained that due to the lack of a drainage design, the rockwall is collapsing; furthermore, the existing garage foundation will have to be redone.

Chairman Berchelmann requested Mr. Rodriguez meet with Ms. Velázquez to discuss colors.

Commissioner Moses asked Mr. Rodriguez if the two garages share a common wall.

Mr. Rodriguez thought the two structures were separate due to an existing 2x4 structure inside the property owner's garage.

Vice-Chairman Lopez asked Mr. Rodriguez what the pitch was on the existing house and if he would be matching that pitch for the proposed garage.

Mr. Rodriguez thought the pitch was four on twelve.

Vice-Chairman Lopez clarified commissioners are requesting:

1. match the slope of the garage roof with the existing house;
2. remove the parapet on the sides; and
3. match the overhang with the existing house, all four sides

Mr. Rodriguez stated he would revise his blueprints as requested and relay this information to the applicant/property owner.

Per the presentation photo, Commissioner Gomez noticed the roof pitch of the two garages matched; however, he thought the pitch would be higher if it matched the house.

For clarification, Ms. Velázquez reiterated the requests stated by Vice-Chairman Lopez.

Vice-Chairman Lopez concurred and clarified, with the six-inch overhang, to match the existing house. Furthermore, the proposed pitch for the garage should match the existing house.

Commissioner Helm stated that certain shingles should not be used for the pitch of the garage.

Mr. Rodriguez noted shingles could be used on 2½ pitch roofs and clarified the commissioners request he construct a four-sided slope.

Vice-Chairman Lopez stated the same pitch as the house.

To clarify, Ms. Velázquez requested Vice-Chairman Lopez submit a drawing to her that she would forward to Mr. Rodriguez.



## Economic & International Development Department

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Oscar Leeser

Mr. Rodriguez asked commissioners if the slope should be from the back to the front or all four sides.

Vice-Chairman Lopez replied there were only two slopes, front to back.

**City Council**

Commissioner Helm explained that sloping all four sides would be a hip roof; commissioners request the proposed garage roof be a gable. Furthermore, the submitted drawings show a parapet on each side of the gable; commissioners request that he pull the parapet down and let the gable overhang the wall.

*District 1*  
Ann Morgan Lilly

Chairman Berchelmann reiterated the commission's requests as follows:

*District 2*  
Larry Romero

1. delete the modification as requested by staff;
2. maintain a gable roof;
3. colors and stucco texture to match the existing house;
4. shingles to match the existing house; and
5. garage door with windows.

*District 3*  
Emma Acosta

There was no further discussion.

*District 4*  
Carl L. Robinson

**1<sup>st</sup> MOTION:**

*District 5*  
Dr. Michiel R. Noe

*Motion made by Commissioner Moses TO APPROVE AS MODIFIED, THAT THE PITCH AND COLORS MATCH THE HOUSE.* Motion died for lack of second.

*District 6*  
Claudia Ordaz

Vice-Chairman Lopez added the words "existing house" and "removal of the parapet walls" to the motion language.

*District 7*  
Lily Limón

Commissioner Helm added the following language "modify the gable roof with no parapets."

*District 8*  
Cortney C. Niland

Vice-Chairman Lopez added "pitch to match the existing house."

Commissioner Helm included "pitch and overhangs to match the existing house". To clarify, he restated the additional motion language as "pitch, overhangs, shingles and shingle color, shingle color to be determined by staff."

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Vice-Chairman Lopez added "and stucco."

**FINAL MOTION:**

*Motion made by Commissioner Helm, seconded by Commissioner Fernandez AND UNANIMOUSLY CARRIED TO APPROVE WITH THE FOLLOWING MODIFICATIONS:*

1. **THAT THE PITCH AND COLORS MATCH THE EXISTING HOUSE;**
2. **THAT THE PARAPET WALLS BE REMOVED;**
3. **MODIFY THE GABLE ROOF WITH NO PARAPETS;**



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4. *THAT THE PITCH AND OVERHANGS MATCH THE EXISTING HOUSE; AND*
  5. *THAT THE PITCH, OVERHANGS, SHINGLES, SHINGLE AND STUCCO COLOR, TO BE DETERMINED BY STAFF, MATCH THE EXISTING HOUSE*
2. **PHAP14-00021:** Being 31 Manhattan Heights 47 & 48, City of El Paso, El Paso County, Texas
- Location: 2701 Silver Avenue  
 Historic District: Manhattan Heights  
 Property Owner: James and Deborah Peterson  
 Representative: James and Deborah Peterson  
 Representative District: 2  
 Existing Zoning: R-3/H (Residential/Historic)  
 Year Built: 1913  
 Historic Status: Contributing  
 Request: Certificate of Appropriateness for the construction of a garage and patio at the rear property line, and masonry walls at the side and rear property lines
- Application Filed: 8/11/2014  
 45 Day Expiration: 9/25/2014

Ms. Velázquez gave a presentation and noted the applicant is requesting a Certificate of Appropriateness for the construction of a garage and patio at the rear property line, and masonry walls at the side and rear property lines. The property is located at the very edge of the historic district at the corner of Silver Avenue and Louisiana Street. Per the presentation photos, Ms. Velázquez explained the Historic Landmark Commission approved the construction for the addition several years ago. She noted the exterior for the addition was red concrete, with some detailing to match the home, to include the masonry lintels and the corner cornices and the quoining. Due to the volume of pedestrian traffic through their property, the property owners are requesting masonry walls at the side and rear property lines. Additionally, the wall facing Louisiana Street will be eight feet high, concrete block and a small metal fence at the very top. The patio would be covered with the concrete wall directly behind. Per the drawings submitted, Ms. Velázquez explained the proposed, tinted concrete garage would be accessible from Louisiana Street.

A photo of the rear property and the alleyway off Silver Avenue showed the property situated very high off the street. Photos of the alleyway, from east to west and vice-versa, reveal a dramatic drop in elevation preventing access to the property via the alley; however, the property is too accessible from the street. Ms. Velázquez read the following into the record:



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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:*

- *Construction of new fences, stairs, or sidewalk rails and replacement of older existing fences is allowed on historic properties provided that the proposed site feature is of a compatible material and scale. Rock, brick, wood and wrought iron are acceptable materials but each case is decided individually.*
- *Solid walls are appropriate for the side property lines while an open fencing material is more appropriate for the front portion of the property.*
- *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.*
- *Design new garages and outbuildings to be compatible with the main structure on the lot in material and design, using existing historic outbuildings in the districts as an example.*
- *Limit the size and scale of garages and accessory structures so that the integrity of the original structure, or the size of the existing lot, is not compromised or significantly diminished.*
- *New garages and accessory buildings should be located in rear yards.*

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

- *New additions, exterior alterations, or related 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.*

Mr. James Peterson, property owner, brought with him a sample of the proposed red cinderblock. From the alleyway photo, he explained several of the properties provide access to the garages via the alleyway; however, that was not possible for him.

Commissioner Helm wondered if the zoning allowed construction up to the property line.

Mr. Peterson explained zoning staff has reviewed and approved his plans; however, there was an issue regarding the eight-foot high wall along Louisiana Street. Zoning staff informed him that, due to the height of the wall, he would have to submit sealed plans prior to issuance of a permit.

Ms. Velázquez clarified the eight feet includes the fence; additionally, she had requested Mr. Peterson have Zoning staff review and approve his plans prior to submittal.



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Regarding the cinderblock, Commissioner Helm asked which side, smooth or textured, would be showing.

### City Council

Mr. Peterson stated the majority, visible from the street will be textured. Regarding the brick on the original structure, patterns of textured brick are visible; however, below the windows and corners, there is smooth brick.

*District 1*  
Ann Morgan Lilly

Vice-Chairman Lopez expressed his concerns regarding the very visible inconsistency of exterior materials for the two existing structures and the proposed. He noted the original structure has red brick, the addition shows red concrete and the request today is for cinderblock. He felt this would set a precedent within the historic district. Furthermore, materials for the proposed fence and garage are not appropriate.

*District 2*  
Larry Romero

Regarding the addition, Ms. Velázquez explained the material is not a red brick but something commissioners felt was compatible, at that time. She noted the material is actually *tinted masonry*; what we call *smooth concrete*, to match the house. Furthermore, differences in material provide a visible/noticeable difference distinguishing the addition from the original structure.

*District 3*  
Emma Acosta

Mr. Peterson commented on the history of his home and the neighborhood. He explained that when he appeared before the Commission to construct the addition, commissioners asked him why he selected concrete over brick. His response was he was he was unable to find matching brick.

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

In reference to the proposed and existing exteriors, Chairman Berchelmann advised commissioners that three different types of materials would not be appropriate.

*District 6*  
Claudia Ordaz

Ms. Velázquez stated commissioners could request the property owner to use brick instead; however, the proposed brick should match the original structure.

*District 7*  
Lily Limón

Commissioner Helm asked Ms. Velázquez what the overall height of the proposed structure would be.

*District 8*  
Cortney C. Niland

Ms. Velázquez responded the garage itself would be 10 feet.

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Referring to the façade and fence elevation drawings, Vice-Chairman Lopez noted the drawing does not show the lintel above the garage door. He added the lintel and parapet should match the windows of the existing house. He asked Mr. Peterson how he would finish the top of the CMU, if he would be capping the top of the CMU with concrete. Vice-Chairman Lopez requested Mr. Peterson do the same for the lintel as the windows. He also requested adding a concrete cap, or ledge, for the top, the columns, and below/underneath the metal fencing, to match the existing addition (form and color). Additionally, he noted the door was not included in the drawing



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For clarification, Ms. Velázquez reiterated the Vice Chairman's requests.

Not only would the ledge add a nice finishing touch, Vice-Chairman Lopez explained it would also prevent water from penetrating that wall.

Commissioner Helm asked what the intent of the roof was, was it to seal the roof with a parapet or overhang the roof, with the addition of the house.

Ms. Velázquez noted she had asked the same question of Mr. Peterson. She explained it would be a sort of pitch roof to allow for water runoff; however, due to the proposed construction of the walls it will not be visible from the right-of-way.

Commissioner Helm clarified the water runoff would remain on the property.

Commissioners had no further questions for staff or the property.

**MOTION:**

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

1. **INCLUDE A CONCRETE LEDGE (COPING STONE) ON TOP OF THE PARAPET WALL ON THE GARAGE AND PORCH;**
2. **INCLUDE A CONCRETE LEDGE (COPING STONE) ON THE FENCE COLUMNS AND LOWER PORTION OF THE FENCE;**
3. **INCLUDE A CONCRETE LINTEL ON TOP OF THE GARAGE DOOR TO MATCH THE EXISTING LINTEL ON THE WINDOWS; AND**
4. **THE EAVE (VISIBLE FROM THE STREET) TO MATCH THE EXISTING**

*Following the vote, Commissioner Fernandez left the meeting. (5:01 p.m.)*

3. 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. August 18, 2014 deadline for HLC members to request for agenda items to be scheduled for the September 8, 2014 meeting. September 8, 2014 deadline for HLC members to request for agenda items to be scheduled for the September 22, 2014 meeting.

Commissioners submitted no addresses for staff review or investigation.



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### 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.

Commissioner Moses requested clarification regarding the following:

#### MISSION TRAIL HISTORIC DISTRICT

**PHAP14-00088-169 Gaspar Street, Salome Puentes (owner)** – Non-Contributing Property – A request was made to remove the garage door and replace with a 3040 single hung to match other windows of home and vertical siding to match front entrance. Paint to match existing.

Ms. Velázquez explained she had spoken with the property owner and explained the request had to come before the HLC for approval; however, while she was away on vacation another staff member approved the request, inadvertently.

#### **MOTION:**

*Motion made by Chairman Berchelmann, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE HLC STAFF REPORT.*

*Prior to the meeting, copies of the El Paso Municipal Code Chapter 20.20 were distributed to commissioners.*

### Other Business – Discussion and Action

- Discussion regarding an amendment asking judges to fine violators and order remedies for violations and the Building Permits and Inspections department issuing triple fines for violations. Must be presented to City Council.

Ms. Velázquez explained staff placed the item on the agenda due to the outcome pertaining to the property located at 1033 Upson Drive. Since 2011, Code Compliance staff has monitored the property; however, due to non-compliance with the *City Council motion* \*\* the case went to court whereby the judge fined the property owners \$500.00 each. She asked commissioners what to do about this now; additionally, as far as she was concerned, the property continues to be in violation to the guidelines. Ms. Velázquez explained she would meet with Code Compliance and Legal staff to discuss options.

*\*\* Motion made by Representative Niland, seconded by Representative Byrd and UNANIMOUSLY CARRIED TO DENY the item to overturn the decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP11-0030 at 1033 Upson, El Paso, Texas, on September 26, 2011, to deny a certificate of appropriateness application for the referenced property.*



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Ms. Hamilton, referring to *El Paso Municipal Code, Chapter 20.20 Historic Landmark Preservation, Chapter 20.20.140 – Penalty for demolition or alteration without permit* and explained the section discusses the value of remediation, if the value of remediation is appropriate and imposing fines. However, commissioners and staff have limited control.

Ms. Hamilton continued to respond to commissioner's comments and/or question, providing legal advice.

Chairman Berchelmann wondered if the damages could have been equal to the cost of the rehabilitation. He asked if the ordinance language could be amended to include a *step ladder* for penalties.

Ms. Velázquez noted there are many ways of removing paint from brick; furthermore, she would have recommended chemical stripping and power washing. As there were two property owners, each fined \$500.00, that amount of money would have been sufficient to buy paint stripper and rent the equipment.

Chairman Berchelmann asked if the property owners must return the structure to its original state, prior to painting the brick.

Staff replied, therein lies the predicament. Ms. Hamilton reiterated Legal and Code Compliance staff and Ms. Velázquez will meet and discuss the case prior to and after the case was heard in court.

Commissioner Helm clarified the penalty language says *the fine could be equal to the remediation, not to include, labor/equipment costs.*

Ms. Hamilton stated if it were impractical to restore it.

Commissioner Gomez wondered if the city imposed an administrative fine, prior to the case going to court.

Staff replied no; however, this discussion heightens the importance of commissioners and staff discussing and amending *Chapter 20.20 Historic Landmark Preservation*. The fee to appeal the decision(s) of the HLC to the City Council; was imposed by council in 2011.

Chairman Berchelmann asked staff if the judge referred to the code prior to rendering his decision.

Commissioner Helm clarified the judge has the power to order property owners to restore structure(s) to their original state.

Staff explained the case was already ruled on; therefore, the city could not re-rule, unless the city appeals the judge's decision to the district court.



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Chairman Berchelmann asked staff if it were possible to include language in the ordinance regarding ~~trouble~~ triple damages.

Commissioner Helm asked if it were possible to consider cases similar to condemnations presented to the Building and Standards Commission.

Commissioner Moses suggested staff research other cities' ordinance language.

Staff will research the City of San Antonio Historic Guidelines and codified violations specific to penalties and the enforcement thereof. Additionally, staff will consult with the State of Texas' Texas Historical Commission regarding same.

Chairman Berchelmann requested staff to post the item on future agendas and provide commissioners with updates.

Vice-Chairman Lopez asked staff if this was the first time property owners were issued fines for non-compliance.

Staff responded no; a judge usually orders the property owner(s) to remove/correct the violation.

- Reminder to review Chapter 20.20 and set a date to discuss changes.

At the September 22, 2014 meeting, commissioners and staff will discuss changes to Chapter 20.20.

- Approval of Regular Meeting Minutes for July ~~17~~ 21 and August 4, 2014.

Ms. Velázquez noted the date for the July meeting minutes should read "21."

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

### JULY 21, 2014

#### **MOTION:**

*Motion made by Commissioner Gomez, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE JULY 21<sup>st</sup> MEETING MINUTES.*

**ABSTAIN:** *Commissioners Helm and Moses*

**NOT PRESENT FOR THE VOTE:** *Commissioner Fernandez*



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*AUGUST 4, 2014*

Chairman Berchelmann asked Ms. Velázquez if the property owner located at 4426 Cumberland Avenue had appealed the commission’s decision to City Council.

Ms. Velázquez replied no, not at this time.

**MOTION:**

*Motion made by Commissioner Helm, seconded by Commissioner Moses AND UNANIMOUSLY CARRIED TO APPROVE THE AUGUST 4<sup>TH</sup> MEETING MINUTES.*

**ABSTAIN:** *Commissioners Brock and Gomez*

**NOT PRESENT FOR THE VOTE:** *Commissioner Fernandez*

**MOTION:**

*Motion made by Chairman Berchelmann, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:12 P.M.*