



Economic & International Development Department

**HISTORIC LANDMARK COMMISSION MEETING MINUTES
FIRST FLOOR, CITY COUNCIL CHAMBERS
CITY HALL BUILDING, 300 N. CAMPBELL
OCTOBER 6, 2014
4:00 P.M.**

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The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, First Floor, City Hall Building, October 6, 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 II

The following commissioners were not present:

Commissioner John Moses
Commissioner Ricardo Fernandez

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 4:16 p.m., quorum present.

CHANGES TO THE AGENDA

Ms. Velázquez requested commissioners move I. CALL TO THE PUBLIC – PUBLIC COMMENT to the end of the agenda.

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO MOVE I. CALL TO THE PUBLIC – PUBLIC COMMENT TO THE LAST ITEM OF THE AGENDA.



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I. CALL TO THE PUBLIC – PUBLIC COMMENT

1. Mr. Bernie Sargent, Chairman, El Paso County Historical Commission (“EPCHC”)
2. Dr. Max Grossman, Vice-Chairman, El Paso County Historical Commission

II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

1. **PHAP14-00025:** Being 12 Mundy Heights 12 & 13 (6000 sq. ft.), City of El Paso, El Paso County, Texas
 Location: 1520 Mundy Drive
 Historic District: Sunset Heights
 Property Owner: Selene Carbajal
 Representative: City of El Paso, Department of Community Development
 Representative District: 8
 Existing Zoning: R-4/H (Residential/Historic)
 Year Built: 1914
 Historic Status: Contributing
 Request: Certificate of Appropriateness for the removal of the windows on the rear addition and infilling the masonry openings with concrete and stucco
 Application Filed: 9/22/14
 45 Day Expiration: 11/6/14

Ms. Velázquez gave a presentation and noted the applicant is requesting a Certificate of Appropriateness for the removal of the windows on the rear addition and infilling the masonry openings with concrete and stucco. Per the presentation photos, from the street view, the addition is partially visible from the front right-of-way; however, from the back alley, you can almost see the entire structure.

Regarding the remodeling, Ms. Velázquez noted the proposal included removing and replacing the roof, some painting and window replacement.

Regarding the addition, Ms. Velázquez explained the property owner would like to use this structure as extra storage, closet space and laundry room. Ms. Velázquez explained the original home was brick with 1/1 windows; however, the addition was a stucco surface with casement windows.

Constructed in 1914, the home has adequate living space but not closet space. The proposal is to remove some casement windows on the rear facade to install some stucco in the window openings and close off the openings. Presentation photos of the addition from the rear façade showed that the masonry structure, in the front, did block most of the view of the addition.

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Photos of adjacent properties in Sunset Heights showed different character and window types.

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

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 and preserve the pattern, arrangement, and dimensions of door and window openings on principal elevations.*
- *Windows in secondary façades shall be reviewed on a case by case basis.*

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.*
- *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.*

***THE MODIFICATION IS THAT THE WINDOW OPENINGS BE FILLED IN BUT NOT COVERED WITH STUCCO SO THAT THE FENESTRATION PATTERN REMAINS VISIBLE.**

Ms. Selene Carbajal, property owner, stated she preferred Mr. Ramirez' original plans showing the removal of all windows from the structure; additionally, Ms. Carbajal commented on the cost and maintenance of the windows. Ms. Carbajal responded to comments/questions from the commissioners and staff.

Mr. Sotero Ramirez, Community and Human Development, Housing Division, Housing Construction Specialist, responded to comments and questions from commissioners.

In response to Ms. Carbajal's comments, Vice-Chairman Lopez questioned the Historic Preservation Officer's recommendation to remove all existing windows and install recessed concrete masonry units in the openings.

When first submitted, Ms. Velázquez explained, the application proposed numerous requests, including the removal of the windows. Originally, Ms. Velázquez proposed the property owner install a new window, perhaps 1/1, locking the window from the inside. The property owner would then have a window without having to appear before commissioners; however, that was not what the property owner and representative wanted. They really wanted to block up the window opening.

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Ms. Velázquez explained that to allow the property owner and representative to infill the window opening (which will be visible from the front right-of-way) the request would have to come before the commission. Window openings in historic districts are highly valued. Therefore, Ms. Velázquez proposed that the property owner and representative remove and infill the window with recessed concrete blocking but *do not fill in with stucco*. If, in the future, if this or another property owner wants windows, the window openings would be there.

Commissioner Gomez clarified the wall would not be flush yet the window would be outlined.

Mr. Ramirez, staff, Community and Human Development Department, concurred with Ms. Velázquez's proposal. He would pass this information along to the contractor. He noted the main issue was additional closet space.

For Mr. Ramirez, Ms. Velázquez clarified "*plaster is used mostly on the interior*" whereas "*stucco is used mostly on the exterior.*" She advised Mr. Ramirez to remove the casement windows, install masonry blocks perhaps even brick, apply mortar and leave it alone, nothing else. This would be a cost saving solution, as well.

Vice-Chairman Lopez requested Mr. Ramirez recess the window slightly to ensure the appearance of a shadow line between the wall and the window. The Vice-Chairman recommended Mr. Ramirez use metal wood studs, narrower than 4" or 6", to allow the shadow line indentations.

Mr. Ramirez concurred with the Vice-Chairman then commented on components of the detailed site development plan.

MOTION:

Motion made by Vice-Chairman Lopez, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE THE REMOVAL OF THE WINDOWS ON THE ADDITION AND INFILLWITH MASONRY WITH THE MODIFICATION THAT THERE BE AN INDENTATION OF A COUPLE INCHES TO SHOW THE EXISTENCE OF THE WINDOWS.

- 2. **PHAP14-00026:** Being 2 Castle Heights E. 63 ft. of 7 to 10, City of El Paso, El Paso County, Texas
 - Location: 2906 Silver Avenue
 - Historic District: Manhattan Heights
 - Property Owner: Karla V. Frausto
 - Representative: Karla V. Frausto
 - Representative District: 2
 - Existing Zoning: R-3/H (Residential/Historic)
 - Year Built: 1922
 - Historic Status: Contributing

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Request:	Certificate of Appropriateness for the removal of an existing window and modification of the opening to accommodate a door and replacement of a 1/1 window with a fixed single pane window
Application Filed:	9/24/14
45 Day Expiration:	11/8/14

Ms. Velázquez gave a presentation and noted the applicant is requesting a Certificate of Appropriateness for the removal of an existing window and modification of the opening to accommodate a door and replacement of a 1/1 window with a fixed single pane window. Per the presentation photos, Ms. Velázquez noted there is an alleyway between 2906 and 2920 Silver Avenue. From the rear of the façade, Ms. Velázquez explained, because of the alleyway a portion(s) of the remodeling will be visible from the street. The owner is proposing to remove the window, on the left hand side closest to the door, and turn the window space into door space. Then remove the 1/1 window, next to the now door space, and turn that into a single-pane window.

In 2006, Ms. Velázquez noted, the Historic Landmark Commission approved a very similar configuration on the south façade, different wall.

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.*
- *Windows in secondary façades shall be reviewed on a case by case basis*

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.*

Vice-Chairman Lopez wondered if the arched window on the main façade was original; additionally, he wondered if the windows in the back had muntins.

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Ms. Velázquez explained, in the past, the property owners have tried to patch or repair the arched window several times; however, this time the property owners will be replacing that in-kind, with wood. Regarding the muntins, Ms. Velázquez responded no they do not.

Chairman Berchelmann asked what the replacement type window would be.

Per the presentation photo, Ms. Velázquez pointed out the replacement type window.

Ms. Karla V. Frausto, property owner, provided further explanation regarding the proposed replacement window type.

Commissioner Helm asked Ms. Frausto if the proposed replacement window type was selected to match the existing windows.

Ms. Frausto replied, yes.

Vice-Chairman Lopez asked Ms. Velázquez if the entire house was under renovation.

Ms. Velázquez responded yes, for repairs and repainting; furthermore, the property owners have received window permits to replace the deteriorating windows with in-kind, sash windows, 1/1.

MOTION:

Motion made by Commissioner Helm, seconded by Vice-Chairman Lopez AND UNANIMOUSLY CARRIED TO APPROVE.

- 3. Discussion and action amending Chapter 20.20 (Historic Landmark Preservation) of the El Paso City Code.

Following the discussion on agenda item 10., Chairman Berchelmann directed commissioners, staff and members of the public to agenda item 3.

Additionally, commissioners requested the following agenda items be discussed concurrently:

- 1. **I. Call to the Public – Public Comment;**
- 2. *3. Discussion and action amending Chapter 20.20 (Historic Landmark Preservation) of the El Paso City Code.*
- 3. *6. Results of research on the City of San Antonio Historic Guidelines and codified violations specific to penalties and the enforcement thereof and the State of Texas’ Texas Historical Commission regarding same. (postponed from 09.08.2014)*
- 4. *8. Discussion and action regarding an amendment asking judges to fine violators and order remedies for violations and the Building & Development Permitting department issuing treble fines for violations. Must be presented to City Council. (postponed from 08.18.14)*

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I. CALL TO THE PUBLIC – PUBLIC COMMENT

1. Mr. Bernie Sargent, Chairman, El Paso County Historical Commission (“EPCHC”) honored to come before commissioners to discuss a topic very near and dear to the EPCHC.
 - a. Language in the code needs to be revisited; not only do we have historic buildings, we have historic code that needs to be addressed.
 - b. Mr. Sargent and Dr. Max Grossman, Vice-Chairman, EPCHC, and member of the Texas Trost Society, met with five of the City Council representatives with their thoughts and ideas about a presentation to City Council and the HLC with regard to Chapter 20.20, as well as how the EPCHC is handling other codes around the county.
 - c. Of the five City Council representatives, all five have been overwhelmingly supportive of what was presented to them.
Mr. Sargent and Dr. Grossman should meet with the remaining three representatives within the next two weeks; additionally, if possible, they would like to meet with the Mayor and the City Manager, as well as State Representatives and Congressman O’Rourke.
Mr. Sargent and Dr. Grossman will present the same material just to share with them the EPCHC’s thoughts, ideas and passions regarding preserving El Paso’s heritage and culture by way of the historic buildings.
 - d. Recently, a number of people were in our downtown area to witness the fabulous historic buildings and architecture we have here. Mr. Sargent received a phone call from a group in Arizona who will be traveling to El Paso for a “Day of the Dead” event; however, they are also interested in our historic buildings. The caller told him she wanted to *“see some of the buildings before they too are dead.”*
2. Dr. Max Grossman, Vice-Chairman, El Paso County Historical Commission, was honored to come before commissioners today. He stated the EPCHC members are thrilled that we all are finally taking a good hard look at the code. The code is greatly flawed with loopholes, redundancies, etc., that really do not adequately protect our historic building stock.
 - a. Dr. Grossman and Mr. Sargent will be meeting with the remaining three City Council representatives, the Mayor, Senator Jose Rodriguez, Congressman Beto O’Rourke, the Texas Historical Commission, and possibly the National Park Service. We are moving towards a consensus, a possible solution, to what we see as a very serious set of problems. These problems are:

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- i. **The code**
Established in 1978 and greatly flawed.
- ii. **The boundaries of the Downtown Historic District**
Established in 1992, are completely arbitrary. Those charged with creating the boundaries had little or no experience in architectural history or scenic planning. The criteria were never publicly verified, there was no proper discussion and even the boundaries, as established, were gerrymandered and ultimately revised in the final iteration in 1992, leaving out important buildings and entire streets outside of that district.
- iii. **The designations of the buildings within the district**
Contributing/non-contributing – the terms are completely arbitrary. Designating very significant buildings as non-contributing, perhaps assigning undue importance to others, these designations definitely need to be revisited as well. Because these designations, and the boundaries of the district, were used as justification for the destruction of important historic buildings by Henry C. Trost, for example, that were structurally sound but, in one case, outside the district and another case, within the district but non-contributing. These designations and the boundaries of the district were determined in 1992 by people who did not refer to experts and establish proper criteria for the boundaries and designations of these buildings.

Dr. Grossman reiterated the three main problems regarding the code, the boundaries, and the buildings. The EPCHC is proposing to address all three, comprehensively, as follows:

1. **An 18-month moratorium on the demolition of all architecture within the City of El Paso constructed before 1940.**
It is the EPCHC's contention that the moratorium will affect a very small number of building projects.
2. During the moratorium, **City Council appoints a non-partisan commission of experts in architectural history and planning.**
Experts that have no connections to the development community and no connections to politicians, some may be brought in from the outside. These experts will do what did not get done in 1992 or properly done in 1978, when this code was written:
 - a. Review Chapter 20.20 of the code;
 - b. Review the boundaries of the Downtown Historic District; and
 - c. Review the designations of the buildings that belong to that district
3. The commission will report to the City Council. These ideas and recommendations from this commission will be vetted, debated, discussed.

The EPCHC members are seeking endorsements from organizations within the development community such as the THC and National Park Service, key developers, stakeholders, and

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politicians. They are hoping to join the HLC in a collaborative effort to reform the code while taking a good, hard, objective look at the boundaries, a win-win situation for all.

From 1979 to 2012, 33 years, not a single important historical building was demolished in the Downtown Historic District. Since 2012, we have lost nine:

1. Two of them Henry C. Trost buildings, buildings that were structurally sound.
2. Five of those buildings, an entire city block, went down, located at the southwest corner of San Antonio Avenue and Mesa Street. Properties strategically acquired over a 20-year period, demolished at the cost of \$500.00 and very little controversy.
 - a. The John Muir lot;
 - b. The lot left vacant by the fire that burned down the First National Bank building;
 - c. Which also led to the subsequent demolitions of the Union Bank and Trust building; and
 - d. The Gem Theater.

A total of nine buildings, three empty lots, with no new development plans in sight.

I am just looking over the Chapter 20.20 amendments proposed by Ms. Velázquez, she does great work. Five years ago, the subcommittee I preside over, the Architectural Preservation subcommittee comprised of 19 professional volunteers, attorneys, planners, etc., went over the this line-by-line. The honorable Judge Chew, a very talented attorney, exclaimed several times that he had never seen such a poorly crafted piece of legislature with so many problems. The result we are seeing now is the creation of empty lots, the destruction of architectural fabric which will be fundamental for our future economy.

We are going down a path that leads to Las Cruces rather than a path that leads to Mesilla, Santa Fe or San Antonio. If we do not make these changes, we're not going to be able to arouse support for this process. We see this as a process that will lead to economic development, not such cultural and historic preservation, but economic development. We see the preservation of a few historic city blocks that are our downtown as essential to the future of our economy.

The EPCHC wants to be a partner in this effort, we stand ready to help, we have experts in our organization, and we have been working on this for years. We thought, initially, the best way to handle this was from the bottom up; start with planning, economic development and try to get through specific proposals/reforms to Chapter 20.20. We realized that would be futile. This has to be a top down effort; we did not have initiative leadership in the City Council.

I would like to point to three or four very important reforms that I hope would be included in any final package:

1. Historic Landmark Commissioners keep getting overruled on very important decisions. You are appointed by City Council because you are experts. For example, on the John Muir building commissioners voted 8-0 to deny demolition because it was Trost, it was

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structurally sound, it was in the Downtown Historic District, and it was located on the most historic square, San Jacinto Plaza. It is gone, the Trost building that stood between two Trost buildings on our most historic square, because your decision was appealed to City Council. According to the code, an appeal is approved by a simple majority of City Council representatives; representatives have no expertise in these matters. Not one knows anything about city planning or architectural history.

- a. Rather than a simple majority of representatives to overrule a decision of the HLC, the number should be seven or the full court of everyone present. Certainly, higher than a simple majority, especially for something like a Trost building.
- b. Nor should the Fire Marshal have the power to unilaterally demolish a building deemed blightable. The code language here is so vague that even without the City Council and without the HLC, it would not be difficult to demolish a building simply with one signature, according to Judge Chew’s legal analysis.
- c. In other cities, including San Antonio, these decisions are kept in the hands of experts and depoliticized, to the highest extent possible. We need to move in the direction of depoliticizing demolition and modification and make certain that these decisions are in the hands of people like Historic Landmark commissioners.
- d. Then within the context of the larger economic plan, that includes historic preservation and a long-term strategy that will put our economy on a forward trajectory. We should be moving toward preserving corridors of architecture, corridors like San Antonio and El Paso Street, corridors of continuous historic architectural fabric rather than the outdated model which calls for preserving iconic buildings and that of the fabric between and among the buildings to be demolished and erased, therefore, leaving these beached whales of iconic monuments from the late 19th, early 20th century with nothing between them. That’s not what they did in the *Gas Lamp District* in San Diego or the *Riverwalk* in San Antonio or in communities like Mesilla where entire streets have been conserved. Not all streets, just some, enough to maintain a critical mass of culture and history so that we can hold onto the development our economy.

In conclusion, we will be judged by what we have now, 200 or 300 years from now, looking at empty lots and blighted remains of what we once had; we will be judged based on the decisions we are making today. This has happened very quickly, the last two years this process has been set in motion.

We need to promote the idea that to be a building owner, the owner of a Trost building or the 1925 building, is more than just being a property owner, you are a custodian of the architectural patrimony of the community that is centuries old. We need to promote this concept somehow and make people understand the value of this architecture.

Driving along I-10 from the northern border of this municipality to Socorro, 40 or 50 minutes of strip malls, sprawling suburbs and uninspired muck made of concrete. I’m talking about

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just a few blocks which represent less than 1/10th of 1% of the building fabric of this city. Our code is an embarrassment that just has to be fixed. I am so glad that Ms. Velázquez and the HLC are taking the lead and getting this through. I hope that we can coordinate our efforts and since we do have the backing of the majority of City Council we can perhaps bring your effort under the umbrella and promote this together along with revisiting the boundaries of the district and the designations therein. This is part of a unified reform and as part of a coordinated strategy which will take into account our future economy and which will have the backing of City Council.

QUESTIONS AND ANSWERS – DR. GROSSMAN

Chairman Berchelmann referred to Dr. Grossman's comment regarding super majority of City Council and wondered if the Mayor held the ultimate veto on anything.

Ms. Hamilton explained the Mayor can veto, even with a super majority of Council, on something like that; however, she would have to do some research first.

Chairman Berchelmann referred to Dr. Grossman's proposed 18-month moratorium, which five City Council representatives are in support of, even that could still be vetoed by the Mayor.

Ms. Hamilton was unsure.

Dr. Grossman explained we will be presenting our proposals to Mayor Leeser last. We would like to propose, 7 out of 8, or 8 out of 8 therefore, having a broad consensus of the preservation of this community and also among El Pasoans, not to mention the development community like Mr. Gaddy and Mr. Foster. These gentlemen are spending 100s of millions of dollars and they don't want empty lots surrounding their preservation projects.

Chairman Berchelmann would hate to have something derailed by a veto. When there is a veto, Council can try to overturn a veto with a super majority vote.

Chairman Berchelmann liked the proposal of bringing people in from the outside, might be one of the few ways to get someone not connected to the development or political communities.

Dr. Grossman clarified the EPCHC is perfectly willing not to participate at all; we just want experts to handle this process and make expert recommendations.

Chairman Berchelmann asked if these individuals would be paid or if there would be some type of funding and where would the funding come from.

Dr. Grossman explained yes, these individuals would be paid, somewhere between \$300 to \$500, the funding would have to come from a municipal body considering what is at stake.

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We plan to finish this process by mid-November, at the latest, and have already submitted our recommendations to the City Council. What we are doing now is meeting the remaining Council representatives, getting their input, not imposing our ideas on them. When all is said and done we plan to submit a one-page proposal to Council, with some statistics as well. What we are proposing is quite reasonable.

Chairman Berchelmann asked if the 18-month moratorium was full-scale demolitions or façade changes or replacing windows or other remodeling projects, those could move forward.

Dr. Grossman responded full-scale demolitions; yes, small projects could move forward. We want to stop this domino effect. We fear that a whole slew of demolition permits will be appearing very soon. Understanding who owns what property. We fear for a number of important buildings downtown.

Chairman Berchelmann asked Dr. Grossman if the goal was to get the moratorium before knowing if council would approve the full package with funding the study or do you want those together.

Dr. Grossman replied we are hoping to get all of this voted on together in November. It does take time to meet with all the politicians and members of the development community on top of our regular day jobs.

Commissioner Helm wondered what the major discussions with the National Park Service would be regarding.

Dr. Grossman explained the Park Service is involved with the establishment of national landmarks and to identify the key people to talk to. We are hoping to attain an endorsement of this project from the National Park Service. Because the buildings we are talking about are nationally significant, we have quite a few nationally recognized buildings but really it's just a drop in the bucket because there are many other structures that should be nationally recognized. I think that the federal government will understand that and recognize that this is an important effort for the country, not just for the city.

Commissioner Helm wondered if it was worth considering a discussion with them and Congressman O'Rourke about the National Park Service district, whereas, national protection for the historic district. A bit of a stretch but ...

Dr. Grossman responded that would be very possible; however, that would be up to the Commission. The Commission can say, "Look, these buildings are so significant, you have no idea what you are dealing with here, we really need the highest level of protection for these 20 buildings or these corridors."

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I forgot to mention that the economic hardship, that is something that really needs to be looked at very thoroughly. That argument could be made about anything. The bar needs to be set a lot higher than what we see in the language, the statute.

Chairman Berchelmann and Commissioner Helm agreed. Chairman Berchelmann remembered asking for specific numbers because what is hard for one person is not hard for another. Commissioners would ask how much would it cost and applicants would respond, "We don't know, we just know it's a lot" which was very frustrating. When it comes to demolition, there should be a detailed analysis; even for new projects a financial analysis is prepared. Commissioners were always frustrated because we were never given any numbers to look at.

Dr. Grossman responded and the numbers that are presented are not scrutinized, there is no mechanism requiring the City Representatives to scrutinize the numbers or to submit them to an outside expert. The City Council had options but they insisted they had no choice because the structure was non-contributing, because of this or that or it would be too expensive. There are no safeguards or mechanisms in place requiring a plan, requiring numbers, accountability.

Dr. Grossman asked commissioners how they became Historic Landmark commissioners. Council representatives appoint you one at time, you represent all eight districts and the Mayor, yet you get overruled unanimously. You were overruled on the Union Bank and Trust. The engineer's report said the west side of that building needed to be shored up; there was no recommendation for demolition. Council representatives stated the engineer's report recommended demolition.

In conclusion, Henry C. Trost built 38 buildings downtown, 26 are still standing. There is no other city in America in which one architectural firm made such a profound and lasting imprint on a community. The entire city is an architectural marvel from that standpoint, not just the standpoint of architecture but also his engineering experiments. His vision was to build a structure in each style known at that time: Gothic, Spanish Revival, the Classical Ionic façade as at the Union Bank & Trust (it's gone). When you demolish one or two Trost buildings you are detracting from his overall masterpiece; he molded this city, he built this city according to his own particular vision. That vision is still misunderstood; it is not in any textbook. In the 1940s and 50s people came from near and far to look at this panorama of buildings, this variety of architecture, everything represented in one city, everything. We've lost more than a dozen of them. We have to address this process; this is destructive to our economy as well as our culture.

Chairman Berchelmann thanked Dr. Grossman for his time and asked commissioners if they had any questions. Chairman Berchelmann then asked Dr. Grossman if there was anything in particular he was requesting.

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Dr. Grossman explained, at a certain point the EPCHC will present to commissioners our proposal and we were hoping to receive your endorsement, as a very important, crucial stakeholder in this process. You all have our highest respect and respect from people in the community, I think that is not really reflected in the structure of this code. To have your endorsement would be really, really important to us. As a matter of fact, I am willing to meet with you privately if you would like to provide input or discuss the text of what we are proposing before it arrives in its final form.

Chairman Berchelmann asked staff if it was permissible for him to meet with Dr. Grossman.

Ms. Hamilton explained Council had received this information two weeks ago.

Chairman Berchelmann suggested Dr. Grossman meet, individually, with commissioners and himself.

Dr. Grossman asked if he could meet with just Chairman Berchelmann, as a representative of the commission.

Chairman Berchelmann thought it would be advantageous for Dr. Grossman to meet with each commissioner, individually; however, he would meet with Dr. Grossman as a representative of the commission. He suggested Dr. Grossman present his proposal at a regularly scheduled HLC meeting.

Dr. Grossman would consider the Chairman's suggestion. Basically it will be a one-page document which eventually will come down to amending the code. He explained that the EPCHC will make the argument that the moratorium would not harm our economy. He felt that the EPCHC had strong evidence indicating otherwise. We also need to understand that the development community and most of the major players are fully on board. Lots of money is invested/being invested in these buildings and nobody wants to see anymore empty spaces.

Chairman Berchelmann thanked Dr. Grossman for coming today and the Chair would be happy to meet with Dr. Grossman.

DISCUSSION AND ACTION AMENDING CHAPTER 20.20 OF THE EL PASO CITY CODE

Dr. Grossman wondered if commissioners should wait until the *commission to be appointed* had the opportunity to review the existing code language. From our standpoint, we would love to see this fully included in the larger process as part of a more general strategy.

Chairman Berchelmann concurred with Dr. Grossman. He asked Ms. Velázquez if she would like commissioners to review her amendments today.

Ms. Velázquez left it up to the commissioners; however, after commissioners and staff made our amendments to the code, Ms. Velázquez wanted to submit them to the EPCHC for their

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input; furthermore, she wanted to get input from the El Paso Preservation Alliance. We can table the item or briefly go over them right now.

Dr. Grossman noted the EPCHC feels these reforms are urgently needed but, when you consider the larger process here, it might be more effective to umbrella everything under a single effort and that way we would really be collaborators in this process. You might also be helpful in assisting the EPCHC in suggesting experts to the council.

Commissioner Helm concurred with Dr. Grossman regarding:

1. Better improvements to Chapter 20.20: if it was more of a top down process, it may be better if we table amending Chapter 20.20 at least until whatever plays out in November.
2. We could always take action on our own amendments, if the EPCHC proposal does not move forward.

Ms. Velázquez added in November we will see how receptive the City Council is to the changes proposed by Dr. Grossman.

Chairman Berchelmann suggested Ms. Velázquez submit her amendments to Chapter 20.20 to the County Historical Commission because there are groups that would want to look at them. From there, we will see what happens in November and if for some reason it does not go the way as planned, we have Ms. Velázquez's amendments, with input from these other groups. That way, we, as commissioners, can look at a larger reform of Chapter 20.20 and go from there as a kind of Plan B.

Mr. Sargent added along the way we have learned a lot and we have been asked to maybe make some additions to these proposals.

1. On a state level, how do we get the El Paso Central Appraisal District ("EPCAD") to control the taxable values on these properties once the cities of Texas, as a whole, provide incentives for the rehabilitation, case in point, the Gardner Hotel.
 - a. We are working closely with the Texas Historical Commission ("THC"). If someone has a problem with the THC's decisions on a proposal, chances are pretty good for a review and this happened with Mr. Gaddy where Mr. Gaddy's architect in Austin made a proposal but the THC rejected it because they said that particular sign did not fit. Well, that particular sign was on that building when the building was first opened up. We can work with the THC to address those kinds of issues to make it a little easier.
 - b. On a national level, we can work with those at the national level to help move these things through, to make Ms. Velázquez's job a little easier. We are learning as we are going and this is pretty exciting for us as well as the City. All the work Dr. Grossman and his subcommittee have put together and then folks like yourselves, we just want to make your job easier and give you a little bit of strength at the same time.

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Dr. Grossman stated, ultimately, if we had a wish list and I were to say to you, *“What do we hope will result from the recommendations of this group?”* Well, we could say, for example:

1. I would like to see a larger Downtown Historic District that includes perhaps El Paso Street and perhaps large sections of Segundo Barrio and other areas that are so far to the left outside of that district;
2. I would like to see the district become very resistant to demolish a significant building such that a building owner, rather than demolish the building for a parking lot, would be forced to sell it to someone who would develop the property;
3. I would like to see perhaps one designation for these historical buildings such as *“Significant”* with nothing in between.

Commissioner Helm agreed with Dr. Grossman on how tragic the demolition of the Muir Building was stating that we are not going through something that other cities have not gone through before. A good example would be the City Attorney in Buffalo, New York, who was given a very, very, big black eye from the preservation community internationally because of the demolition of the Frank Lloyd Wright designed Larkin Administration building. Shortly, thereafter, he realized the mistake he had made, subsequently, the community came together to ensure something like this would not happen again. The Muir Building is our Larkin Building, it's our line in the sand where we can really take a look at what we're doing and reevaluate and move forward in a positive direction.

Dr. Grossman added, you should know that City Council eliminated the cost of demolition for 10 years, demolition permits are now free for the next 8.5 years.

Ms. Velázquez stated the ordinance was passed approximately two years ago in an effort to try to bring more business downtown by making the process simpler and less expensive.

Chairman Berchermann feels there are generations that do not know about downtown El Paso, they do not know about the architecture and the history because no one was coming to downtown. All they know is the vacant buildings and it has jaded them to find out what they know right now. It is important, education wise, having activities downtown, bringing people downtown, now is definitely the time to try and get this process started.

Dr. Grossman stated San Antonio Avenue is the most important corridor of historic architecture of El Paso, from the Gateway to the El Camino Real Hotel. However, just the south side of the street was gerrymandered outside the district, including that block that was just demolished. By the way, that block was occupied by businesses in the mid-1990s and then strategically acquired in four purchases between 1995 and 2011. The owners explained the buildings were too expensive to maintain, after all it's a vacant building; however, those buildings were brought to that condition strategically by a company and then demolished without any protections at all, because they were located just outside the district boundaries.

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What a tragedy, horrible. Now we have these two empty lots on E. San Antonio Avenue, one from 2012, the First National Bank where John Wesley Hardin had his office and the Union Bank & Trust building; that is one lot. The other of the five buildings where those lots were alongside each other on E. San Antonio Avenue is our most significant corridor of historic architecture, the envy of cities in the region. Everybody loves our architecture but us, which is kind of amazing. We need to change our perceptions here.

MOTION:

Motion made by Chairman Berchermann, seconded by Commissioner Helm AND UNANIMOUSLY CARRIED TO TABLE THE DISCUSSION AND ACTION AMENDING CHAPTER 20.20 (HISTORIC LANDMARK PRESERVATION) OF THE CITY CODE.

After the vote, Ms. Velázquez thanked Dr. Grossman and Mr. Sargent for the enormous amount of time and effort they have put into this. The city has incurred such a debt of gratitude towards them that the city does not how it will ever repay it. They have done so much work and they are really paving the way for us. The city wanted to acknowledge what they have done.

Chairman Berchermann also thanked Dr. Grossman and Mr. Sargent for the work they have done.

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. October 6, 2014 deadline for HLC members to request for agenda items to be scheduled for October 20, 2014 meeting. October 20, 2014 deadline for HLC members to request for agenda items to be scheduled for the November 10, 2014 meeting.

Commissioner Gomez would like Ms. Velázquez to review, investigate and provide a report to the HLC regarding:

1. 1106 Mundy Drive
Property owners have painted all the masonry walls of the brick apartment building. Previously the masonry under the brick, the footing walls, was plastered with cement; however, now it is tan color with blue trim.
2. 209 Lawton Drive
Property owners have replaced all windows with what appears to be a storefront system.

HLC Staff Report

5. Update on Administrative Review Cases since the last HLC meeting for the properties listed

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on the attachment posted with this agenda.

Ms. Velázquez was out of town last week so there were no Administrative Review Cases for commissioners to review.

Other Business – Discussion and Action

- Results of research on the City of San Antonio Historic Guidelines and codified violations specific to penalties and the enforcement thereof and the State of Texas' Texas Historical Commission regarding same. (*postponed from 09.08.2014*)

At the September 22nd meeting, Ms. Velázquez noted she had provided an overview of the San Antonio Historic Guidelines for commissioners. *She suggested that agenda item 6. be included in the discussion for agenda item 3. Discussion and action amending Chapter 20.20 (Historic Landmark Preservation) of the El Paso City Code.*

- Update regarding property located at 1033 Upson.

Chairman Berchermann asked staff if they had met with the City Prosecutor.

Per the City Prosecutor, Ms. Hamilton explained:

- Code Compliance staff could issue another citation for the same offense. Every time Code Compliance staff inspects the property, the case would go through the same process via the court system. A different judge could make a different decision. Fines could be up to \$2,000.00 per day. *Originally, the judge's decision applied to the criminal side.*
- Commissioners could ask City Council representatives to take this to court because the property owners did not abide by Council's order to remove the paint within 90 days.

Chairman Berchermann reminded commissioners the judge issued \$500.00 fines for the property owners.

Ms. Hamilton stated the \$500.00 fines were for having done work on the building without a permit. She reiterated there are two separate issues for discussion:

- Criminal – property owners received \$500.00 citations, each; and
- In 2011, City Council ordered the property owners to remove the paint within 90 days, which has not yet taken place. To enforce Council's order, staff could institute litigation via the County courthouse; however, only City Council has the authority to institute litigation.

Chairman Berchermann wondered if it would be appropriate to ask City Council to consider instituting litigation.

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Ms. Velázquez replied we could always ask. She added that following the judge's decision, the property owners never contacted staff to say what methods for removing the paint were being considered.

Commissioner Gomez felt the ordinance language had teeth; however, in order for the public to feel the effects, there needs to be enforcement.

Ms. Velázquez reiterated the request to institute litigation has to come from the City Council.

Commissioner Helm asked staff if commissioners should take action to send the request to City Council for consideration.

Ms. Hamilton explained commissioners could move to direct staff to take the request to the City Council. Unfortunately, the agenda item was posted as an "Update" not for "Action."

Chairman Berchelmann asked staff to post the item as "*Discussion and action*" on the next agenda.

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Helm AND UNANIMOUSLY CARRIED TO PLACE "DISCUSSION AND ACTION ON 1033 UPSON" ON OUR NEXT SCHEDULED MEETING.

8. Discussion and action regarding an amendment asking judges to fine violators and order remedies for violations and the Building & Development Permitting department issuing triple fines for violations. Must be presented to City Council. (*postponed from 08.18.14*)

Ms. Velázquez suggested agenda item 8. be included in the discussion for agenda item 3. Discussion and action amending Chapter 20.20 (Historic Landmark Preservation) of the El Paso City Code.

9. Preservation Texas Honor Awards – The Mulligan Building, The Magoffin Home State Historic Site, 2731 Portland Avenue

Ms. Velázquez stated The Mulligan Building and The Magoffin Home State Historic Site have been nominated for the Preservation Texas Honor Awards. The Mulligan Building was nominated for "*Best Rehabilitation*" and The Magoffin Home State Historic Site was nominated for "*Best Restoration.*"

Chairman Berchelmann hoped Ms. Velázquez would be present to accept the awards at the ceremony to be held in Houston.

10. Approval of Regular Meeting Minutes for September 22, 2014.

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

MOTION:

Motion made by Commissioner Lucero, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE THE SEPTEMBER 22, 2014 MEETING MINUTES.

MOTION:

Motion made by Chairman Berchelmann, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:33 P.M.