



EL PASO HISTORIC LANDMARK COMMISSION MINUTES  
(REVISED)  
FEBRUARY 17, 2010  
4:00 P.M.

The El Paso Historic Landmark Commission held a public hearing in Council Chambers, 2<sup>nd</sup> Floor, City Hall Building, February 17, 2010, 4:00 p.m., with the following members present:

**Commission Members Present:**

Joseph Riccillo, Chair  
Hugo Gardea, Vice-Chair  
Rick Suarez  
Randy Brock  
Melissa Brandrup  
Ricardo D. Gonzalez  
Elizabeth Leal  
Jim Booher

**Others Present:**

Dr. Troy Ainsworth, Historic Preservation Officer  
Tony De La Cruz, Planner  
Cynthia Osborn, Assistant City Attorney  
Victor Torres, Development Services Director

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Vice-Chair Gardea called the meeting to order at 4:03 p.m.

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Vice-Chair Gardea asked Staff if there were any changes to the agenda.

Dr. Ainsworth responded the agenda stands as presented; however, the order of the agenda items may be changed.

**MOTION:**

Motion made by Commissioner Suarez, seconded by Commissioner Leal and unanimously carried  
**TO APPROVE THE AGENDA AS PRESENTED.**

No further discussion from the Commissioners. The vote was taken.

**AYES:** Commissioners Suarez, Brock, Brandrup, Gonzalez, Gardea, Leal and Booher  
**NAYS:** N/A

Motion passed. (7-0)

**AGENDA**

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

There was none.

Commissioner's requests for the March 3, 2010 meeting:

1. Commissioner Booher requested Ysleta High School, review of future improvements. He explained the architects, MNK Architects, would like Commissioner's input regarding future improvements to the facility.
2. Commissioner Gonzalez requested Magoffin Villas continue to be posted on HLC agendas.
3. Vice-Chair Gardea requested a status update regarding the proposed restaurant renovations at the Railroad Depot on Campbell.
4. Commissioner Leal requested 906 N Mesa Street.

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## II. REGULAR AGENDA – DISCUSSION AND ACTION

1. 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. February 17, 2010 deadline for HLC members to request for agenda items to be scheduled for the March 3, 2010 meeting. March 3, 2010 deadline for HLC members to request for agenda items to be scheduled for the March 17, 2010 meeting.

**FOR THE RECORD —** Prior to the following discussion, Chair Riccillo recused himself.

### A. Alamo Elementary School

Dr. Ainsworth commented on the media coverage regarding Commissioner's motion and approval concerning Alamo Elementary School at the February 3<sup>rd</sup> HLC meeting. From that coverage, Dr. Ainsworth explained, the EPISD spokesperson officially stated bond monies for Alamo Elementary School pertain to rehabilitation, not demolition, of the building. Dr. Ainsworth read the following into the record:

Section 20.20.040 – Procedure for designation of historic landmarks and districts.

A.

*The city council may designate buildings, structures, sites, districts, areas and lands in the city as historic landmarks and define, amend and delineate the boundaries thereof. Requests for designation may be made by the city council, HLC or by the public on a form obtained from the city. Completed request forms shall be returned to the city for processing.*

And;

B.

*The HLC shall review and forward any recommendations to the city plan commission with forty-five days, to be forwarded to the city council for final action. In the event the HLC does not recommend an applicant's request for designation of a resource the applicant may petition the city plan commission for a hearing, following procedures set forth in Chapter 2.08 of this code.*

Dr. Ainsworth stated based upon the Commissioner's vote, there is strong support to designate Alamo Elementary School historic. The next step will be to forward this to the city plan commission.

Vice-Chair Gardea clarified the motion was to direct staff to begin the process; Commissioners have not formally approved the designation request.

Commissioner Gardea asked what happens if EPISD opposes the designation and what weight would that carry with city council.

Ms. Osborn explained the city plan commission will hear both sides and make a determination; that determination will be forwarded to city council. City Council would then hear both sides and make a final determination.

Dr. Ainsworth referred to the El Segundo Barrio Neighborhood Revitalization Strategy presentation by Community and Human Development Staff. A component within that revitalization strategy is to identify and preserve historically significant buildings. Regarding Alamo Elementary, Dr. Ainsworth has prepared a PowerPoint presentation for the city plan commission meeting; however, he has some research he has not yet completed. He stated all of his notes, materials and files on all projects will be passed on to Mr. De La Cruz.

Commissioner Suarez referred to a document he had previously emailed to Dr. Ainsworth.

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Dr. Ainsworth responded the comments in that document are easily refutable. He explained the H-Overlay designation timeframe had begun two weeks ago, according to Commissioner's motion. The Historic Landmark Commission shall review and forward any recommendations to the city plan commission within forty-five days. Dr. Ainsworth stated he would finish the report and place an item on the city plan commission meeting, prior to the 45 day expiration.

Ms. Osborn clarified the Commissioner's motion was for Staff to initiate the H-Overlay process; Commissioners have not yet made a formal recommendation. It was her understanding the 45 day clock had not started; however, she would verify.

Dr. Ainsworth agreed and stated Alamo Elementary School will be posted on the March 3<sup>rd</sup> HLC agenda. Should Commissioners move to approve the recommendation; the 45 days would then begin.

Commissioner Leal wondered if Historic Landmark Commissioners could attend the city plan commission meeting.

Vice-Chair Gardea responded as long as there was not a quorum. He stated designating a property H-Overlay is considered a rezoning; Staff will be mailing notification letters to surrounding property owners.

**PUBLIC COMMENT**

Mrs. Guillermina Garcia Peña read from a prepared statement and noted she was born and raised in this community. She requested Commissioners preserve, not only Alamo Elementary School but, every historical building that is in this revitalization Plan.

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Commissioner Gonzalez further clarified the H-Overlay designation process.

Commissioner Leal requested Staff ask Ms. Peña for her contact information so that Ms. Peña could be specifically notified when Alamo Elementary School will be presented to city plan commission and city council.

No action was taken.

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**FOR THE RECORD** — Chair Riccillo returned.

**MOVE TO THE FOREFRONT** — Dr. Ainsworth requested agenda item *5D. Discussion and action 2010 Historic Landmark Commission meeting schedule* be discussed prior to Item 1B. Magoffin Villas. See discussion on pages 8 and 9.

**B.** Magoffin Villas at 915, 917 and 1001 Magoffin Avenue and 1000, 1008 and 1010 Myrtle Avenue

Mr. De La Cruz explained he and the Plan Reviewer for the project, Mr. Raul Ortiz, went over the modified plans and could not find any revisions to the actual structure. Messrs. De la Cruz and Ortiz spoke with the architect and the architect explained the only modification was the wording "For Permitting Purposes".

Vice-Chair Gardea explained "For Permitting Purposes" is a requirement by the Texas Board of Architectural Examiners. When the plans are issued for construction, "For Permitting Purposes" is removed and replaced with the architect's seal.

No action was taken.

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C. 1701 North Stanton Street

Chair Riccillo noted the broken window had been repaired; however, the window on the opposite side was now broken. The home is vacant, windows and doors have been broken; furthermore, this is a Trost home.

Dr. Ainsworth explained the structure is a four-square, two-story, beautiful home; however, not well maintained. Code Compliance and Building Permits & Inspections Staff have notified the property owner regarding issues of non-compliance for safety. He stated City Staff is currently drafting a "vacant building" ordinance which will add strength to Code Compliance. The ordinance would pertain to vacant structures throughout the City, which includes historic and historically eligible structures in the downtown area.

In the future, Commissioner Leal stated, Mr. De La Cruz could place an item on the agenda informing Commissioners of the progress of the ordinance.

No action was taken.

**HLC Staff Reports**

**2. A. Administrative Review Design Guidelines – Protected Interiors**

Dr. Ainsworth explained the November 1996, Administrative Review Design Guidelines, contains information regarding six protected interiors:

1. Camino Real Hotel (original lobby)
2. Cortez Building (lobby)
3. Plaza Theater (all interior)
4. State National Bank (all original interior)
5. O.T. Bassett Tower (lobby)
6. United States Post Office, 219 E Mills, (public interior)

Dr. Ainsworth noted the one compliance exception is the State National Bank; which is currently a used clothing store. Chief Building Inspectors, Mr. Bill Stern and Mr. Tom Maguire, have informed the property owner of its protected interior. Dr. Ainsworth suggested Commissioners may recommend Chief Building Inspectors investigate the condition of the interior and notify the property owner regarding the non-compliance.

Ms. Osborn questioned whether or not Commissioners are responsible for Code Enforcement.

**FOR THE RECORD** — Mr. Victor Torres, Development Services Director, explained if Commissioners have concerns regarding a specific building, Building Permits & Inspections Division Staff will look into it. Staff is not in the position to accept direction from Commissioners; their responsibility is enforcement.

**FOR THE RECORD** — Mr. Torres clarified if there are structures of concern to the Historic Preservation Officer or his Staff, the matter will be handled internally. If necessary, Mr. Torres will direct Code Enforcement Staff to investigate and confirm whether or not the property owner is/is not in compliance with the code.

Commissioner Gonzalez requested the Historic Preservation Officer look into this and report back to Commissioners.

Chair Riccillo clarified Code Enforcement responds to citizen's complaints, Commissioners are citizens too.

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Commissioner Gonzalez gave background information regarding the State National Bank lobby as it existed. He recalled a condition was placed on the removal of lobby furniture; the property owner was to store them on the premises and protect them from the elements. However, the condition was not kept and those items are now broken and in disrepair.

Ms. Osborn cautioned Commissioners and noted Commissioners are off agenda.

Chair Riccillo requested the State National Bank historic interior be posted on the next agenda. Additionally, have Code Enforcement Staff investigate whether or not the property owner has complied with the conditions regarding the protected interior. He asked if Historic Preservation Staff could, if possible, bring the prior ruling on the property to the next meeting. Chair Riccillo understood Commissioners have no purview over interiors.

Dr. Ainsworth concurred and read into the record the following language from the Administrative Review Design Guidelines, "Enabling Legislation".

"The protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education and general welfare of the people."

Dr. Ainsworth clarified the six historic interiors are listed in the Administrative Review Design Guidelines. Ordinance 6243 addresses historically significant buildings, it does not specifically address historic interiors. Dr. Ainsworth commented on conservation easements, Municipalities may use conservation easements as a tool to preserve the interior and exterior of buildings.

**FOR CLARIFICATION —** Dr. Ainsworth stated Staff has been unable to find an ordinance listing the six historic interiors as designated protected historic interiors.

Commissioner Gonzalez asked if Staff has researched all ordinances, including the original ordinance from 1978.

Dr. Ainsworth responded yes and added it appears the six historic interiors were tied into the Administrative Review Design Guidelines and no other place.

Commissioner Gonzalez remembered a previous Historic Landmark Commission approving the historic interior designation, H-Overlay on interiors.

#### B. Discussion and training regarding Secretary of Interior Standards

Dr. Ainsworth referred to items 3 and 9 of the "Secretary of Interior's Standards for Rehabilitation" and explained the language is very similar, yet repeal each other. He explained the challenge for Commissioners and Staff will be when reviewing exterior alterations.

Dr. Ainsworth read items 3 and 9 into the record:

3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development such as adding conjectural features or elements from other historic properties will not be undertaken.
9. New additions, exterior alternations, 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 (original) 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.

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Items 3 and 9, Dr. Ainsworth explained, on the one hand the new construction must be very similar to the original, on the other hand the new construction must not be too like the original; it must be differentiated but similar.

**FOR THE RECORD** — Dr. Ainsworth requested Commissioners keep items 3 and 9 in mind when reviewing Certificate of Appropriateness applications. It is difficult to take those two points and to be consistent in making a determination on the appropriateness of a proposed modification to the exterior of a building.

No action was taken.

**C. Update on inventory of El Paso Street**

Mr. Tony De La Cruz explained he was able to photograph ½ the inventory before other projects took precedence. He asked Commissioners if they could assist him by filling out basic information on these properties. He explained the basic information needed, to include but not limited to, the architectural detail and features of the building, defining characteristics, original builder and contractor. He could then finalize the information and, in the future, provide a status report to Commissioners. Following that report, the next step would be to gather public comment and research designating the area historic. Once that occurs, the boundaries would be designated, notify property owners, holding public meetings – there must be a 51% majority vote from property owners, city plan commission meeting and finally, city council.

Commissioner Brandrup recommended Mr. De La Cruz attend the AIA meeting, Thursday, February 25<sup>th</sup>, possibly recruit volunteers in gathering the information for El Paso Street.

No action was taken.

**Development Services Department Report**

**3. Antiquities Code of Texas**

Dr. Ainsworth explained the Antiquities Code of Texas outlines the scope and purpose of archeological work for undertakings, applicability, etc., in the State of Texas. The Antiquities Code is primarily utilized when undeveloped land is purposed to be developed, strictly for archeology.

Chair Riccillo added the Antiquities Code is also tied in to the city's grading permit.

Mr. De La Cruz gave background information regarding the structure located at 200 N Clark Street.

Chair Riccillo did not believe the structure warranted an Antiquities Code review.

No action was taken.

**Visionaries in Preservation Report**

**4. A. VIP Manager Presentation**

At the February 11<sup>th</sup> City Plan Commission meeting, Mr. De La Cruz explained, Commissioners heard and approved the Visionaries in Preservation Plan. He is preparing the necessary documents for City Council, the ordinance will be introduced March 2<sup>nd</sup> and the public hearing will held March 23<sup>rd</sup>.

**B. Discussion and action regarding VIP issues**

See above.

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**Other Business**

5. A. Approval of Historic Landmark Commission Meeting Minutes.  
February 3, 2010

Chair Riccillo asked Commissioners if there were any corrections and/or revisions.

No discussion from the Commissioners. The vote was taken.

**MOTION:**

Motion made by Commissioner Leal, seconded by Chair Riccillo and unanimously carried **TO APPROVE THE HISTORIC LANDMARK COMMISSIONER MEETING MINUTES FOR FEBRUARY 3, 2010.**

**AYES:** Commissioners Gardea, Brock, Gonzalez, Leal and Booher

**NAYS:** N/A

**ABSTAIN:** Commissioners Suarez and Brandrup

Motion passed. (5-0)

- B. Discussion and action regarding creating a sub-committee to further explore the details and possibilities of the photography project of historic districts to promote historic awareness

Commissioner Leal thought Commissioners were waiting for legal advice regarding the definition of trespass. She stated she had forwarded the "El Paso Inventory of Historic Sites" to her son; however, the document cannot be edited.

Ms. Osborn explained the Texas Open Meetings Act requirements for subcommittees.

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

Motion made by Chair Riccillo, seconded by Commissioner Leal **TO APPOINT CHAIR RICCILLO AND COMMISSIONERS LEAL AND GONZALEZ TO THE DETAILS AND POSSIBILITIES OF THE PHOTOGRAPHY PROJECT FOR HISTORIC DISTRICTS TO PROMOTE HISTORIC AWARENESS, "PICTURES FOR PRESERVATION" SUBCOMMITTEE.**

No vote was taken.

Chair Riccillo asked Staff to post "Pictures for Preservation" on the next HLC agenda.

**2<sup>nd</sup> AND FINAL MOTION:**

Motion made by Chair Riccillo, seconded by Commissioner Leal and unanimously carried **TO APPOINT CHAIR RICCILLO AND COMMISSIONERS LEAL AND GONZALEZ SUBCOMMITTEE FOR THE "PICTURES FOR PRESERVATION".**

**AYES:** Commissioners Suarez, Brock, Brandrup, Gonzalez, Gardea, Leal and Booher

**NAYS:** N/A

Motion passed. (7-0)

- C. Discussion and action regarding minimum requirements for Certificate of Appropriateness applications

A copy of the current "Application for Certificate of Appropriateness" was included the backup material for Commissioners. Mr. De La Cruz commented on a previous "Certificate of Appropriate" case presented to Commissioners. He asked if Commissioners had additions and/or corrections for Staff.

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Dr. Ainsworth referred to "**SCALED PLOT PLAN**" items a through m, located on the back side of the application.

Commissioner Suarez referred to item "l." Architectural design of buildings, modifications, addition, or new construction (floor plan(s) and elevation). He explained the site plan for the previously mentioned Certificate of Appropriateness case was missing the scale; additionally, there were no dimensions for the height and pitch of the roof. He stated It is very helpful if the scale and dimensions are shown in the site plan.

Mr. De La Cruz explained when applicants submit their site plans, the site plans are required to be to a scale. However, if necessary, Staff must reduce the site plans to 8.5" x 11" for copying purposes and the scale may become distorted.

Commissioner Brandrup responded the scale may have been distorted; however, the dimension information is also critical.

Mr. De La Cruz concurred and added Staff and Commissioners would like to see proposed heights and dimensions on the actual labeled drawings, in addition to the scale. He suggested the site plans show existing and proposed heights.

Commissioner Brandrup would not limit the language to height and suggested the word "dimensions". She would defer to language in the building permit applications.

Commissioner Booher suggested the language read "to include but not limited to relative dimensions applicable to the project".

Commissioner Brandrup concurred and suggested "applicable dimensions to the project to approve massing, proportion ..." elements within the purview of Commissioners.

Commissioner Suarez noted Commissioners have discussed the proposed width for windows and doors, etc. At the time applicants submit their requests, Staff could review the proposed dimensions in anticipation of questions by Commissioners.

Mr. Victor Torres, Development Services Director, referred to Title 18.02 of the code which provides sufficient detail information for all applications, drawings, dimensions, etc. Additionally, Title 18.02 provides Staff the ability and authority to request additional information from the applicant. He did not think that level of detail should be on the application.

Commissioner Brandrup agreed and added requests for Certificate of Appropriateness have come before this body lacking that level of information. As a general oversight, no plans should come before this body, for review or Certificate of Appropriateness, if critical dimensions are not legibly indicated.

Mr. Torres agreed and stated, as part of the plan review process, Staff could do a more thorough review and provide Commissioners a complete set of drawings acceptable for permitting to include all details, dimensions, schedule of windows and doors, etc.

No action was taken.

**MOVE TO THE FOREFRONT** — Dr. Ainsworth requested the following item be discussed prior to Item 1B. Magoffin Villas.

**D.** Discussion and action 2010 Historic Landmark Commission meeting schedule

Dr. Ainsworth asked Commissioners if the change in meeting day, from Mondays to Wednesdays, was inconvenient.

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Commissioners Suarez and Gonzalez had conflicting meeting schedules. Commissioner Gonzalez was not opposed to meeting on Mondays. Commissioner Suarez explained he has meetings every Wednesday of the month.

Dr. Ainsworth asked if 4:00 pm was a convenient time to meet.

Mr. Victor Torres, Development Services Director, explained his meeting with Dr. Ainsworth and Mr. De La Cruz is a standing weekly meeting, subject to change.

Dr. Ainsworth recommended Staff contact the City Clerk's office to inquire whether or not it would be possible to move Historic Landmark Commission meetings to the first and third Mondays of the month at 4:00 pm, following the March 3<sup>rd</sup> HLC meeting. Staff will email Commissioners the response from City Clerk's office and request your input. If Commissioners approve, Staff will confirm the revised scheduled with the City Clerk's Office. Following the Wednesday, March 3<sup>rd</sup> HLC meeting, the next HLC meeting will be held Monday, March 15<sup>th</sup>, 4:00 pm, City Council Chambers.

No action was taken.

**E. Distribution of Design Guidelines drafts, for future input from HLC commissioners, regarding the Manhattan Heights and Old San Francisco Historic Districts**

Dr. Ainsworth explained Commissioners were provided draft copies for review and comment, the drafts were not for public input or distribution. Additionally, he noted the following Historic Districts did not have design guidelines:

1. Sunset Heights
2. Austin Terrace

Ms. Osborn suggested the item be kept on future HLC agendas.

Dr. Ainsworth, in addition to leaving the item on the agenda, Staff requests written comments be submitted at the HLC meetings.

Chair Riccillo requested the item be continually posted on HLC agendas until formally adopted by the city.

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Chair Riccillo stated Dr. Ainsworth is leaving. Commissioners wanted to thank him for his wonderful contributions to El Paso, its community and preservation. He wondered if the city would be pursuing a replacement.

**FOR THE RECORD —** Mr. Victor Torres, Development Services Director, stated, regarding the Historic Preservation Officer position, the city will start recruiting for that position next week.

Mr. Torres stated, Dr. Ainsworth will be missed within the department and the city as a whole. His efforts regarding historic preservation awareness are very admirable. A schedule of events has been planned for the next several months to meet with a number of different neighborhood associations; Hispanic Builder's Alliance, Realtor's Association, National Association of Remodelers and others to present historic preservation requirements. In the meantime, Mr. Torres has the utmost confidence in Mr. De La Cruz. Mr. De La Cruz will be taking the lead in the interim until the position is filled.

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In conclusion, Mr. Torres wished Dr. Ainsworth the best of luck and thanked him for all he has done for the city. Overall, Dr. Ainsworth will be missed, this is a great loss for the city; he has done an outstanding job. Dr. Ainsworth is a real team player and has added value to historic preservation in the city. Mr. Torres wished Dr. Ainsworth well in all his future endeavors.

Dr. Ainsworth responded he has enjoyed this wonderful opportunity and the fact that there are a number of people in El Paso who care about El Paso, is very admirable.

**FOR THE RECORD** — Dr. Ainsworth stated he is not cutting ties, he still has a lot of projects and will be involved with El Paso. He is of the mindset life is a circle and our paths will cross again.

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No other discussion.

**MOTION:**

Motion made by Chair Riccillo, seconded by Commissioner Leal and unanimously carried **TO ADJOURN THE MEETING AT 5:45 P.M.**

**AYES:** Commissioners Suarez, Brock, Brandrup, Gonzalez, Gardea, Leal and Booher

**NAYS:** N/A

Motion passed. (7-0)