

ORDINANCE NO. 16369

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO CITY CODE BY ADDING CHAPTER 2.24 (HISTORIC LANDMARK COMMISSION) IN ORDER TO CREATE AND SET FORTH THE FUNCTIONS AND DUTIES OF SAME; AND TO CREATE AND DESIGNATE FUNCTIONS OF THE HISTORIC PRESERVATION OFFICER.**

**WHEREAS**, Texas Local Government Code Section 211.001, grants municipalities the power to regulate zoning for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and,

**WHEREAS**, further Texas Local Government Code Section 211.003, provides that the governing body of a municipality may regulate construction, reconstruction, alteration, or razing of buildings and other structures in the case of designated places and areas of historical, cultural, or architectural importance; and,

**WHEREAS**, the City Council of the City of El Paso established the Historic Landmark Commission for the purpose of protecting, enhancing, and preserving historic landmarks to promote the cultural, education, safety and general welfare of its citizens in accordance with the powers granted under the Local Government Code; and,

**WHEREAS**, the City of El Paso Historic Landmark Commission, Building and Zoning Advisory Committee, and the City Plan Commission recommend the enumerated amendments to clarify the purpose and functions of the Historic Landmark Commission.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

- 1. That Title Two of the El Paso City Code shall be amended to add Chapter 2.24 as follows:

**HISTORIC LANDMARK COMMISSION**

**2.24.010 Creation, Membership and Terms.**

A. There is created a commission to be known as the Historic Landmark Commission, hereinafter referred to as the HLC. The HLC shall consist of nine (9) members who are residents of the City of El Paso. The Mayor and each representative shall appoint one member. Members may be removed with or without cause. Members shall serve without compensation.

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B. A quorum of the HLC shall consist of a majority of the number of members currently appointed.

C. All members shall have demonstrated special interest, knowledge, and experience in the architectural, archaeological, cultural, social, economic, ethnic or political history of El Paso, and shall include two architects. No one business or professional interest shall constitute a majority membership of the HLC. To the extent available in the community, professionals from the disciplines of architecture, engineering, construction, history (such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology), architectural history, urban planning, archeology, or other disciplines related to historic preservation shall be given preference for appointment for any membership positions.

D. To the extent all HLC membership positions cannot be filled pursuant to 2.24.010.C, members may include, but shall not be limited to, member representatives from the El Paso Association of Home Builders, El Paso Realtor's Association, the El Paso Preservation Alliance, a neighborhood association serving an historic district, and the El Paso Archeological Society. In addition, any civilian or military staff from Fort Bliss may also serve as members of the HLC.

E. Each member of the HLC shall be appointed for a term of two years, not to exceed two consecutive terms. Members shall elect a chair and a vice-chair from the voting membership and shall promptly fill a vacancy in either office.

F. Appointed members wishing to resign their appointed post shall give at least thirty (30) days written notice to the person who appointed them, with a copy to the City Historic Preservation Office stating the effective resignation date.

**2.24.015 Members not to hold other public offices.**

No member of the HLC, shall hold any other public office of honor, trust or profit in the government of the city or county during his term of office.

**2.24.020 Duties.**

A. The HLC shall perform all duties and functions as may be designated to it in the El Paso City Code.

B. The HLC shall thoroughly familiarize itself with buildings, interiors, structures, sites, districts, areas and lands within the City that may be eligible for designation as historic landmarks.

1. Initiate designations of local H-overlay properties and historic districts.
2. Create and recommend to City Council for approval, guidelines for designated historic buildings, interiors accessible to the general public, structures, sites and districts to be used in determining the approval or denial of certificates of appropriateness and certificates of demolition or removal. The guidelines may address any alterations on historic landmarks in order to protect significant architectural, historical, archaeological or cultural elements of the district by describing the architectural regulations for the exterior of building, in addition to existing zoning classification, height and area limitations, and design regulations for those interiors specifically designated as historic interiors, to include the following factors when reviewing applications:
  - i. Acceptable materials for construction,
  - ii. Appropriate architectural character, scale and detail,
  - iii. Acceptable appurtenances to new and existing structures,
  - iv. Acceptable textures and ornamentation,
  - vi. Acceptable landscape architectural features.
3. Nominate landmarks, H-overlay properties, and historic districts to the State Historic Preservation Officer (SHPO) for consideration to the National Register of Historic Places or to the Texas Antiquities Landmarks, and to review and comment on any National Register nominations submitted to the HLC upon request of the Mayor and City Council.

C. Prepare a preservation plan, which shall be presented to the City Plan Commission for consideration and recommendation to the City Council as a supplement to the Plan for El Paso. The HLC shall review the preservation plan and the state of preservation of designated historic landmarks annually, include in the HLC minutes a report of such review, and take appropriate action on any amendments to the plan deemed necessary. Prior to presenting the preservation plan or any amendment thereto, to the Plan Commission, the HLC shall hold a public hearing on the preservation plan or the amendment thereto.

D. The HLC may perform the following functions including but not limited to:

1. Provide information and counseling to owners of designated historic landmarks;

2. The HLC shall rule on requested exceptions to the guidelines based upon the overall visual effects of the proposed exceptions;

3. Conduct surveys and maintain an inventory of historic, architectural, archeological and cultural landmarks located within the City; and,

4. Approve work completed on a historic property, regardless of designation, which adheres to the Administrative Review Design Guidelines as approved by City Council.

E. Assist the Historic Preservation Office with supporting and promoting the historic preservation program, specifically including but not limited to the following:

1. Serving as the advocacy arm of the program to raise interest and awareness, highlight program successes, retain and expand programs, and promote new initiatives that are an essential part of a successful historic preservation program;

2. Identify funding mechanisms, public and private, that help to sustain an effective and efficient program;

3. Recommend strategic conservation initiatives and investments that help to promote and sustain local preservation efforts;

4. Actively work to develop an institutional framework that encourages incentives and controls that:

a. reflect local urban design concerns;

b. planning processes that support urban design and historic preservation activities;

c. methods for working with the private sector on its development proposals; and

d. methods for conducting formal and informal public meetings so as to get information and feedback.

5. Work with community leaders and various agencies to broaden knowledge on the local development character to maintain an existing and new historic focus on landmarks within the fabric of the community;

6. Create opportunities to preserve and expand the community historic preservation program; and,

7. Evaluate other community programs frequently to guide and serve as a model for growing the local program, and particularly to develop a funding plan necessary for execution of new initiatives.

**2.24.030 Meetings.**

A. The HLC shall meet at a regularly scheduled time when cases have been scheduled for discussion and action by the HLC, or on a schedule as determined by the HLC, with advance notice posted in accordance with the Texas Open Meetings Law. All meetings of the HLC shall be open to the public.

B. The HLC shall keep minutes of all its proceedings showing the vote of each member upon each question, or if absent or abstained from vote, indicating such fact. All records of the HLC shall be kept by the recording Secretary of the HLC.

C. Meetings may be called upon request of the chair, or upon written request of a majority of currently appointed members. The HLC shall adopt rules and regulations for the government of their own proceedings, and to carry out the purposes for which such commission is created, not inconsistent with the Charter and ordinances of the city.

D. The Historic Preservation Office shall designate an official who will act as Secretary of the HLC and shall attend and keep the minutes of all meetings.

E. No member of the HLC shall vote or participate as a member in any matter that materially affects the financial interest of that member pursuant to the ethics ordinance of the El Paso City Code. Such member shall give notice and provide reasons for abstention from voting prior to the taking of a vote.

F. The HLC may appoint subcommittees to review applications submitted as well as issues relevant to the full body. Such subcommittees may meet as directed by the HLC. If directed by the HLC, subcommittees may perform, but shall not be limited to, the following functions:

1. Review applications and plans prior to the meeting of the HLC;
2. Prepare recommendations on each application to be presented to the HLC at their regularly scheduled meeting;
3. Make suggestions and recommendations, which may include sketches and general drawings to assist applicants; and,

4. Make recommendations to the full body of the HLC on issues relevant to archeology, design, aesthetics, and any other issue within the jurisdiction of the HLC.

**2.24.040 Historic Preservation Officer.**

A. The City Manager shall assign the City department(s) responsible for managing the Historic Preservation Office of the City, and shall designate an official who shall serve as the Historic Preservation Officer. The Historic Preservation Officer, along with any other designated staff, shall serve as the official liaison to the HLC and shall be responsible for managing all activities of the Historic Preservation Office.

B. The Historic Preservation Officer shall be the local preservation officer with duties including, but not limited to:

1. Serve as the local preservation contact and/or liaison for the City of El Paso to the community, Texas Historical Commission, and the National Park Service;
2. Accept and process cases before the HLC;
3. Coordinate research efforts as requested by the HLC;
4. Actively seek grants to assist the Historic Preservation Program;
5. Accept and process applications for the Tax Incentives Program for Historic Properties;
6. Maintain and update the inventory of historic properties;
7. Maintain and update the database of cases processed before the HLC;
8. Act upon Administrative Review applications as specified in the Administrative Review Design Guidelines; and,
9. Provide information and training, conduct workshops for the public related to the Historic Preservation Program.

**Section 2.** This ordinance shall become effective thirty days (30) from the date of approval of this ordinance by City Council and all current HLC members shall continue to serve until resignation or the expiration of their current terms.

**Section 3.** Except as herein amended; Title 2 (Administration and Personnel) of the El Paso City Code shall remain in full force and effect.

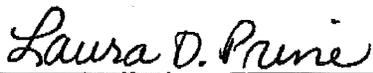
(Signatures appear on the following page.)

PASSED AND APPROVED this 30 day of May, 2006.

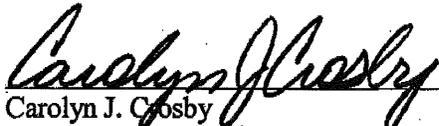
THE CITY OF EL PASO

  
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John F. Cook  
Mayor

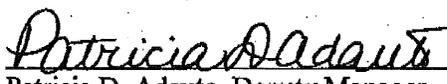
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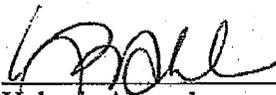
*for*   
\_\_\_\_\_  
Richarda Duffy Momsen  
**DEPUTY** City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Patricia D. Adauto, Deputy Manager  
Development & Infrastructure Services

  
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Yolanda Alameda  
Museums and Cultural Affairs Department