

**MINUTES**  
**LANDMARK COMMISSION**

**January 29, 2019**

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**MEMBERS PRESENT:**

Michele Derr  
John Dickinson  
Christy Graham  
Andy Lee  
Rodney Martin  
Cindy Ramirez  
Tim Brewer

■ Vice-Chairperson  
■ Member  
■ Chairperson  
■ Member  
■ P&Z Liaison  
■ Member  
■ Council Liaison

Stephen Santellana, Mayor  
Amy Gardner, Legal  
Karen Gagné, Planning Administrator

■ City Staff  
■ City Staff  
■ City Staff

**ABSENT:**

Stacie Flood  
Jim Johnson  
Marcela Trice

■ Member  
■ Member  
■ Member

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**I. Call to Order, and Introductions**

Chairperson Christy Graham called the meeting to order at 12:07 p.m. and welcomed guests; Ms. Ginger Hale and Mr. Hale of 1601 Tilden, Christine Heidebrecht of 1601 Buchanan, Lisa Gonzales of 126 Pembroke Lane, Pat Osoinach of 133 Pembroke Lane, Kris Warman of 4 Crestway and Gary Cook of 2811 9<sup>th</sup> Street.

**II. Review & Approval of Minutes from November 27, 2018**

Chairperson Graham called for review and approval of the November 27, 2018 Landmark Commission meeting minutes. Mr. Rodney Martin made a motion to approve minutes, Mr. Andy Lee seconded the motion. Minutes were unanimously approved.

**III. Action Item – Design Review – 1601 Tilden – West Floral Heights Historic District**

- **Foundation Repairs, Masonry Repairs**
- **Porch Alterations:**
  - Replace Brick Pedestals;**
  - Fluted Columns Replace with Aluminum Fluted;**
  - Replace Planter on Pedestal with Column;**
  - Repair Concrete Slab/Steps**

Chairperson Graham introduced the design review item. Ms. Gagné explained this was brought to the attention of staff in early December when home owner Ms. Ginger Hale contacted planning after she had worked with building inspection regarding a foundation

repair permit. Most times when a permit is issued for foundation repairs it does not end up having any visible impact. However, in this situation it resulted in having to alter some of the front porch to adjust the foundation which was highly visible from the street. Ms. Hale contacted staff after working with the neighborhood association regarding questions about what was being altered and to make sure it was within historical guidelines.

Ms. Gagné stated the subject property is a contributing structure built in the mid 1920's on the corner of Avenue F and Tilden. Inventory photos and new photos showing damage and work done were shown. Ms. Gagné showed where there are three half brick pillars on the porch. The first on the left is actually a planter rather than a column and after talking with Ms. Hale it is thought to have originally been a column at one time in the past and at some point had been removed. Ms. Hale stated that is a change she would like to make to return a column atop of the first partial brick column. Mr. Martin asked if the new column would match the new one which Ms. Hale advised yes it would. Ms. Gagné highlighted the foundation repairs on the home as well as the new concrete porch slab, steps and entryway. The owners are requesting to replace damaged columns and planter with matching 12 inch fluted aluminum columns. The architectural overview (fluted Doric) shows the design that will match the columns presently on the home. Mr. Martin asked Ms. Hale if the current columns were made of wood. Ms. Hale advised they were metal and rusted out and looked like they had been patched previously. Ms. Hale stated the new columns were the same size and finished aluminum. Discussion among Commission members ensued related to contractor sizing questions. Owners advised the Commission they will be doing the brick pedestal with the column on top to get back to the original design. Mr. Hale stated the brick was being redone and would be placed on the new porch slab as it was previously; he stated they were told by the contractor would have to slightly shift the pedestals top of the capital on the column and it will extend beyond the frieze board. Mr. Martin and Mr. Dickinson state as long as columns sit under beam and slight overhang it's aesthetically preferred with the column centered.

Mr. Martin made a motion to approve the design review request for 1601 Tilden, Ms. Derr seconded. Motion passed unanimously.

#### **IV. Action Item – Proposed Amendment To The Design Review Guidelines Related To: Minimum District Design Review Committee Volunteers**

Ms. Gagné stated staff had worked the past few months with West Floral Heights Association members based on questions and concerns about maintaining seven (7) local design committee people being a lot for the district. The last 5-6 years many changes with members and ownership have made it problematic. The request was made to consider some kind of a lower number, proposing 4-5 people for their district. It is considered a large historic district with over 200 properties. Staff (planning & legal) reviewed the preservation ordinance and design guidelines to look at possibly having a sliding scale of representation depending on the size of the district. There was nothing specific about the number of people only the function of the Landmark Commission references in Chapter 62 – Historic Preservation Ordinance. Ms. Gagné explained to the Commission how the sliding scale would work with the number of requested people based on the size of the district preferably being an odd number for voting reasons. The

existing scale may not always be workable so staff would like the Commission to consider a revision to the Design Guidelines Booklet to develop a range that would be more attainable.

Number of Properties Within Historic District	Number of Required District Design Review Volunteers <i>(Existing Policy)</i>	<b>RECOMMENDATION:</b> Number of Required District Design Review Volunteers
50 or less properties	3	3 - 4
51 – 150 properties	5	4 - 5
151 or more properties	7	5 - 7

Ms. Heidebrecht took the floor and advised the neighborhood was having a hard time getting interested members and people to participate in the work area of the organization. With a reduced number it would be easier to have seats filled and at the same time create a sort of neighborhood watch with other members so that is was less of a patrol. Ms. Derr and Mr. Martin stated they believed 5 people would be sufficient to manage their district. Mr. Andy Lee asked Ms. Gagné how many design review applications were submitted last year. Ms. Gagné said it was a fairly busy year having between 8 and 10 from West Floral Heights but many more staff administrative reviews (approx. 30). Mr. Martin asked if West Floral Heights was the largest historical district. Ms. Gagné advised yes it was the largest. Mr. Martin asked Ms. Heidebrecht if she believed 5 people would be sufficient for them to which her response was yes.

Mr. Martin made a motion to approve the proposed amendment to the Design Review Guidelines related to minimum district design review committee volunteers with Mr. Dickinson who seconded that motion. Motion passed unanimously.

**V. Action Item – Design Review In The Morningside National Register Of Historic Places Historic District**

Ms. Gagné gave a short overview of the history of the Morningside Historic District and thanked the Morningside delegation for attending. Design review did not start until 2012. The Morningside Historic District is located north of 9<sup>th</sup> Street with some properties abutting the West Floral Heights Historic District. With just under 60 lots it was placed on the National Register of Historic Places (NRHP) in the 1980's with 103 total structures, 69 of those considered contributing to the character of the district, with 34 of them being non-contributing. Landmarks and planning staff became involved when a directive was given to the city from Texas Historical Commission (THC) when staff finished updating the Design Review Guidelines in 2011 as part of a THC CLG grant funded project. A state grant was received in 2009/10 to hire a consultant to work with Landmarks and city staff to update the archaic version of the design guidelines which were nebulous not only for staff and the Landmark board but left many property owners bewildered with what they could or could not do or what was and was not accepted.

Upon nearing completion of those guidelines city staff was informed by a Texas Historical Commission (THC) employee who was the State Coordinator for the Certified Local Government (CLG) program for that division of THC whom had made several site

visits that city staff would be required to conduct reviews on national register of historic place designated properties. City staff and the Landmark Commission questioned how we had the authority to start reviewing when they didn't have a dual designation as a city district. Not wanting to lose the City's 10-yr CLG designation, staff presented the new Design Review Guidelines to City Council not as an ordinance, but as a policy document in January 2012 where it was endorsed. City staff then sent letters to all historic designated property owners letting them know the new Design Review Guidelines were in effect including a letter that went to Morningside property owners which outlined based of the THC directive city staff was now required to conduct design reviews.

Ms. Gagné stated staff researched back to 2012 to see how many reviews have been conducted in Morningside whether it involved a major item that required review of the preservation board or those that just come in as a request for a permit and fall under staff administrative review. There were no major reviews in 2016 or 2017 for Morningside but a total of 12 reviews by the Commission since receiving the directive and reviewing exterior alterations in the district. Then there were 28 staff reviews between 2012 and 2018 for the Morningside HD. Staff has contacted THC numerous times over the years, from about 2015 forward asking for more direction, clarification and an answer regarding how the former THC staffer came to the determination in telling us as a directive why the City of Wichita Falls had to begin conducting design reviews for exterior alterations on national register properties. Staff has gotten mixed responses telling us the ordinance gives us the authority but it is not clearly stipulated so an ordinance amendment may address the issue. With the upcoming preservation conference in that took place a couple of weeks ago, staff emailed THC CLG and National Register division staff to try and get a final resolution on preferred direction in order to reach a determination and consensus that THC, the City of Wichita Falls Landmark Commission and Morningside could agree upon and move forward with the important focus of preserving the historical and architectural character of the structures. Ms. Gagné stated staff was able to sit down with CLG staff at the conference on Friday afternoon to review and discuss options moving forward. At this point no one has had an answer on how the THC employee came up with his determination in the fall of 2011. Staff was directed by THC to review the City of Austin process/ordinance for how they have addressed National Register Properties that are stand-alone (no dual city designation). One thing suggested was advisory reviews which are non-binding reviews. Responsibilities of Certified Local Government cities include *to monitor alterations to national register properties and Recorded Texas Historic Landmarks (RTHL) and State Antiquity Landmarks (SAL) and report to THC.*

Mr. Pat Osoinach, Morningside Association Vice President, 133 Pembroke Lane asked what had given the city authority to require reviews. Ms. Gagné again advised city staff was given the directive by THC staff in 2011. Mr. Osoinach spoke about neighbors and issues in the Morningside H D. as well as a pending lawsuit against the City of Wichita Falls. Ms. Kris Warman of #4 Crestway stated more than half of the homeowners in the Morningside HD are on fixed incomes, with only two families with school-age children and when those homes need updates and regular maintenance, they feel the city is telling them they cannot use what they can afford.

Ms. Gagné stated after visiting with THC staff they suggested an advisory review which is something the City of Austin has done with positive results. In working with current

THC staff trying to come up with a workable solution to the problem it was recommended to do an amendment to the City's Chapter 62 – Historic Preservation Ordinance to specifically address NRHP properties through an advisory review. City staff recommends the following text amendment to the historic preservation ordinance to clarify how NRHP properties will be addressed in the future. Design review will be conducted in an advisory capacity which is non-binding and a recommendation only to the property owner to ensure: 1) historical integrity is maintained, 2) fulfillment of CLG responsibilities of monitoring actions that may impact NRHP structures, 3) public notice via posting meetings alterations may occur; and 4) notification to THC of inappropriate changes to RTHLs and NRHPs.

Mr. Osoinach asked many questions to which Ms. Gagné, Ms. Gardner and Commission members responded. Mr. Gary Cook, President of the Morningside Association stated they believed self-policing over the past 25-30 years worked quite well, particularly if there was a deed restriction violation a lawsuit would be filed against the violating property owner. He didn't believe there was a need for the City's involvement as the property owners had voted on several occasions to not pursue a city-designated historic status specifically because of design review authority.

The Morningside delegation indicated they would share these proposed recommendations with the Association members and initially liked the proposal. Chairperson Graham stated she preferred Option 1 which separated how national and state designated properties would be addressed; Ms. Derr and legal counsel Ms. Gardner concurred. Further discussion among the Commission, staff and the Morningside delegation until a consensus was reached at which time a motion was introduced.

Ms. Derr made a motion to approve Option 1: Chapter 62 – Article I Sec. 62.5.1 & Sec. 62.5.2, seconded by Mr. Martin. Motion passed unanimously. Staff indicated they would inform the Association President (Gary Cook) of the time frame for the text amendment being scheduled for council consideration.

#### **Proposed Text Amendment: Chapter 62 Historic Preservation – Article I:**

**Sec. 62.5.1 – National Register of Historic Places Designated Properties and Districts**  
*Individual properties, structures, sites and historic districts designated as National Register of Historic Places (NRHP) that do not hold a local City of Wichita Falls designation as a historic district or historic landmark or historic site, the property owner shall obtain an Advisory Design Review for National Register District/Site from the Landmark Commission prior to any: major alteration to the exterior of any part of the structure, new construction, reconstruction, demolition, removal or relocation with the exception of routine maintenance of the site.*

**Sec. 62.5.2 – Recorded Texas Historic Landmarks (RTHL) and State Antiquities Landmarks (SAL)**  
*Individual properties, structures, sites and historic districts designated as Recorded Texas Historic Landmarks (RTHL) and/or States Antiquities Landmarks (SALs) that do not hold a Local City of Wichita Falls designation as a historic landmark or historic site or historic district, the property owner shall obtain an Advisory Design Review for National Register District/Site from the Landmark Commission prior to any: major alteration to the exterior of any part of the structure, new construction, reconstruction, demolition, removal or relocation with the exception of routine maintenance of the site.*

## **VI. Discussion/Updates From: Texas Historical Commission 2019 Real Places Preserving Historic Texas Workshop & Conference**

Ms. Gagné discussed with Commissioners key topics from the recent training conference and the benefit of the all-day CLG & tax credit workshops in addition to the DowntownTX.org program which can function as both historic property inventory but opportunity to market downtowns and is only available to MainStreet and CLG designated communities within Texas. Staff noted they would discuss the DowntownTX.org program with management to see if it could be pursued with the downtown plan implementation also urging Commission members to read over the many benefits of participating in the program and conference materials.

## **VII. Other Business**

### **a) Monthly Reports:**

#### **Depot Square and Historic District:**

Ms. Michele Derr gave an overview of activities coming up in the Depot Square:

- Feb. 1<sup>st</sup> – Golden Age of Hollywood Dinner @ The Kell House Museum
- Feb. 2<sup>nd</sup> – Farmers Market Wine Fest
- Feb. 3<sup>rd</sup> – Superbowl event
- Feb. 14<sup>th</sup> – Valentine's Day Specials Downtown
- Feb. 8<sup>th</sup> – Backdoor Theater production of My Way
- Feb. 8<sup>th</sup> – Backdoor Theater production Newsies musical also casting auditions for kids 12-18 years of age for Frozen the Musical

#### **West Floral Heights District:**

- 1512 Tilden – staff update regarding their request for the fire report; Ms. Kristina Andonian, Code Structures officer, contacted planning with concerns about possible future complaints and inquiring if we had any contact with the owners regarding plans for renovation, demolition, etc. Planning reached out to home owners as of Jan 28/19 and left a detailed voice message asking them to contact staff to discuss their plans for the property and home.

#### **Morningside District:**

- No new business

### **b) Preservation Texas Summit 2019**

- February 27<sup>th</sup> – 28<sup>th</sup>

#### **New Brochures**

- Convention & Visitor's Bureau (CVB) looking to update Landmark's former 'Touring Wichita Falls History' brochure originally a CLG Grant funded project in 2009-2010. Commission & staff will need to review and provide revisions to CVB this winter/spring

### **c) Design Review – Staff Authorized – Minor Alteration/Repairs:**

- 1300 7<sup>th</sup> St (Memorial Auditorium)
- 711 Indiana (electrical/mechanical work)

- 1808 Elizabeth (landmark) – plumbing/gas work
- 1608 Grant St (West Floral Heights) – foundation repairs
- 3 Crestway (Morningside) – plumbing repairs
- 1608 Grant (West Floral Heights) – composition roof repairs
- 1000 Lamar (landmark-Federal Bldg.) – right-of-way excavation work
- 1601 Tilden (West Floral Heights) – foundation repairs

**d) Articles & Periodicals/THC items:**

- Brochures/Items from THC Real Places Conference 2019

**Next Meeting Date: February 26, 2019**

**VIII. Adjourn:**

Meeting adjourned at 1:32 p.m.

*Christy Graham*

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Christy Graham, Chairperson

*2/26/2019*

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Date

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