Regular Meeting August 2d 1889

Council Room, El Paso, Texas, August 2d 1889

The Council met in Regular Session @ 8 p.m. Mayor Caples presiding. Aldermen Davis, Johnson, Kelly, Kitchen Merrick Papin, Solomon and True City Attorney, A.G. Foster in attendance

On motion of Alderman Johnson the reading of the minutes of the last meeting were dispensed with.

The City attorney, to whom was referred the report of Health Officer Yandell with a request to prepare certain ordinances reported the following ordinances:

An Ordinance to amend an "Ordinance to define and abate Certain Nuisances".

Also an An ordinance to compel owners of buildings within 100 feet of a Public Sewer to connect with same within 30 days after notification.

On motion, both ordinances were referred to the ordinance committee.

The Report of G.F. Merrill, Assessor and Collector was read and referred to the Finance Committee.

The City Attorney made a partial report in reference to the claim of Isaiah Weston for services as Plaza Commissioner and was granted further time

Alderman Johnson moved to take up and consider the communication from the Board of School Trustees. Adopted.

The Clerk read the report, as follows:

El Paso, Texas, August 1st 1889

The Hon City Council:

At a called meeting of the Board of Trustees of the City Public Schools for July 31st. ult., no quorum being present, informal action was taken by the members present, viz: Messrs Merrick, Brack and Kaufman, as follows:

"We recommend to the city Council to make a levy of 50¢ on $100. to provide for the following estimated expenditures for the public schools.

Salaries of Supt, 16 teachers, Secy and Janitor (Already Employed)		16650.
Repairs and permanent improvements		1000.
Library and Educational apparatus,		500.
Fuel		300.
Water		500.
Supplies – Stationery, chalk, ink, erasers, brooms, etc.		500.
Incidentals – Printing, Drayage &c –		250.
Rent – for Mexican preparatory and colored schools –		500.
Total to maintain Schools on present basis		20200.
For additional wing – furniture included – like one in course of construction	14,000	
" Colored School " "	3,500	17500.
To complete contract on new building $6636.00 Extras on same $500.	7136.	
Furniture for new building, $1064. Grounds, outhouses &c $1000.	2064.	9200.
Total Carried forward		46900.00

Regular Meeting Aug 2d Continued

Amount brot forward		46900..
Less cash on hand	13300..	
Estimated receipts from State	3600..	16900.
Balance, to be provided for,		30000.

On an estimate in round numbers, of the Assessment list at $6.000.000.-- a rate of 50¢ will produce the required ~~rate~~ amount. Even then, the commission and the failure to collect in full, will reduce the amount, somewhat.

Yours Respectfully
(signed) C. Esterly, Secy

P.S. I enclose herewith, also, manuscript copy of General Statistics for information of the council. These statistics are prepared for publication in the Annual Report, which will be in the hands of the printer within a week

[signed] C. E. Secy.

General Statistics.

Year ending June 30,	1885	1886	1887	1888	1889
Estimated population,	4500	7.000	10.500	12000	13000
School Census (8 to 16)	434	619	775	914	1043
Total Enrollment (6 to 18)	359	466	616	695	841
Average Belonging,	221	284	350	421	542
Average Attendance,	200	260	327	398	507
Per cent of Attendance,	90	92	93	95	94
Pupils Promoted,	120	163	217	286	392
Number of cases of tardiness,	860	932	932	578	200
Assessed Valuation,	3.475,886	3.629.430	4.185.413	5.500.000.	5.870.825
Rate of Tax Levy on $100.	50¢	20¢	30¢	35¢	40¢
Total Expended for all purposes,	19.294.06	1.3974.18	18.130.09	1.9440.92	2.0789.05
Current expenses (excluding all permanent improvements)	5281.25	8.296.45	1.0182.12	1.3.148.97	15.237.32
Tuition per capita on census,	12.12	13.40	13,14	14-39	14,61
" " " on enrollment	14.71	17,80	16,53	18.92	18,12
" " " on belonging	23,90	29,21	29,09	31,33	28,11
Average Annual Salary as teacher	880.18	841.83	806.82	757.47	776.48

Financial Statement

Balance on hand July 1st. 1888,		11554.49
Receipts, 1888-9, from State,	3656..	
Do from City tax,	20405.70	24.791.78
Do from Tuition	195.60	
Do from other Sources	534.48	36346.27

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Financial Statement, Con'd	Amt brot forward		36346.27
Expended on Buildings,		4495 20	
" on Furniture,		151 75	
" on Library and Apparattus,		214 29	
" on Repairs,		537 76	
" on Rent,		917 80	
" on Superintendents Salary		2400 00	
" on Teachers,		10043 75	
" on Secretary's Salary,		120 00	
" on Janitor,		790 00	
" on Fuel,		277 90	
" All other purposes,		955 60	20.904 05
Balance on hand July 1. 1889			15442 22

On motion of Alderman Davis it was ordered that the report be spread upon the minutes and filed

Reports of Committees!

Ordinance and Rules – no report

Streets and Grades Committee, through Chairman Solomon reported back "Citizens petition relative to impassable condition of the Acequia Madre" and recommend "that the city build a bridge over the acequia on West Overland St. and that the City clerk be instructed to notify the A.T.&S.F.R.R.Co. to open said street.

On motion the Streets and Grades committee were authorized to have the bridge built.

The Streets and Grades committee also reported back the proposal of S.H. Wilson to keep the streets clean and recommend that it be placed on file until the Council confirm a scavenger. The recommendation was adopted.

The committee also reported that the sidewalks reported in a dangerous condition on N. Stanton and N. El Paso streets had been repaired as authorized by the council at the last session at an expense of $10.93 and asked that a warrant be drawn upon the Street fund for that amount. It was so ordered.

The committee reported further, that the work of filling up water holes on San Antonio and other had been attended to.

The finance committee reported favorably upon the following bills and recommended that warrants be issued for payment of the same

General Fund

El Paso Water Co.	Flushing Tanks. June 1889	60 .	
" "	Rent of Hydrants	910	
" "	City Hall, Water, 6 mos to June 30.'89	43 31	
" "	Pumping Station	1 91	1.015.22
Brush Electric Light Co.	Seventeen Arc Lamps, May, June, July, '89		803 25
Gas and Coke Co.	Gas for Apr. May, June 1889		516 56
	Amt. carried forward		2335.03

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	Amount brought over		2335 03
Z. F. Merrill,	Supplies for Assr. & Collector	Genl fund	34 45
J. H. Wilson,	Scavenger bill	" "	73 50
	Cleaning Sewer cisterns	Sewer	15 00
New Era Paint Shop	Signs for Mesa Ave	Generl "	4 50
C. C. Kieffer,	Stationery	" "	10 00
A. Fuhrman,	Rent Polling place June 28.	" "	5 50
J. Haas,	Basket & Salt Police Station	" "	2 25
Ed. L. Watts,	Watching Head of Acequia	Spl "	20 00
Nate Western,	Hack Hire	Street "	3 00
Henry Bencke,	Tools for St. G Com	" "	7 50
T. H. Lomax,	Street Work		180 00
			2590 73

The report of the finance Committee was adopted.

Police Committee. Alderman Papin, chairman, Police Committee asked further time to prepare report in reference to policeman J. L. Watts. It was granted.

On account of a fire alarm being sounded just at this stage of the proceedings, on motion of Alderman Solomon a recess was granted for ten minutes.

After recess, The question of publishing ordinances of the council was brought up by Alderman Papin, and on motion of Alderman Papin it was ordered that the city papers be invited to bid for the Official printing of the city Police ordinances, and the paper making the lowest bid to be given the work.

Alderman Johnson moved the city papers be invited to bid for the official printing. The motion was adopted.

Alderman True suggested to the council the propriety of making the warrant for payment of Sewer Pump Engineer payable out of the Sewer fund instead of Special There being no objection it was so ordered.

Alderman Johnson moved that the salary of W. G. Colwell as Sewer pump engineer for the month of June 1889, be paid, also, from the Sewer fund, on the return of warrant for same Service issued against the Special fund.

On a Call of the ayes and nays the following Aldermen voted "aye": Johnson, Kitchen, Merrick, Solomon, and True - 5 The following aldermen voted "nay": Davis, Kelly and Papin - 3. The motion was adopted.

Alderman True presented the account of Z. F. Merrill, for office supplies purchased for his use as assessor and collector, amounting to $34.45.

On motion of Alderman Johnson a warrant was ordered to be drawn on the Genl fund to reimburse Mr Merrill for amt expended.

Fire and Water Committee - No report.

Building Committee. Alderman Kitchen, chairman of the Building Committee reported an ordinance and resolution in reference to building permits, which were read and referred to the City Attorney

Acequia Committee - Alderman Merrick from the Acequia Committee

Regular Meeting Aug. 2d 1889 Cont'd

reported the following ordinance which was read and action upon the same deferred until the next meeting.

Whereas, there is no water in the public acequia of the City of El Paso, and the bed of said acequia, at its mouth, is one and a half feet above the present surface of the river, which has been caused by defective construction of said Acequia: and

Whereas, it will require the outlay of considerable money, and take much time to place the ditch in proper condition to carry water during low water in the river: and

Whereas, there is no work for the Acequia Commissioner, Therefore ....

Be it Ordained by the City Council of the City of El Paso.

Section 1: That the acequia commissioner ordinance passed on May 24th 1889, be, and the same is hereby repealed.

Section 2: It is made the duty of the Acequia Commissioner to make out a report of all persons who have not paid their annual Acequia rate for the year 1889, and file same with the Assessor and Collector.

It shall be the duty of the assessor and collector to collect all unpaid Acequia rates for the year 1889, and deliver the proceeds of same to the treasurer to the benefit of the Acequia fund, for which services the assessor and collector shall receive five per cent on all collections made.

Section 3: That the watchman at the mouth of the Acequia is hereby relieved from duty until further notice.

Special Committees: Alderman Davis from the Special Committee to whom was referred the petition of Joseph Schutz in reference to extension of Sewer, made the following report which was read and adopted.

To the City Council of the City of El Paso.

Your Special committee, appointed at the last regular meeting of the Council on the petition of Mr Joseph Schutz, to extend the City Sewer to his residence would respectfully submit the following report and recommendations to be passed upon by the Council:

That the city allow 26¢ per foot in warrants on the sewer fund for 1000 feet, or less, as may be required [and determined by the city engineer] to carry the sewer to a point where connection can be made with Mr Schutz residence along the proposed line; and Seventy-five dollars ($75.00) for the flushing tank to be placed at head of sewer; all work to be done under the careful supervision of the Sewer Commissioner and City Engineer; the contractor to give a bond with two good sureties, in the sum of $250.00 for the faithful performance of contract - contract and bond to be approved by the City Attorney: the city engineer to make surveys, and check up his work when pipe is laid, and before it is covered. We further recommend that the sewer be carried no further than is necessary to place flushing tank in alley above the connection with Mr Schutz residence.

(Signed) M. B. Davis, Chr. - L. Papin - R. F. Johnson

Dated Aug 2, 1889

Regular Meeting, Aug. 2d Continued.

The following bills were read and referred to the finance committee:

T. M. Cooney & Co.	Coal for Pest House	6	50
Gas Company	36 Lamps for July	156	72
C. C. Kieffer	Stationery	3	50
F. P. Brown	Sanitary supplies	12	50
W. A. Irvin & Co	Stationery	8	29
Water Works Co.,	Flushing Tanks	60	00
Thos Lamberton	Interpreter	5	00
Ah Mung	Feeding prisoners,	19	60
Santa C. Manguero	Carrying Coal & Water to Pest House	2	00
El Paso Times	Acequia Com^r ad		60
Brush Electric Light Co	17 Arc Lights for July '89	267	75
Buchanan & Powers	Repairs at City Hall,	2	00
" "	Stakes for City Engineer,	2	00
		546	46

The petition of Messrs B. N. Davis, W. H. Austin and E. B. Branson in reference to extending city sewer to connect with petitioners residences was presented by Alderman Johnson and on motion of Alderman Papin referred to a spl committee to be appointed by the mayor. Messrs True, Solomon and Kitchen were appointed.

The proposal of E. B. Branson, C. R. Morehead, Chas. B. Eddy, T. J. Beall, B. N. Davis W. H. Austin, E. S. Newman and Chas Davis to donate 20 acres of land east of Franklin Mountain, provided the city will procure an artesian well and erect Water Works &c. &c. was read and action deferred upon the same for one week.

The proposal of the Brush Electric Light Co. was read and referred to a special committee composed of Johnson, Papin and True.

The application of Theo. Lamberton for appt on the police was referred to Police Com^e

The following report from the committee on Taxation to whom was referred petitions of Fruit and other dealers asking protection from unlicensed vendors, was read and ordered filed.

To the City Council of the City of El Paso.

The petition of Frank del Bueno and others, and petition of Mexicans on San Antonio Street, which were referred to this committee, asking that fruit vendors on the street and sidewalks be licensed or prohibited from offering their goods for sale within certain distance of a licensed dealer. Your committee beg to report that the ordinance passed at last meeting, against obstructing the sidewalks, and prohibiting venders of every description from offering their goods on the sidewalks, for sale, in the opinion of your committee fully and sufficiently meets the case and that no further action is necessary to protect the petitioners.

We recommend a strict enforcement of the ordinance referred to.

Dated Aug 2. 1889

(Signed) M. B. Davis Chm
H. A. True - A. Solomon

Regular Meeting Aug. 2d 1889. Continued

The mayor presented the following appointments as police officers: James F. Martin, W. Dulaney, J. W. Johnson, C. W. McNeill, Ed Hoffman and R. B. Stevens.

On motion of Alderman Johnson action on the Mayors appointments was deferred until the next meeting.

Alderman True called the attention of the council to the question of salaries of the city officers with a view to having them fixed.

On motion of Alderman Johnson the matter was referred to the finance committee

The City Assessor and Collector called attention to the importance of levying the Annual Occupation tax

On motion of Alderman True the City Attorney was instructed to prepare an ordinance to license occupations.

There being no further busines the council adjourned

G. E. Bovee
City Clerk

Approved:

Richard Coles Mayor

El Paso, Texas, August 7, 1889.

To the Finance Committee
City Council,

Gentlemen: I have made a complete check of the census, as taken by the El Paso Directory people and find a total of 11.069. as follows:

American	7846
Mexican	2069
Colored,	810
Chinese,	344
Total	11069

(Signed) L. F. Merill
Assessor & Collector.

O.K. 8/8/89
(Signed) M. A. True,
M. B. Davis.

Reported favorably and warrant ordered August 9. 1889.
See page 581. Book E.

Regular Meeting, Aug. 9, 1889.

Council Room, City Hall, August 9th. 1889.

City Council met at the Council Room, City Hall, in Regular Session, at 8 p.m.

Present: Mayor Caples: Aldermen Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True.

Absent: Aldermen Johnson.

The reading of the minutes of the last meeting was dispensed with.

Reports of Officers:

In compliance with instructions from the Council, City Atty Foster reported the following ordinance which was adopted and filed

An Ordinance Relating to Occupation Taxes:

Be it ordained by the City Council of the City of El Paso:

Section 1 There shall be levied on, assessed on, and collected from every person, firm, company or association of persons, pursuing, within the corporate limits of the City of El Paso, any of the occupations taxed by the State of Texas, an annual occupation tax for the fiscal year beginning May 1st A.D. 1889, and ending April 30th A.D. 1890, equal to one half the occupation tax levied by the State of Texas on such person, firm, company, or association of persons for pursuing such occupation: provided: that nothing in this section contained shall be construed so as to levy, assess and collect an occupation tax on any person, firm, company or association of persons exempt by law from the payment of occupation taxes to the

Section 2 This ordinance shall take effect from and after its passage and approval.

Filed with City Clerk Aug. 9 1889. Approved Aug. 10, 1889.

The city attorney also reported back, with amendments, the resolution offered by Alderman Kitchen at the last meeting, regarding building permits which, on motion of Alderman Solomon, was adopted, as follows:

Resolution Relative to Building Permits.

"Whereas section one of an ordinance entitled "an Ordinance to regulate building map", adopted by the City Council February 5th 1886, is seldom complied with and never enforced, though intended to record and preserve useful information concerning the growth of our city;

Therefore be it Resolved by the City Council of the City of El Paso.

That the Chief of Police is hereby authorized and directed to report to the City Clerk the names of all persons in this City who have needed, are now erecting, or may hereafter erect buildings within the City limits, in violation of existing ordinances; And the City Clerk shall immediately notify each person so reported, by mailing to him a notice to make application and procure the required permit; and in case of failure of any such person to take out a permit within ten days after such notification, the Clerk shall deliver a list of such persons to the City Attorney, who shall proceed against any such offender, without delay, to enforce said ordinance.

Filed with City Clerk Aug 9 1889

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Reg. Meeting, Aug. 9, 1889 Cont'd

The City Attorney made the following report on the claim of Isaiah Weston for services as Park Superintendent in 1887, which, on motion of Mr True was ordered to be received and filed.

El Paso, Texas, August 9th, A.D. 1889.

To the City Council of El Paso;

Gentlemen: In regard to the claim of Isaiah Weston, for balance due him for salary as Park Superintendent for 111 days during August, September, October and November, 1887, $111.00

I have to report that on two occasions previously, has this claim come up before the City Attorney and an opinion rendered thereon

On April 1st, 1887, while Mr Weston was still assuming the duties of his office, the Council requested City Attorney Blacker to report on the status of Mr Weston, and whether or not his office could be terminated before the expiration of the year, the time of the alleged contract.

Judge Blacker gives as his opinion, that Mr. Weston's appointment was "for the term of one year from Nov. 26th, 1886", and that "the only way to oust him is for good and sufficient cause, shown to the satisfaction of the council", which "might require charges, specifications and proofs".

After Mr Weston's discharge, without a trial he put in his bill to the council for the balance claimed to be due him, and the matter was referred to City Atty. Coldwell, who reports "that in his opinion Isaiah Weston was an employe of the City of El Paso, under a written contract, for one year, and that the City of El Paso could not repudiate that contract and discharge the said Weston before the expiration of the year, so long as he discharged the duties of his position in a proper manner"

The question of the liability of the City of El Paso to said Weston, for his said claim, hinges upon the fact as to whether or not a contract had been made between the City and Mr Weston for the year from the 26th day of November, 1886.

The minutes of the Council at that date read." The petition of Isaiah Weston, asking to "be appointed Gardener and Keeper of the Plaza, at a salary of $360.00 per year, was read"

There was also read a petition of the Plaza Committee of citizens, asking that a "gardener be appointed for the Plaza." Moved and seconded that the prayer of petition" "ers be granted, and that Isaiah Weston be, and is hereby appointed Gardener and Keeper" "of the public plaza, at a salary of $360.00 per year, payable out of the General Fund" "Carried". To pass upon the question of the contract, the petition of Mr. Weston is necessary, and that petition is not in the City Clerks office, and is lost. Secondary evidence of the contents thereof being necessary, I have applied to both said ex-City Attorneys, and am informed by them, that the petition of Mr. Weston, and the acceptance of the same by the Council, clearly established a contract between the City and said Weston, running for the full term of one year.

Not being able to make an original investigation for myself, I concur with my predecessors in office.

Regular Meeting, August 9, 1889 Cont'd

In Judge Blackers opinion of April 1st 1887, he suggests that the council create the office of Gardener and Keeper of the Public Plaza, and prescribe the duties thereof. At the meeting of the Council of April 15th 1887, an ordinance was passed "defining the duties of Gardener and Keeper of the Public Plaza or Square", requiring said officer to take the oath of office, and give bond in the sum of $1000.00

On April 18, 1887, Mr Weston took the oath of office, and on April 19th 1887, his official bond was duly approved by R. C. Lightbody, Mayor. Thereby, Mr Weston became an appointive officer of the City Council

Sections 21-36-41 and 48 of the City Charter of 1873 give the City the power to control the City Plaza and pass all necessary laws therefor; and sections 34, 35, 106, 142 and 147 of said charter give the Council the power to appoint all necessary officers, and to define their duties.

Section 32 thereof says the City Council shall have power, by ordinance, "to provide for "the removal of officers of the City, for misconduct, and to create any office, or employ any" "agent they may deem necessary for the good government and interest of the City"

Section 150 says "The City Council shall have power to remove any officer appointed" "or elected by them, for incompetency, corruption, misconduct, or malfeasance in office," "after due notice and opportunity to be heard in his defence &c"

The City Council relieved Mr Weston by resolution of August 5th 1887. "That the services" "of Isaiah Weston, as Park Supt., be, and the same is, hereby dispensed with, and that all" "wages that he may claim from and after this date shall be stopped and refused, and that" "the City Marshal shall take charge of said Park until such time as other provisions shall" "be made for the care of the same".

Mr Weston being a duly appointed and qualified officer of the city, could only be removed therefrom by proceedings in conformity with sections 32 and 150 of the charter aforesaid, and the ordinances passed thereunder, on March 16, 1886, providing that charges should be preferred and a trial given the officer complained of; and his removal under the resolution of August 5th 1887, did not release the City from further obligation on said contract.

Therefore, it is my opinion that the City of El Paso is indebted to Mr Weston the balance due him as salary under said contract, but reduced by the amount he might have earned by engaging to any other party during the time of the breach.

It was the duty of Mr Weston to have diligently endeavored to find other employment during said time; but there was no duty on his part to have engaged in a different business, or in a different place.

The burden of proof is on the City to determine the amount Mr. Weston could have earned in similar employment at this point, between the 5th day of August, 1887, and the 26th day of November 1887.

Very Respectfully Submitted,

(Signed) A. J. Foster

City Atty.

Regular Meeting, Aug. 9th Cont'd

In compliance with instructions to the clerk given at the last meeting of the Council, that officer reported that he had invited bids from the three leading public newspapers published in the city, to publish the three police ordinances recently passed by the Council, and had received two bids to do the work: one by the ElPaso Times to do the work at $1.50 per inch, brevier type, and one from the Evening Tribune at the rate of 30¢ per inch brevier type, ten insertions; and that he had caused the ordinances to be published in the Tribune, the rate being 1/5 that charged by the Times.

The action of the clerk was approved

Committee on Ordinances and Rules. No Report.

" " Streets and Grades through Alderman Solomon, Chairman, reported the following ordinance and recommended its adoption:

An Ordinance

No. 4 **Concerning Street Improvements.** (Pub. in El P. Times Sep. 19 to 28, 1889)

Be it ordained by the Mayor and Councilmen of the City of ElPaso:

Section 1 Whenever the City Council shall, by ordinance or resolution duly published, declare any work on, or improvement of any street, sidewalk, alley, avenue or lane, the cost and expense of which is to be collected as a special tax on the adjacent property, and no legal protest shall be filed thereto with the City Clerk, it shall be the duty of the City Engineer to make a specification describing the work to be done, with a careful estimate of the cost, and record the same in a book to be, by him prepared for that purpose. Upon the completion of such record he shall give notice in the official newspaper of the city for at least ten days, describing briefly, the work to be done, the amount of the deposit required of the bidder, as hereinafter provided, and the time within which proposals will be received at his office for doing the same which proposals shall be sealed up and delivered to him at his office within the time specified. No proposals for public work of any kind to which the city of ElPaso is a party shall be considered by the city council, unless accompanied by the city treasurers receipt for ten per cent of the estimated cost of the work bid for, where said cost does not exceed two thousand dollars. Where it does exceed that amount, two hundred dollars shall be the amount of the deposit. The receipt is to be returned to the party to whom the contract is awarded as soon as said contract is entered into by him, and bond, with satisfactory sureties furnished, unless he fails to furnish said bond within two days from the award of contract and approval of bond, in which case the said deposit shall be retained by the city treasurer, and become a part of the funds of the city; provided, the city may not accept said bond after said two days. All other bidders are to have their receipts returned to them within two days from the time the bids are opened

Approved Aug 12, 1889
Pub. El P. Daily Times Sep. 19 to 28, 1889

Section 2 The city engineer shall prepare blank forms for such proposals, and furnish bidders therewith. The city engineer shall, in his notice of proposals, state what amount of bonds will be required for the performance of such work, which bond shall, in no case be for more than one half the cost of the proposed work.

Regular Meeting, Aug. 9th Continued.

Section 3 When the time for proposals shall expire, the city engineer shall deliver such proposals, with the date of their receipt by him, to the city clerk, who shall open and read such proposals, in the next or subsequent meeting of the council, thereafter held, as may be the pleasure of the council, and the council may thereafter award the contract to the lowest and best bidder, or may refuse to award it, and may order the same again advertised for proposals

Section 4 When such contract shall be awarded, it shall be the duty of the city attorney to prepare a contract and bond for doing the work, which contract shall be signed by the contractor and the Mayor of the city, which bond shall be approved by the city council, and both bond and contract shall be filed with, and recorded by the city clerk.

Section 5 The work to be done under the contract may be enlarged, diminished, or otherwise changed by the council, and the addition to, or reduction of the amount of work to be done, or the cost of the same, shall be calculated by the city engineer on the basis of the price agreed upon in the contract, as near as may be, and added to, or deducted from, the entire cost, as the case may be.

Section 6 As soon after the making of such contract as to the cost of such improvement, shall be ascertained by the city engineer, and reported to the council an ordinance shall be prepared by the city attorney levying such tax in accordance with the law in force, and in case the taxes shall remain unpaid until the penalty shall be added thereto by virtue of the law aforesaid, the city assessor and collector shall enter the same, giving date of levy, description of property, and description of improvement in a record book, to be by him prepared for that purpose, and the amount of tax assessed on each piece of land, and shall cause a notice to be published, once in each week for four consecutive weeks in the official newspaper of the city, containing a description of the land, and the amount of tax, costs and penalty thereon, and the time when, and place where, such land will be sold; and at said time and place of sale, he shall attend and offer for sale each of such tracts of land separately, The person at such sale who shall offer to pay the taxes and penalty, and costs of sale for the least quantity of land, shall be the purchaser thereof: provided, that if no person shall bid thereon, the said land shall be bid off by said assessor and collector to the contractor, who shall receive the same in full for all indebtedness therefor owing him by the city, except where the city shall become liable, as in section 13 of this ordinance, in which case the said land shall be bid off to the city. In case less than the entire quantity of land shall be sold, such less quantity shall be an undivided fractional interest in the entire tract offered.

amended Book 8 p. 150

Section 7 The city assessor and collector shall, immediately after the sale of lands for such tax, record a list of all such lands sold, in a book to be prepared for that purpose. Said list shall contain. 1st: The number of the certificate of sale, and the date thereof. 2d: The name of the owner or owners, if known. 3d: A description of each tract, or parcel of land. 4th: The name of the purchaser. 5th: The total amount of taxes, penalties and charges, at time of sale. 6th Columns for the amount

of subsequent taxes paid by the purchaser, and the date of payment. 7th Name of person redeeming, and date of redemption. 8th: Total amount paid for redemption. 9th: Name of the person to whom deeded, and the date of the deed.

Section 8 Any person may redeem any lot, or piece of land so sold for such taxes assessed thereon, by paying the taxes assessed, penalty and costs of sale and interest thereon, at the rate of Twenty-five per cent per annum, at any time within two years after such sale.

amended Book D. p. 120

Any person who shall produce a deed, or certificate from the clerk of the county court, certifying that the records of such clerk show him to be the owner of any part of any tract of land sold for such taxes, may redeem such part. The redemption shall be made by such person paying to the city assessor and collector, for the owner of the certificate of sale the amount of all charges above enumerated.

Section 9 The city assessor and collector shall give to each purchaser, on the payment of the amount of his bid: or if any lands are struck off to the contractor, then to the contractor, a certificate dated the day of the sale, describing the amount paid therefor, and the land sold; and stating that the purchaser will be entitled to a conveyance from the City at the expiration of two years from the date of the certificate, unless the same be sooner redeemed by the payment of the full amount of tax and penalty for which said land was sold, all costs and charges thereon, together with 25 per cent per annum thereon.

Section 10 Said certificate shall be assignable by a written assignment endorsed or attached to the same

Section 11 If any land sold for taxes shall not be redeemed within the two years thereafter, the city clerk shall, on presentation to him of the certificate of sale, and a certificate from the assessor and collector that the land has not been redeemed, execute, in the name of the city, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed for the land so remaining unredeemed, and shall acknowledge the same, which deed shall vest in the grantee an absolute estate in fee simple in such land; subject, however, to all unpaid taxes and charges, which are a lien thereon; and such deed, duly witnessed and acknowledged, shall be prima facia evidence of the regularity of all the proceedings prior thereto, and may be recorded as other conveyances of land. The city clerk shall be entitled to receive two dollars for making and executing each deed.

Section 12 The assessor and collector shall receive the same fees for services rendered under this ordinance as for like service under tax sales.

Section 13 All sales of real estate, and other proceedings connected with the same under this ordinance, and the proceeds of such sales, or the redemption of lands sold, shall be for the use and benefit of the contractor, except necessary expenses and fees due the officers. The officers fees shall be due upon the making of the tax sale certificate for the work of assessing and selling, and immediately, for all work done thereafter, whether the person be a purchaser, or the land be bid off to the contractor, or to the city; provided, that should the city become liable under any contract,

for the costs and expense of any of the aforesaid improvements, the proceeds of such sales, or the redemption of lands shall be for the use and benefit of the city.

Section 14 Any person may, upon producing to the Assessor and collector, evidence of the ownership of a part of any tract of land for which any certificate of sale shall have been issued at any time before sale, pay the proportionate amount of taxes, penalty and costs then due on such part, or may pay on the whole of any tract without such proof.

amended Dec 8 1890

Section 15 In case any part of any tract of land shall be redeemed before the purchaser is entitled to a deed therefor, the city clerk shall execute a deed for the remainder, the same as if such remainder had been sold alone.

Section 16 It shall be the duty of the city assessor and collector and city engineer, to paste in a book or record to be by them respectively kept for that purpose, copies of all notices by them required to be given, stripped or cut from the official paper of the city, in which the same was published, and the length of time for which the publications were made.

Section 17 In case any sale shall be set aside, or held to be insufficient to pass the title, by means of any irregularity in making the same, the City Assessor and Collector, on production to him of the certificate of the clerk of the court so holding or deciding, stating such fact, shall proceed to re-sell the land the same as if no sale had been made, and in case any deed should be held to be invalid for any irregularity in making the same, the city clerk shall make a deed in place thereof, the same as if none had been made. The additional expense made thereby shall be paid by the city

Section 18 The provisions of this ordinance shall apply to, and govern the officers of the city in making sales and conveyances on contracts already made, and sales heretofore made, and conveyances for lands already sold shall be made in conformity: provided, that when any part of such proceedings is now in progress, the same may be carried out as if this ordinance had not been passed, and in pursuance of the ordinance in force when the same was consummated, or may be completed under this ordinance.

Section 19 That all ordinances heretofore passed upon the subject embraced in this ordinance, or in conflict herewith, are hereby repealed; provided, that all rights acquired, and all proceedings commenced under any such ordinance, shall continue and be in full force and be perfected and carried into effect, the same as if this ordinance had not been passed.

Section 20 This ordinance shall take effect and be in force from and after its approval and publication.

On motion of Alderman Papin the foregoing ordinance was adopted and ordered to be published in the Official Journal when such journal shall have been selected

Alderman Solomon, from the Streets and Grades committee recommended that the bridge authorized to be built over the Acequia on West Overland Street be built on Sonora Street instead of West Overland. The recommendation was adopted.

Regular Meeting, Aug. 9th 1889, Cond.

Alderman Solomon also reported that the side track and switch of the El Paso Street Railway Co. on St Louis street are a nuisance and ought to be removed

On motion of Alderman True the City Clerk was instructed to notify the Railway Co to remove the side track and switch reported by the Streets and Grades Committee.

The city clerk was, also, instructed to notify the Telephone Company to repair sidewalks and fill up holes when removing poles in the city.

Alderman Solomon asked that a warrant be drawn on the Street Maintenance fund to pay 3 men for 12 days work repairing streets, $36.00. It was so ordered.

Alderman True from the finance committee reported favorably upon the following bills and recommended their payment.

No	Name	Purpose	Fund	Amt
	El Paso Gas & Coke Co.			
67	Lowe E. P.	Pub. Police Ordinances	General fund	32 00
68	Times Pub. Co.	" Election Notice, June 28	" "	55 00
69	El Paso Directory Co.	11.069 names @ 2½	" "	276 72
70	T. M. Cooney & Co.	½ Ton Coal for Pest House	" "	6 50
71	Ah Mung.	Feeding prisoners July, '89	" "	19 60
72	Lucius M. Sheldon	Rent, Polling place June 28	" "	10 00
73	C. C. Kieffer.	Stationery,		3 50
74	Brush Elec Light Co.	17 Lights for July, 1889.		267 75
75	Santa Cruz Moncara	Carrying coal & water P. House		2 00
76	El Paso Transfer Co.	Removing dead mule.		3 00
77	F. P. Brown,	Sanitary Supplies,		12 50
28	Theo. Lamberton,	Interpreter,	Special fund,	5 00
2	D. McKenzie,	City Hall rent, Aug. 1889.	Fire Dept Rent fund	223 98
4	Ashton Frank.	City Engineer, Expense	Sewer fund	17 75
				935 30

Report adopted and warrants ordered to be drawn upon the Treasurer.

See Report, page ~~683~~ 573

The Finance committee reported that the corrected census taken by the El Paso Directory Co. shows the following population: American, 7846; Mexican, 2060; Colored, 810; Chinese, 344, Total, 11069.

Alderman True, chairman of Special Committee to whom was referred the petition of Messrs Davis, Austin and Bronson asking Sewer Connection, made the following report:

"Your committee respectfully report that in their opinion it is not advisable to take any action on said petition at the present time, and that the same be deferred until this council can obtain such data and information as, in the opinion of your committee, are absolutely necessary, before making uncertain extensions, or additions to the present system of Sewerage. This data and information can only be obtained from Mr. Geo. E. Waring, Sanitary and drainage engineer, who established the El Paso system. Mr Waring has been written to on the subject.

Com. True, Solomon and Kitchen - Report unsigned

Regular Meeting, Aug. 9. 1889 Contin^d.

Police Committee. No Report.

Fire and Water

Acequia Committee: Ald. Merrick chairman of the Acequia Committee called up ordinance submitted at the last meeting, abolishing the office of Acequia Commissioner and moved its adoption.

See page 571 for ordinance

At this point Simeon Newman, by permission of the Council, presented a petition numerously signed by citizens, protesting against the proposition to abolish the office of Acequia Commissioner. Mr Newman read the petition and spoke in favor it. On motion of Alderman True the petition was ordered to be placed on file.

Alderman True then moved that the ordinance abolishing the office of Acequia commissioner be adopted. The motion was carried.

Building Committee - No report.

Alderman Papin in behalf of Special Committee to consider the Brush Electric Light Cos. proposal, asked further time, which was granted.

A warrant was ordered drawn upon the Special fund for $13.40 to pay for 50 copies of the City Charter ordered from Austin by the City Clerk.

The following bills were presented and referred to the Finance Committee:

Chas. E. Prum.	Repairs to	9.60
P. E. Kern.	Repairing Spring balance	.75
Santa Cruz Moncara	Hauling Coal and Water for Pest House	2.00

A communication from Recorder Waters Davis, asking payment of salary as recorder from April 1889 was read and referred to the City Attorney.

A petition from M. J. McKelligan in reference to Artesian water was read and on motion of Alderman True, action was deferred for the present.

A petition from citizens residing on North Oregon St. and Mesa Avenue, asking sewer extension, was read and referred to the City Engineer with instructions to make estimate of cost and report same to the City Council.

A petition from City Officers asking Salary warrants for July was read and its consideration postponed.

Application of Jno. R. McCannon for appointment as policeman was read and referred to the Police Committee.

The petition of Howell Jenkins asking permission to keep a boot-blacking stand on the north cor of El Paso and San Antonio Sts was read and on motion of Alderman Davis the petition was granted, the petitioner to pay $2.00 per month for privilege.

Bids from the three daily newspapers to do the city printing were presented and at the suggestion of the mayor were referred to the Finance Committee.

Unfinished Business.

Alderman Davis moved that the council now proceed to fix the salaries of City Officers. The motion was adopted. The salary of aldermen was fixed at $300.00 per annum. Alderman True moved that the salary of the Mayor be fixed at $1200.00

Regular Meeting, Aug. 9th Continued.

per annum.

Alderman Davis moved to amend by making it $600.00. Amendment was lost.

The original motion to make the salary $1200.00 was adopted.

Alderman True moved that the salary of the City Clerk be fixed at $1500.00 per annum. The motion was adopted.

Alderman True moved that the salary of the City Recorder be fixed at $1500.00 per annum. The motion was adopted.

Alderman True moved that the salary of the City Attorney be fixed at $1500.00 per annum. The motion was adopted

Alderman Davis moved that the salary of the City Engineer be fixed at $1000.00 per annum. The motion was adopted.

Alderman Solomon moved that the salary of the City Treasurer be fixed at $600.00 per annum. The motion was adopted

Alderman Papin moved that the salary of the Chief of Police be fixed at $1500.00 per Annum.

Alderman Davis moved to amend by fixing the salary at $1200.00 to commence from date of confirmation.

The Mayor ruled the amendment out of order

A motion to defer consideration of the salary of chief of Police, on a call of the Ayes and nays was adopted by the following vote: Ayes - Kelly, Kitchen, Papin, Solomon 4
Nays - Davis, Merrick, True - 3.

Alderman Davis moved that the City Clerk be instructed to draw warrants upon the Treasurer for July salaries at the rates fixed by the Council.

The motion was adopted.

A communication from the Assessor and Collector was read, relative to changes in the map of the Campbell Addition.

The Engineer stated that he could give the desired information, and on motion was requested to do so.

New Business -

Alderman Solomon presented the following resolution, which, on motion of Alderman True was adopted:

"Resolved, that the police committee be instructed to investigate the conduct of policeman Chas. Williams, about the time of his suspension from the force; and also, whether he has paid in all fines collected by him for vagrancy, gaming &c.

Alderman Kitchen offered the following resolution which was read, as follows

"Resolved: That it be declared the sense of the City Council that since the present City Government came into power, that no emergency has existed or now exists calling for the appointment of Special policemen, authorized by Sections 18 and 19 of the City Charter, and that until further notice the City Clerk be instructed to draw no warrants upon the Treasurer for the payment of such officers -

Regular Meeting, Aug 9, 1889, Contin'd.

Mayor Caples declared the resolution out of order.

Aldermen Kitchen appealed from the decision of the chair. The decision was sustained

Aldermen Kitchen moved a reconsideration, he having voted in the affirmative.

The reconsideration was carried and the resolution was adopted

Mayor Caples read the following nominations for appointment as policemen. and presented the same to the Board of Aldermen for their consent.

J. W. Johnson, Chas. Williams, C. W. McNeill, J. F. Martin, H. H. Dulaney, W. R. Quiberson, R. B. Stevens, L. E. Huffman, Charles Davis, Frank Carr, Lee Robinson.

Aldermen Merrick moved that the names be taken up separately. Adopted.

J. W. Johnson received the following vote: Ayes Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True 7. Nays: none

Chas Williams received the following vote: Ayes- Aldermen Papin 1: Nays - Aldermen Davis, Kelly, Kitchen, Merrick, Solomon and True. 6

C. W. McNeill received the following vote: Ayes- Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True 7. Nays - None.

J. F. Martin received the following vote Ayes- Davis, Papin, Solomon and True: 4 nays- Kelly, Kitchen, Merrick. 3

H. H. Dulaney received the following vote: Ayes- Papin, Solomon and True - 3 nays- Davis, Kelly, Kitchen and Merrick. 4

W. R. Quiberson received the following vote: Ayes- Davis, Papin Solomon - 3 nays- Kelly, Kitchen, Merrick and True - 4

R. B. Stevens received the following vote: Ayes- Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True - 7

E. L. Huffman received the following vote: Ayes- Davis, Kelly, Kitchen Merrick, Papin, Solomon and True. 7

Chas. Davis received the following vote: Ayes- Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True - 7

Frank Carr received the following vote: Ayes- Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True. 7

Lee Robinson received the following vote: Ayes- Davis, Kelly, Kitchen, Merrick, Papin, Solomon and True. 7

The consent of the Board of Aldermen having been, by vote, declared in favor of Messrs J. W. Johnson, C. W. McNeil, J. F. Martin, R. B. Stevens, L. E. Huffman, Chas Davis, Frank Carr and Lee Robinson, they were declared regularly appointed policemen of the City of El Paso.

The following nominees having failed to secure the consent of the Board of Aldermen, were declared rejected: Chas Williams, H. H. Dulaney, and W. R. Quiberson

Aldermen Papin moved that the salaries of Police officers be fixed at $75.00 per month. The motion was adopted.

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Alderman Solomon moved that the Marshal, Assistant Marshal and all regular policemen be paid their salaries for the month of July, 1889. Adopted.

Alderman Davis moved that the Special policemen be paid for services rendered to date: Adopted.

There being no further business the Council adjourned.

Approved

Richard Caples Mayor. G. E. Boree, Clerk

Special Meeting, August 13th 1889.

Council Chamber, City Hall, August 13th 1889.

The City Council met at the Council room at 8 p.m. pursuant to call of the Mayor, for the purpose of considering and approving the bonds of Policemen.

Members present: Mayor Richard Caples: Aldermen Davis, Johnson, Kelly, Kitchen, Merrick, Papin, and Solomon.

Members Absent: Alderman H. A. True.

The bond of C. W. McNeill with Fitzgerald Moor and W. A. Irvin was considered and duly approved and accepted. (as policeman)

The bond of L. E. Huffman, as policeman, with M. A. Dolan and T. M. Cooney as sureties, was considered and, on motion, duly approved and accepted.

The bond of Lee Robinson, as policeman, with Frank Powers and A. Burton as sureties, was considered, and on motion, duly approved and accepted

The bond of Frank Carr, as policeman, with R. C. Lightbody, W. W. Fink and H. M. Kingsbury, as sureties, was considered and, on motion, duly approved and accepted

The bond of J. W. Johnson, as policeman, with Samuel Schutz and Joseph Magoffin, as sureties, was considered, and on motion, accepted and approved.

The bond of R. B. Stevens, as policeman, with M. A. Dolan, Wm Thompson and Geo. H. Wells, as sureties, was considered, and on motion duly approved and accepted.

The bond of James F. Martin, as policeman, with Jno. McPike and James H. White as sureties, was considered and, on motion, duly approved and accepted

The foregoing persons having been duly appointed and qualified as required by law and existing City Ordinances, are declared to be regular policemen of the City of El Paso.

The business for which the Special meeting was called having been transacted the Council adjourned.

Approved

G. E. Boree City Clk

Richard Caples Mayor