Regular Meeting, Thursday, Dec. 23, 1909.

Council Chamber, City Hall.
El Paso, Texas, Dec. 23, 1909.

Council met in regular session on the above day and date, Mayor Sweeney present and presiding and the following Aldermen answered to roll call: Blumenthal, Clayton, Hewitt and Robinson. Absent none.

x x

Minutes of Regular Meeting held Thursday, Dec. 16, 1909, read and approved.

Reports of Officers.

Clerk read the following report:

El Paso, Texas, Dec. 22, 1909.

Report of Sewer Comr. Week ending Dec. 22, '09

Hon. Mayor & City Council:
City.

Gentlemen:

Herewith please find report of work done by Sewer Department for the week ending Dec. 22, 1909.

Laid 150 feet sewer, block 33 Alexander's Addition; cleaned & plugged sewers; put in 6 "Y's"; pumped El Paso sewer 6 times; examined 30 flush tanks and manholes; commenced sewer in East El Paso between Rivera and T. & P. St., petition of Hodge Realty Co. and several others.

Respectfully submitted,
J. W. Hadlock, Sewer Comr.

On motion duly made and carried the report was received and ordered filed.

Rep. of Assessor & Collector. November.

Clerk read report of Assessor and Collector for the month of November, showing a total collection of $5806.72.

On motion duly made and carried, the report was received and ordered filed.

Rep. of Health Dept. Week ending Dec. 22, '09

Clerk read report of Health Dept. for the week ending December 23, '09

On motion duly made and carried the report was received and ordered filed.

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City Engineer to whom was referred the petition of C. W. Harral et al for establishment of grade, submitted the following report:

Report of City Engr. on pet. of C. W. Harral et al.

El Paso, Texas, Dec. 20th, 1909.

Hon. Mayor and City Council,
City of El Paso, Texas.

Gentlemen:-

Concerning the petition of C. W. Harral et al, for grade on Mundy Avenue between West Boulevard and Hillside, I find that Hillside Street is not definitely fixed or rather it is quite likely to be changed from the Map of 1901, which is the only filed map in this office. Under the instructions from your honorable body, I have fixed a grade from West Boulevard Westerly along Mundy Avenue as far as seemed best until the line of Hillside Street is fixed. Line and grade in accordance with the above was laid out on the ground and a sheet for the same prepared on December 7th, it still remains in this office.

Respectfully submitted,
F. A. Todd, City Engineer.

On motion duly made and carried the report was approved and resubmitted to the Engineer for dedication.

The report above is on the following petition:

Pet. of C. W. Harral et al for establishment of grade. Approved

El Paso, Texas, October, 19th, 1909.

To the Honorable Mayor and City Council:

We, the undersigned property owners in Block No. twelve of the Mundy Heights Addition to the City of El Paso, according to the first revised map of said Addition, having lots fronting on Mundy Avenue in said Block, being desirous of having said Mundy Avenue improved and of constructing side-walks along our property on said avenue, hereby respectfully petition your Honorable Body to cause the grade of said Mundy Avenue to be established for said street and side-walk purposes, as soon as the same can be done.

Respectfully submitted.
C. W. Harral et. al.

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Pet. of King W. Phillips et al. re-refers to City Atty.

City Engineer to whom was referred the petition of King W. Philips et al to have irrigation ditch on side walk removed, submitted a report and recommended the petition to the City Attorney.

On motion duly made and carried the recommendation was ordered carried out.

Chairman Robinson to whom was referred the following petition recommended that it be granted.

X X

Pet. of A. T. Bray et al. for side-walks in front of school property. Granted.

The Hon. Mayor and City Council,
El Paso, Texas.

Gentlemen:-

We, the undersigned citizens and tax payers of the South side of El Paso, Texas, respectfully petition your Honorable Body to enforce the order issued about eighteen months ago, regarding the construction of side walks and curbings within a certain limit of the city of El Paso. There are several reasons why this order should be enforced; that it is a necessity; that it improves the appearance of the city in general; that it furnishes employment to labor; that all orders issued by the city authorities for the good of the city should be obeyed by all law abiding citizens. In addition to the above we particularly call your attention to property owned by the City Treasurer of El Paso, Texas, who has neither put down side walks or curbings at the S. W. corner of Second and Kansas Sts. and at 608 Kansas St. whereas the adjoining property owners have put down curbings and side walks, the City Treasurer has ignored your order entirely instead of complying with it and setting an example to others. Also kindly call your attention to the 4 large public school buildings south of the S. P. tracks, which have neither side walks or curbings, entirely neglected as far as these needed improvements are concerned, whereas all the public school buildings north of the Ry. have side walks and curbing.

We have willingly complied with your order in regard to the above mentioned improvements and consider it our duty to call your attention to these

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needed improvements within the limits covered by the order.

Very respectfully,

T. A. Bray, et al.

On motion duly made and carried the petition was granted in so far as the private property is concerned and Asst. City Atty. instructed to file complaint against the property owner and City Clerk to notify the School Board to put in sidewalks.

Pet. of J. W. Eubank relative to paving in front of property. Granted when note & lien are furnished.

Chairman Robinson to whom was referred the following petition, recommended that it be granted when note and lien are furnished.

El Paso, Texas, Dec. 15th, 1909.

Hon. Mayor and City Council,
City.

Gentlemen:- As per agreement in the paving of the A. L. Justice property on Magoffin Avenue, I beg to report that the same has been finished and that the total amount for said paving is $152.20; 1/3 of which is $50.75 due us by the city according to the above referred to agreement. This street has long since been received by the City Engineer and would request that you kindly order the above amount paid at once.

Respectfully

J. W. Eubank.

On motion duly made and carried the petition is to be granted when note and lien are furnished.

Pet. Mrs. J. A. Potter rel. to building sidewalks Denied.

Chairman Robinson to whom was referred the following petition, recommended that it be denied.

El Paso, Texas, Dec. 10, 1909. 1515 Boulevard.

To the Hon. Mayor & City Council,
of El Paso, Texas.

Gentlemen:- Desirous of conforming to all city regulations, we still desire to draw the following matter to your attention and consideration viz: The order requesting us to construct sidewalks in front of home, East Boulevard, a distance of 37½ feet on Lots 24 and W. ½ of 25, Block 60 in Franklin heights Addition. When we purchased the property December, 1904, a new sidewalk and curbing were in place. Five years have not affected its value, but the grading of the street has left us

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between 3 and 4 feet above road bed; Mr. Campbell of Trust Building (formerly of State National) from whom the property was purchased, informed us this week that he had been especially careful to request the Contractor, Mr Earle to get the level from the City Engineer, Mr. Wimberly whom Mr. Campbell states put down stakes for their guidance. The tearing away of earth, side walk and curbing to place the sidewalk on proper level with road bed, together with new side walk and curbing will cost in the vicinity of $55.00

We most respectfully ask the city to aid us in rectifying this mistake.

Very truly,
Mrs. J. A. Potter.

On motion duly made and carried the petition was denied.

Bills & pay rolls. Allowed.

Chairman Clayton to whom was referred the following bills and pay rolls, recommended that they be allowed and ordered paid.

A. P. Coles Bros.	Rent of dump ground	$175.00
Bell Tel. Co.	Telephone for Fire dept.	35.00
Pay roll Sewer Dept.	Week ending Dec. 22, 09	82.75
" " Park "	" " " " "	77.50
" " St Maintenance	" " " " "	113.10
" " Scavenger "	" " " " "	114.75
" " St & Alley Imp. & G.	" " " " "	333.60

On motion duly made and carried the bills and pay rolls were allowed and ordered paid.

Communications

El Paso St. Ry. Co. erect elec. sign Referred.

Clerk read petition of El Paso St Ry. Co. to erect electric sign.

On motion the petition was referred to Fire and Water Committee.

Pet. Jos Dunne sewer extension. Referred.

Clerk read petition of Jos Dunne for sewer extension.

On motion the petition was referred to Sanitary Committee.

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Clerk read the following protest from Longwells Transfer Co.

El Paso Texas, Dec. 22, 1909.

Pet Longwells Tsfr Co. refund licence Denied.

Hon. Mayor and Aldermen:
El Paso, Texas.

Gentlemen:- Having complied with the ordinances pertaining to hack and baggage licenses, paying my quarterly licence in advance, I find now that others in the same line of business as myself are not paying license and think that the amount I have paid in to the City Clerk should be refunded to me. I will appreciate an early reply to my request.

Yours truly
Longwells Transfer Co.

On motion duly made and carried the petition was denied and City Attorney instructed to file complaints against offenders.

Unfinished Business.

Ord. directing work of improvement S. Oregon St. Adopted.

Clerk read an ordinance directing work of improvement of South Oregon Street.

Motion was duly made and seconded to adopt the ordinance. The Mayor ordered the vote upon the adoption of the ordinance to be taken by roll call, which when taken resulted as follows: Yas, Blumenthal, Clayton, Hewitt and Robinson. Nays, none. Absent, none. Whereupon Mayor Sweeney declared that all of the vote of the City Council having been cast in favor of the adoption of the Ordinance, the same be and is hereby adopted. The Ordinance above referred to is in words and figures as follows, to-wit:

An ordinance to be entitled an ordinance directing the work of improvement and pavement of South Oregon Street in the City of El Paso, from its intersection with the south line of Improvement District No. 1, to its intersection with the north line of Seventh Street, to be let to Texas Bitulithic Company a Corporation, and appropriating the necessary funds to pay for said work and creating a special fund for said purpose and approving the contract and bond for said work between said city and said company, and directing the execution thereof.

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Be it ordained by the City Council of the City of El Paso.
1. That Whereas, by proper resolution and proceedings pursuant thereto, the City Council of the City of El Paso has ordered the improvement of South Oregon Street in said city, from its intersection with the south line of Improvement District No. 1, to its intersection with the North line of Seventh Street, by filling raising and grading the same, and paving the same with Bitulithic pavement with bituminous base and also by constructing concrete curbs on both sides of the roadway of said street; and
Whereas plans and specifications have been adopted by the city for said work; and
Whereas it has been decided to assess a portion of the said cost against the owners of the property and their property abutting upon said improvement upon the front foot plan or rule; and
Whereas due notice in accordance with the terms of the Charter, both by publication and by personal notice, has been given to said property owners and a hearing of said property owners has been had before the City Council of said City as to said assessment in accordance with the requirements of the Charter; and
Whereas pursuant to said hearing, by ordinance duly adopted, the City Council has assessed a part of said costs against said property owners and their property, respectively, and the city council has determined and does hereby determine to cause the said work to be done under contract; and
Whereas the City Council has also determined to pay to said contractor upon the completion of said work, the cost thereof, except such part thereof as may be payable by street railways and steam railroads for which said contractor shall look only to the owners of said roads and said council has also determined that the city shall finally bear and pay the cost of improving intersections and alleys with said street, and has also determined, that the remaining cost, that is, the cost of paving in front of the property of owners abutting on said street, after deducting the cost of intersections and the cost to be paid by the street railways

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and steam railroads, shall be paid by the said city to the said contractor, but shall be assessed against and borne by said property owners, and their property; and Whereas the Texas Bitulithic Company a corporation has submitted to the City Council proposals for doing the said work at and for the following prices, to-wit: For earth excavation, free haul of three thousand (3000) feet, twenty-six ($.26) cents per cubic yard; Bitulithic pavement bituminous base, as per specifications, including five (5) year maintenance bond, One and seventy seven and one half hundredths ($1.77½) dollars per square yard. Extra concrete in place, one (1) part cement, two and one half (2½) parts sand, five (5) parts stone or gravel, coarse mixture, six (6) dollars per cubic yard. Extra contract one (1) part cement, two (2) parts sand, four (4) parts stone or gravel, fine mixture seven and one-half dollars ($7.50) per cubic yard. Street railway construction complete as per specifications, seven and eighty-four one-hundredths ($7.84) dollars per lineal foot of double track, eighteen and eight-tenths (18.8) feet in width. For single track, nine (9) feet in width, three and seventy-five one-hundredths ($3.75) dollars per lineal foot. Concrete culverts, sixty ($.60) cents per lineal foot. Concrete curbs, thirty (30) cents per lineal foot. Cast iron covers for culverts in place, five (5) cents per lb. Corrugated cover plates bolted or riveted in place, six (6) cents per lb. Steel angles and shapes punched, cut and placed, six (6) cents per lb. Carriage bolts five (5) cents per lb. Stone for protection of pavements at end of culvert, set in concrete sixty-five (65) cents per lineal foot. For concrete valley gutters, two and seventy five one-hundredths ($2.75) dollars per square yard. For vitrified brick gutters, three and twenty-five one hundredths ($3.25) dollars per square yard; and

Whereas the City Council, after due investigation, believes it is to the interest of the city and the property owners that said proposal be accepted and that the said work be done by the said Texas Bitulithic Company as Contractor; and

Whereas, the said Texas Bitulithic Company has submitted with said proposition a form of contract and a form of construction bond of date the 11th day of December, 1909, between the said company and the said city, under which

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the said work shall be done, and by which the compensation of the said company is fixed;
Now therefore, be it further ordained by the said City council:
2. That the said contract and the said construction bond tendered by the said Company, having been approved by the city Attorney, are hereby accepted and approved by the City Council of this City, as the contract and bond under which the said work shall be done, and the said work is hereby let to the said Texas Bitulithic Company in accordance with the terms of the said contract and bond, and the proper officers of the city are hereby directed to execute said contract in the name of the city and under its seal, which shall thereupon take effect upon the due execution of the said bond by the said Texas Bitulithic Company and surety as follows, to wit: The United States Fidelity and Guaranty Company.
3. That for the purpose of paying the cost of said work of improvement to said Texas Bitulithic Company, there is hereby appropriated and set aside out of the Street Paving Fund of the City of El Paso, or any part thereof not heretofore legally or lawfully appropriated the sum of Seventeen thousand seven hundred seventeen and 5/100 Dollars or such part thereof as may be necessary for the purpose of paying said costs, which sum so appropriated and set aside is hereby expressly made a special and sacred fund to be known as the South Oregon Street Special Improvement Fund, which special and sacred fund shall be by the City Treasurer kept separate from all other funds whatsoever, and shall be used only for the purpose of paying the costs of the said work to be paid by the city upon vouchers or warrants properly drawn thereon for that purpose, and the said special and sacred fund shall be used for no other purpose whatsoever.
4. This ordinance to take effect and be in force from and after its passage.
Passed and approved this 23, day of December, A.D. 1909.

Attest:
Percy McGhee
City Clerk.

Jos. U. Sweeney
Mayor.

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Clerk read the following protest of W. F. Payne, relative to crossing of Mesa Avenue at Main Street.

El Paso, Texas, December 22, 1909.

Protest of Wm. Payne rel to crossing. Main St & Mesa Ave. Rec'd & file

Hon. Jos. U. Sweeney, Mayor,
City.

Sir:

Pursuant to our conversation of a few days ago, in reference to the crossing of Mesa Avenue at Main Street, I beg to ask how long the railway company will be allowed to keep this crossing closed. It strikes me that they have already had it closed for an unreasonable length of time and they are apparently not making any effort to complete the work upon which they have been engaged now something over three weeks. The fact that this street is closed is very detrimental to the business of the Angelus Hotel and many other business interests north of Main Street on Mesa Avenue and I believe that the railroad company should be forced to work more rapidly in view of this fact. Trusting you will take steps to this end, I am

Yours very sincerely
W. F. Payne.

The Mayor stated that the above matter would be attended to as fast as possible.

On motion duly made and carried the protest was received and ordered filed.

Tax rolls for 1909. Approved. On motion duly made and carried, the tax rolls for 1909 were submitted to the Council and approved.

There being no further business Council adjourned.

Percy McGhee,
City Clerk.

Approved.

Jas. U. Sweeney
Mayor.