

REGULAR MEETING OF THE CITY COUNCIL: Austin, Texas, April 18, 1918.

The Council was called to order by the Mayor. Roll call showed the following present: Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes, and Powell, 5; absent none.

The Mayor offered the following resolution:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That W. C. Arnett be and he is hereby authorized to remove a Bowser underground tank from the sidewalk in front of 223 West Sixth street. This permission is granted with the understanding that the work is to be done with care and the sidewalk restored to as good condition as at present.

The resolution was adopted by a vote of 5 yeas.

APPROVED, April 18, 1918: A. P. Wooldridge, Mayor.

The minutes of previous meetings were then read, down to and through part of the meeting of April 11 (to the top of p. 244), and adopted so far as read, by a vote of 5 yeas.

A committee representing the Chamber of Commerce, the Rotary Club, the Lions' Club, and the Retail Merchants' Association, came before the Council and presented a petition bearing 31 signatures asking that the Council demand, through the proper court channels, specific performance of the contract to rebuild the Dam, and on failure of the franchise-holder to do so to take proper legal steps to forfeit the rights and privileges granted the franchise-holder by the City.

The situation with respect to the Dam was discussed by A. C. Baldwin, Prof. W. S. Sutton, Mayor Wooldridge, Councilmen Haynes and Bartholomew, and others. The Mayor read a communication from himself to the Council emphasizing the importance of early action looking to the completion of the Dam.

The Mayor then offered the following resolution:

Whereas, the City Council of the City of Austin, Texas, by authority of an election of the qualified voters of said City held for that purpose, did on the 11th day of September, 1911, by ordinance duly enacted grant to William D. Johnson and his assigns, the franchise to erect and maintain for a term of years a Dam across the Colorado River, and to erect and maintain certain appurtenances to said Dam, and also providing for the furnishing to said City by the said William D. Johnson, and his assigns, of the entire water power produced by said Dam; and,

Whereas, said William D. Johnson did thereafter assign to City Water Power Company all the rights and privileges contained in said ordinance, and the said City Water Power Company did by the acceptance of said assignment undertake all the obligations contained in said ordinance; and,

Whereas, said City Water Power Company undertook the construction of said Dam, but on the 11th day of September, 1915, said Company finally abandoned said work, and left same in an uncompleted condition, and that said Dam has remained in said uncompleted condition since that date; and,

Whereas, on November 16, 1915, the New York Trust Company filed in the District Court of the United States for the Western District of Texas, its Bill of Complaint against said City Water Power Company, praying for the foreclosure on said Dam and its appurtenances of the mortgage securing certain bonds there- before issued by the said City Water Power Company, and also praying for the

W.C. Arnett:  
Remove Bowser  
Tank

Council petitioned  
to demand specific  
performance of  
dam contract

Res.  
Dam contract  
declaring for forfeiture

appointment of a receiver of all the property, including said franchise, of said City Water Power Company; and,

Whereas, on the 27th day of November, A. D. 1915, the Honorable United States District Court granted the prayer of said New York Trust Company as to the appointment of a Receiver, and on said date appointed Guy A. Collett of Austin, Texas, as said Receiver, and empowered said Receiver to take into his custody all the property, including said franchise, of said City Water Power Company, and to exercise the authority and powers of said Company, and to discharge all public duties imposed upon said company, and to preserve its properties in proper condition and repair, and to manage and operate same in the same manner that said Company would be bound or ought to do if in possession thereof, with full power to complete said Dam and its appurtenances, and to furnish all machinery and complete all the work undertaken by said Company by virtue of the privileges and obligations contained in its franchise and contract with the said City of Austin; and,

Whereas, in accordance with said appointment, said Guy A. Collett immediately thereafter qualified as such Receiver, and took charge of said Dam and its appurtenances, and succeeded to the rights and obligations of said City Water Power Company, and said Receiver has been in charge of said property since the date of his qualification; and,

Whereas, said City Water Power Company is notoriously insolvent, and has wholly failed to perform its obligations to the City of Austin, contained in said contract and franchise, and said Receiver has wholly failed to complete said Dam or to proceed in any definite manner to the completion of the same and to the use of the rights and privileges contained in said contract and franchise; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That demand be immediately made in the proper and legal way and through the proper medium upon said Guy A. Collett, Receiver, to complete said Dam and its appurtenances and to begin to use the rights and privileges granted by said franchise, and that said Receiver be required to show to the proper tribunal whether or not he can and will proceed to the use of such franchise and privileges within a reasonable time; and,

BE IT FURTHER RESOLVED, that upon the failure or refusal of said Receiver to proceed to a specific performance of the contract of said City Water Power Company with the City of Austin within sixty days herefrom, the City Attorney of the City of Austin be and he is hereby authorized and instructed to institute proceedings in the proper court for the purpose of annulling and setting aside all the rights and privileges heretofore granted said City Water Power Company to construct, operate and maintain said Dam and its appurtenances, and to furnish the power produced by said Dam to the City of Austin.

The resolution was adopted by the following vote: Yeas--Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes, and Powell, 5; nays none.

APPROVED, April 18, 1918. A. P. Wooldridge, Mayor.

The Mayor laid before the Council the following applications for public service car licenses:

J. L. Clayton, 72 East avenue: Ford automobile No. 233412; Ford No. 233407; Ford No. 233408; Ford No. 233409.

J. M. Braden, Driskill Hotel: Jordan sedan, No. 194809.

All of the licenses prayed for, as above set out, were granted by votes of 5 yeas.

The ordinance ordering an election for the submission of the question of a Charter Commission, etc., which had been read the first and second times, respectively, on April 4 and April 11, was again presented, but on motion of Councilman Bartholomew final disposition of it was postponed.

This being the date set by resolution of the Council passed April 4, 1918, for a hearing of property owners on Lavaca street, between Fifth and Sixth streets, relative to the matter of paving said street, the Council took notice of the fact that no property owner appeared, to make protest or otherwise.

Relative to the notice of said hearing given by P. W. Powell, Superintendent of Streets and Public Improvements, and required by law, the following affidavit is appended:

THE STATE OF TEXAS :  
                                  :  
COUNTY OF TRAVIS :  
                                  :

AFFIDAVIT OF PUBLISHER

Before me, W. W. Harris, a Notary Public in and for said County and State, on this day personally appeared Kendall B. Cressey, who being by me duly sworn, deposes and says on oath that he has published the citation as per copy attached, in The Austin American, a newspaper published and regularly printed in the County of Travis and State of Texas, once a day for two successive days, on the following days, to-wit: April 9th, 1918, April 10, 1918.

(Signed) Kendall B. Cressey,  
                                  Publisher of The Austin American

Sworn to and subscribed before me this 11th day of April, A. D. 1918,

(Signed) W. W. Harris,  
                                  Notary Public, Travis County, Texas

SEAL

The Council then adjourned.

*U. E. Martin*  
City Clerk

*Public Service car licenses*

*Charter Commission: action postponed*

*Hearing on Lavaca street paving*

*Notice of hearing on Lavaca st. paving: Affidavit of Cressey*