

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE IN FORT WORTH, TEXAS, ON THE
4TH DAY OF DECEMBER, 1951, AT 2:00 P.M.

The call of the roll disclosed the presence or absence of
Directors, as follows:

PRESENT

Joe B. Hogsett
Houston Hill
Dan H. Priest

ABSENT

Gaylord J. Stone
W. L. Pier

Also present were Sidney L. Samuels, General Counsel, C. L. McNair,
General Manager of the District, Mr. Marvin C. Nichols of the Firm
of Freese and Nichols, Consulting Engineers of the District, and
Mr. E. C. Ottinger, of the Ottinger Construction Company.

Director Hogsett acted in his capacity as President, and
Director Priest acted in his capacity as Secretary, whereupon
proceedings were had and done, as follows:

1.

Mr. Hogsett, the President of the Board, called to the
attention of the members present, that in the form of contract
for the construction of the East Fourth Street Bridge over the
Trinity River, it had been erroneously set forth therein that the
percentage of retention by the Board in the estimates to the con-
tractor supplied by the Engineers in charge, had been stated to be
ten (10) per cent, when the Statutes governing such matters by this
District required the retention of fifteen (15) per cent of the
estimates supplied by the Engineers as the construction of the im-
provements proceeded.

Mr. Hogsett further stated, that in order to correct this inaccuracy, a letter had been written by the Ottinger Construction Company changing such percentage of retention from ten (10) per cent to fifteen (15) per cent, and that such change should be treated as if incorporated in the text of the contract itself.

On motion of Director Hill, seconded by Director Priest, said letter was accepted and is attached in folio to these minutes.

2.

At this stage of the meeting, Mr. McNair, General Manager of the District, stated to the Board that the United States Geological Survey, asked that the District increase its contribution from \$600.00 per year to \$1,600.00 per year toward the cost of maintaining and operating four river gages as outlined in their letter dated November 16, 1951; the increase to be in effect retroactive to September 1, 1951.

Mr. McNair recommended the increased financial cooperation between this District and the Geological Survey be granted. Mr. Marvin Nichols further explained the necessity of the establishment of the gages and quite verified the recommendations made by Mr. McNair.

On motion of Director Priest, seconded by Director Hill, it was resolved that the District contribute the sum of \$333.34, which, in effect, will pay the additional cost to the District to December 31, 1951. Further that a new agreement be executed whereby this District will in January, 1952, deposit the sum of \$1,600.00 with the State Board of Water Engineers, Austin, Texas, for the District's contribution for the maintenance and operation


of the four gaging stations for the year 1952.

3.

It was moved by Director Priest, seconded by Director Hill, that the District's Auditor check the Securities owned by the several funds of the District, now in the Safekeeping Department of the Fort Worth National Bank, for which the District holds the bank's official receipts, and list and certify his findings in each monthly report. The aforementioned motion was carried, all the Directors present voting "aye" thereon.

4.

There being no further business before the Board, the meeting thereupon adjourned.



President.



Secretary

OTTINGER CONSTRUCTION COMPANY

E. C. (JACK) OTTINGER
3101 CAMP BOWIE

FORT WORTH 7, TEXAS

December 3, 1951

TO BE ATTACHED TO MINUTES
OF DECEMBER 4, 1951, at
2:00 P.M.

Board of Directors of
Tarrant County Water Control and
Improvement District No. 1
Danciger Building
Fort Worth, Texas

In re: Contract for Construction of East
Fourth Street Bridge over the Trinity
River, Fort Worth, Texas

Gentlemen:

Reference is made to our bid for the construction of the foregoing improvement, which bid was accepted by your Board on the 3rd day of December, 1951.

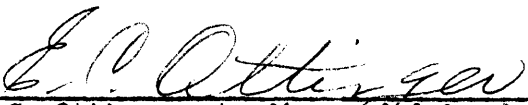
Our attention has been directed to the fact that under the provisions of Article 7880-120, Vernon's Civil Statutes of Texas, it is required, under the law, that in making partial payments to the contractor as the work progresses toward completion 15% of the engineer's statement of the amount of the work shall be retained until final payment is made. Erroneously, it has been set forth in the subdivision of Paragraph 24 of our contract that only 10% should be retained under such circumstances.

Our attention has also been drawn to the fact that under paragraph 40 of the contract, where the owner is a body politic and corporate (as in the present case), the law from which such owner derives its powers shall be controlling and shall be considered as part of the contract to the same effect as though embodied therein.

In view of the foregoing, and to make our contract conform with the law in such cases made and provided, we hereby stipulate that there shall be retained by you on each estimate of the engineer 15% of the payment thus to be made and that such retention of 15% is hereby recognized by us as governing that feature of the agreement, and we hereby agree that the contract shall be read as if such percentage had been literally incorporated therein.

This letter, which effects such change in the percentage, is to be taken and regarded by the owner and by ourselves as part of the contract, and as correcting the irregularity to which our attention has been directed.

WITNESS the hand of the Ottinger Construction Company and E. C. Ottinger, the owner of said Ottinger Construction Company, and trading as an individual under such name, on this the third day of December, 1951.



E.C. Ottinger, trading and doing business under
the name and style of Ottinger Construction Company.

/he

Highways - Bridges - Utilities - Flood Control - Sewage Treatment