



# City of Austin

Founded by Congress, Republic of Texas, 1839  
Watershed Protection Department  
P.O. Box 1088, Austin, Texas 78767

March 7, 2016

Peter Mullan  
Waller Creek Conservancy  
P.O. Box 12363  
Austin, Texas 78711

Subject: AMENDMENT to the Waller Creek District - Creek Mouth Schematic Design Phase Plan  
City Contribution

Dear Mr. Mullan:

The City of Austin (City) will contribute an amount not to exceed \$1,794,767 toward the Waller Creek District – Creek Mouth Schematic Design Phase Plan (CM). Of the total not to exceed amount, \$1,256,336 will be paid for by Watershed Protection Department and \$538,431 will be paid for by the Park and Recreational Department funding sources. In accordance with Section 10.01 (Project Disbursement Fund Account) of the Joint Development Agreement between the City of Austin (City), Waller Creek Local Government Corporation, and Waller Creek Conservancy (Conservancy), based upon the review of invoices submitted to the City for completed work, the City will deposit its contribution to the Project Disbursement Fund in the amount necessary to support timely payments for the City's respective portion. Deposits to the Project Disbursement Fund will be made upon approval of each invoice. The Project Disbursement Fund Account will be managed by the Conservancy and payments to Michael Van Valkenburgh Associates, Inc. and associated sub-consultants will be the sole responsibility of the Conservancy. Any request for change will require an amendment to the approved project and require approval of the Proposing Party and the Responding Party.

The funding provided by the City is via Drainage Utility Fee revenues transferred to the Watershed Protection Department capital budget and the voter-approved 2012 Bond Program – Proposition 14 in the Parks and Recreation Department capital budget. Drainage Utility Fee revenues are restricted to ensure they are used only for purposes directly related to the mission and operations of the Watershed Protection Department as the City's Municipal Drainage Utility System, in accordance with State law. Utilization of voter-approved bond program funds must be only for programs and projects included in the proposition language as well as for expenses allowed by accounting rules associated with long-term debt. As such, all invoices submitted for the CM must only be for services that maintain the City's compliance with these restrictions. Invoices submitted by the Conservancy will be reviewed to ensure alignment with both restriction on uses of funds as well as the agreed upon scope of work for the CM.

Sincerely,

Kimberly Springer-Olivares, Acting Chief Performance Officer  
Financial Services Department