



City of Austin

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

July 8, 2016

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

Subject: Waller Creek District - Creek Mouth Design Development Phase Plan City Contribution

Dear Peter:

The City of Austin (City) will contribute an amount not to exceed \$1,732,293 toward the Waller Creek District – Creek Mouth Design Development Phase Plan (CM). The funding sources for the total not to exceed amount include prior transfers to the Watershed Protection Department capital budget from the Drainage Utility Fund (\$1,379,414) and Riparian Zone Mitigation Fund (\$352,879). 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.

As previously noted, the funding provided by the City is via Drainage Utility Fund and the Riparian Zone Mitigation Fund transfers to the Watershed Protection Department capital budget. Drainage Utility 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. 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 restrictions on uses of funds as well as the agreed upon scope of work for the CM.

Sincerely,

Kimberly Springer
Financial Services Department