



City of Austin

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

October 31, 2019

Peter Mullan
Waterloo Greenway Conservancy
1111 Red River Street
Austin, Texas 78701

Subject: Funding Letter for Addendum One (Austin Energy Duct Bank) to the Creek
Delta Construction Documents, Permitting, & Bidding Phase Plan
CIP Project No: 12861.002

Dear Peter:

The City of Austin (City) will contribute an amount not to exceed **\$154,982** toward Addendum One to the Creek Delta Construction Documents, Permitting, & Bidding Phase Plan for the Austin Energy (AE) Duct Bank scope of work. The funding source for the total not to exceed amount includes the Austin Energy Distribution Fund to reimburse the Creek Delta project for work completed to construct approximately 920 linear feet of underground duct bank within the project limits, near the creek mouth. This work will be completed as its own phase within the Creek Delta project construction documents.

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 Waterloo Greenway 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. (MVVA) and associated sub-consultants, McGray & McGray, Spawglass, and Terracon 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.

Funding provided by AE via the Austin Energy Distribution Fund are utility revenues and commercial paper, restricted for purposes directly related to AE's mission and operations as the City's energy provider, in accordance with State law.



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As such, all invoices submitted for the Phase Plan must only be for services that maintain the City's compliance with these restrictions. Because this Addendum represents a new and specific source of funding for the Phase Plan, invoices that are billed to this source must be tracked separately.

Invoices submitted by the Conservancy will be reviewed by WPD on behalf of AE to ensure alignment with both restrictions on uses of funds and the agreed upon scope of work for the Phase Plan.

Sincerely,

Cesar Benavides, Financial Manager
Austin Energy