

Waller Creek District

**ADDENDUM TWO  
(BUDGET CONTRIBUTION SPLIT & MODIFIED SCHEDULE) -  
CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING  
& BIDDING PHASE PLAN**

Proposing Party: Waterloo Greenway

**waterloo  
greenway**

13 May 2020

COA CIP Project No. 12861.002

# waterloo greenway

13 May 2020

Ms. Melba Whatley  
Vice President  
Waller Creek Local Government Corporation (LGC)

RE: Waller Creek District:  
Addendum Two (Budget Contribution Split & Modified Schedule) – Creek Delta Construction Documents, Permitting & Bidding Phase Plan

Dear Melba:

Enclosed herewith you will find Addendum Two to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan that shows updated budget contribution split and a modified schedule to finish out the professional services in this Phase Plan. The budget contribution adjustments outlined in this addendum covers Waterloo Greenway Conservancy's portion as the organization responds to the financial impacts of the COVID-19 crisis on fundraising efforts.

Addendum Two does not increase the original Phase Plan costs and honors the professional service proposals approved by the LGC on June 26, 2019. In addition, Addendum Two to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan includes the same scope and project area as outlined in the original Phase Plan. The materials in Addendum Two only show the updated exhibits, all other documentation from the originally approved phase plan remains valid.

The Joint Development Agreement, Section 3, identifies the documentation required for each proposed phase plan or addenda. The attached check-list identifies all of the submission requirements including those applicable to this addendum and where they can be found in this document.

If you have questions or concerns, please let me know and we will address them quickly.

Sincerely,

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Peter Mullan  
Chief Executive Officer  
Waterloo Greenway  
**Proposing Party**

Date





# PHASE PLAN PROPOSAL CHECKLIST

Waller Creek District

## ADDENDUM TWO

### (BUDGET CONTRIBUTION SPLIT & MODIFIED SCHEDULE) – CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
	<b>3.03 B.</b>	<b>Responding Party Review</b>		
		<b>Cover Letter</b>		
		<b>Front Cover</b>		
		<b>Table of Contents</b>		
		<b>Check List</b>		
<b>1</b>	<b>3.04 A.1</b>	<b>General</b>	<b>Exec Summary - general outline of the project</b>	
<b>5</b>			<b>Schedule with milestones &amp; projected completion</b>	<b>Exhibit A</b>
N/A			Implementation plan	
<b>3, 7</b>	<b>3.04 A.2 (i)</b>	<b>Identify Team</b>	<b>List all professionals and their discipline</b>	<b>Exhibit B</b>
<b>4</b>	<b>3.04 A.2 (ii)</b>	<b>Construction Delivery Method</b>	<b>Proposed Construction Delivery Method</b>	
N/A	3.04 A.2 (iii)	Designate the Reviewer of Construction Schedule	Project Director or Managing Party	
N/A	3.04 A.2 (iv)	Design Material	Prelim site plans, architectural plans, elevations, other design materials	
N/A	3.04 A.3	Project Map	Map of District showing Limits of Phase Plan Area	
<b>4, 8</b>	<b>3.04 A.4</b>	<b>Project Budget</b>	<b>All Phase Plan costs including allowances and contingencies</b>	<b>Exhibit C</b>
<b>5</b>		<b>Including:</b>	<b>List of funding sources</b>	
<b>5</b>			<b>List where funds are to be held</b>	
<b>5</b>			<b>List constraints on use of funds</b>	
N/A			Post construction budget - capital repairs, operating and maintenance budgets	
<b>5</b>	<b>3.04 A.5</b>	<b>Cost Overrun Plan</b>	<b>Identify how any cost overruns will be funded</b>	
N/A	3.04 A.6	Compliance with Foundational Articles	If the proposed project does not comply with the terms of the JDA, the proposed modification to the JDA is provided here	
N/A	3.04 A.7	Third Party Agreements	Outline any third-party agreements that will need to be obtained	
N/A	3.04 A.8	Procurement Process Requirements	If funded in part by the City, comply with City Code and other applicable law	
			Local Government Code Sections 252 and 271	
			Texas Transportation Code Chapter 432	
N/A	3.04 A.9	MWBE Participation	If funded in part by the City, outline plan	
N/A	3.04 A.10	Public Improvement Projects/Approvals and Permits	Identify responsibilities for obtaining approvals from Government Authorities for design and construction	
N/A	3.04 A.11	Operations & Maintenance	Plan for obtaining approvals/permits and for paying for operations and maintenance	

# PHASE PLAN PROPOSAL CHECKLIST

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
N/A	3.04 A.12	ID and Mapping Easements	Identify and map all easements and other real property interests	
N/A	3.04 A.13	Requirements on Use of Funds	Identify any requirements that apply to the use of tax-exempt obligations, grants or other funds	
N/A	3.04 A.14	Insurance and Bonding	Provision of insurance and bonding in Article 9	
N/A	3.04 A.15	Use by City	Identify terms for use by the City	
N/A	3.04 A.16	Activities and Rates	Identify activities by groups	
N/A	3.04 A.17	Maintenance in ROW's	Identify of maintenance of District ROW's	
N/A	3.04 A.18	Utilities	Identify how utilities will be provided, cost of services, metering etc	
N/A	3.04 A.19	Operations and Maintenance	Identify operations and maintenance standards	
N/A	3.04 A.20	Revenue Source and Fees	Create a pro forma re fees, licensing to cover Operation Expenses	
N/A	3.04 A.21	Commercial Design Standards	Identify if Comm Design Stds apply or waived	
N/A	3.04 A.22	License Agreements	Identify if License Agreements apply	
N/A	3.04 A.23	Naming Rights	Identify any license agreements necessary for naming rights	
N/A	3.04 A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	
<b>4, 9</b>	<b>3.04 A.25</b>	<b>Capital Needs Timing</b>	<b>Identify the capital needs timing for City Planning purposes</b>	<b>Exhibit D</b>
N/A	3.04 A.26	Payment to PARD or other City Departments	Identify how payments will be made to PARD or other City Depts for their operations	
N/A	3.04 A.27	Public Accessibility	Identify public accessibility and provisions thereof	
N/A	3.04 A.28	Timing of transfers	Identify timing of transfers of improvements and land	
N/A	3.04 A.29	Maintain natural space	Identify the ways projects will be designed to maintain natural space	
N/A	3.04 A.30	Maintain flexibility of City owned properties	Identify how the flexibility of City Owned properties will be maintained	
N/A	3.04 A.31	Issues related to alcohol use	Identify any desired exemptions of City Code or park rules	
N/A	3.04 A.32	Other Relevant Info		

\*THIS CHECKLIST IS BASED ON THE APRIL 16, 2014 WALLER CREEK DISTRICT JOINT DESIGN, DEVELOPMENT, MANAGEMENT AND OPERATION AGREEMENT (JDA)

Waller Creek District

## **ADDENDUM TWO**

### **(BUDGET CONTRIBUTION SPLIT & MODIFIED SCHEDULE) – CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN**

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<b>EXHIBIT A: PROJECT SCHEDULE</b>	PAGE 6
<b>EXHIBIT B: ORGANIZATION CHART</b>	PAGE 7
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<b>EXHIBIT D: CAPITAL NEEDS PROJECTION</b>	PAGE 9
<b>SUPPORTING SUPPLEMENTAL DOCUMENTATION</b>	Separate document

## **ADDENDUM TWO (BUDGET CONTRIBUTION SPLIT & MODIFIED SCHEDULE) – CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN**

### **Project Identification:**

**Title:** Addendum Two to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan (or “Addendum Two”)

**Location:** Along Waller Creek from Lady Bird Lake to 4th Street

**Date:** 13 May 2020

Unless otherwise specified herein, section reference shall refer to that certain Joint Design Development, Management and Operation Agreement by and among the City of Austin (“City”), Waller Creek Conservancy (“WCC”) and Waller Creek Local Governmental Corporation (“LGC”), dated April 16, 2014 (the “JDA”).

Effective August 14, 2019, the non-profit corporation formerly known as Waller Creek Conservancy (“WCC”) became known as Waterloo Greenway Conservancy and all references in this Addendum to Waller Creek Conservancy from and after that date shall mean Waterloo Greenway Conservancy (“WGC”).

### **EXECUTIVE SUMMARY (3.04 A.1)**

Waterloo Greenway includes a one-and-a-half mile urban, riparian ecosystem that meanders southward from Waterloo Park at 15th Street along the eastern edge of downtown Austin ending at Lady Bird Lake. Once complete, Waterloo Greenway will total 35 acres of connected urban green space and will feature four distinct beautifully designed park spaces, pedestrian and bicycle paths, a revitalized creek, and other urban amenities – a place where the environment, culture, health, adventure, and diversity converge. The revitalized Waller Creek will renew the natural environment, foster the creative arts, and nourish authentic and uplifting experiences that reflect Austin’s diversity and dynamic spirit.

The Creek Delta section of Waterloo Greenway is an approximately 10-acre green space and creek reconstruction along Waller Creek in Austin from Lady Bird Lake to 4<sup>th</sup> Street. This part of the project includes one mile of pathways, trails and bridges creating a cohesive and accessible circulation network enabling a new downtown district. There will be top of bank pathways and creek level elevated walkways allowing a unique way of traversing through the City. Eleven new trail connections to adjacent rights-of-way will be created though this design strategically placed to connect to important downtown amenities such as the Ann and Roy Butler Hike-and-Bike Trail, the Rainey Street District, the Austin Convention Center, Palm Park and Palm School, the Lance Armstrong Bikeway, the Sabine Promenade, and the CapMetro Downtown Station (to list just a few). In addition, the Creek Delta design work reconstructs a robust creek ecology to create an immersive

public nature experience. Currently the banks of the creek are in disrepair and create a chronic erosion problem in the middle of the City. This work utilizes cutting edge reconstruction and restoration techniques to design the aquatic and riparian habitat along the creek.

Addendum Two to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan outlines updated budget contribution splits and a modified schedule to finish out the professional services in the original Phase Plan. Addendum Two does not increase the original Phase Plan costs and honors the professional service proposals approved by the LGC on June 26, 2019. In addition, Addendum Two to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan includes the same scope and project area as outlined in the original Phase Plan. The materials in Addendum Two only show the updated exhibits, all other documentation from the originally approved phase plan remains valid.

The goal of Addendum Two is to continue the work outlined in the Creek Delta Construction Documents, Permitting & Bidding Phase Plan to completion while helping WGC respond to the financial impacts of the COVID-19 crisis on fundraising efforts. In addition, this addendum brings forth a modified schedule that lays out the key milestones of the project team to finish out this work and prepare for construction. Addendum Two only includes professional services as it relates to design; the construction work will be brought forth in a future, separate Phase Plan proposal.

## **MAIN POINTS OF CONTACT**

### **Waterloo Greenway Conservancy:**

CEO: Peter Mullan, pmullan@waterloogreenway.org (512-541-3520)

Director of Planning & Design: John Rigdon, jrigdon@waterloogreenway.org (512-541-3520)

Capital Projects Manager: Michelle Bright, mbright@waterloogreenway.org (512-541-3520)

### **Responding Party:**

#### **City of Austin, Watershed Protection Department**

Kristin K. Pipkin, kristink.pipkin@austintexas.gov (512-974-3315)

Diana Wang, diana.wang@austintexas.gov (512-974-7168)

#### **City of Austin, Parks and Recreation Department**

Lisa Storer, lisa.storer@austintexas.gov (512-974-9479)

Lana Denkeler, lana.denkeler@austintexas.gov (512-974-9414)

### **Landscape Architecture Team Lead:**

Michael Van Valkenburgh Associates (MVVA)

MVVA President and CEO: Michael Van Valkenburgh, Michael@mvvainc.com (718-243-2044)

MVVA Principal: Gullivar Shepard, gshepard@mvvainc.com (718-243-2044)

MVVA Project Manager and Point of Contact: Tim Gazzo, tgazzo@mvvainc.com (718-243-2044)

## **SCHEDULE (3.04 A.1)**

The schedule associated with the original Creek Delta Construction Documents, Permitting & Bidding Phase Plan has been modified and extended to reflect the current conditions and project needs. The work plan outlined by the MVVA design team proceeds from May 2020 – November 2020, which is shown in greater detail in **Exhibit A, Project Schedule**.

## **PERFORMANCE PERIOD**

The anticipated performance period is the next six (6) months. A more detailed project schedule is shown in **Exhibit A, Project Schedule**.

## **DESIGN TEAM & CONTRACTOR LIST (3.04 A.2[i])**

An organizational diagram of work flow is in **Exhibit B, Organizational Chart** that describes the relationship between the design team, WGC, and the City. The following team led by MVVA will be responsible for delivering the Addendum Two of the Construction Documents, Permitting and Bidding for Creek Delta. This list has been modified to remove Construction Manager at Risk, SpawGlass from the project delivery team. The Creek Delta project will be bid as a Competitive Sealed Proposal once the construction documents are complete.

- **Landscape Architect and Design Team Lead:** Michael Van Valkenburgh Associates, Inc. (MVVA)
  - Permitting and Environmental Consulting: ACI Consulting (ACI)
  - Structural Engineer: Architectural Engineers Collaborative (AEC)
  - Accessibility Consultant: Altura
  - Civil Engineer: Big Red Dog Engineering (BRD/WGI) division of Wantman Group, Inc.
  - Local Landscape Architect: dwg (DWG)
  - Mechanical, Electrical and Plumbing Engineer: EEA Consulting Engineers (EEA)
  - Public Space Management Consultant: ETM
  - Irrigation Design: James Pole
  - Local Ecologist: Lady Bird Johnson Wildflower Center (LBJWC)
  - Hydrologist: LimnoTech
  - Soil Scientist: Olsson
  - Geotechnical Engineer: Terracon
  - Lighting Design: Tillett
- Signage: Bruce Mau Design (BMD)
- Cost Consulting: Vermeulens Cost Consultants (VCC)

### **CONTRACTING METHOD (3.04 A.2(ii))**

MVVA and their subconsultants are working under the Master Services Agreement that was put in place in May 2015. All of the MVVA design team consultants and subconsultants identified by name in this project were under agreement prior to the execution of the JDA or have been selected utilizing methods that meet the City of Austin Ordinances for procurement of services. Any subsequent consultants will be selected utilizing the same.

Addendum Two has been modified to remove SpawGlass as the Construction Manager at Risk (CMAR) for the Creek Delta project. The Creek Delta project will be bid as a Competitive Sealed Proposal once the construction documents are complete, see **Exhibit A, Project Schedule** for more details.

### **PROJECT BUDGET (3.04 A.4)**

Addendum Two to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan does not modify the original total Phase Plan costs (grand total of \$3,738,135) and honors the professional service proposals approved by the LGC on June 26, 2019. The project budget contributions are updated as part of Addendum Two and are outlined below in more detail and in **Exhibit C, Project Budget**.

The City of Austin (City) will contribute an amount not to exceed \$3,464,326.58 and the Waterloo Greenway Conservancy (WGC) will contribute no funds proceeding forward with the Creek Delta Construction Documents, Permitting & Bidding Phase Plan. To date, WGC has funded \$273,808.42 towards costs invoiced to the Phase Plan. Within the City contribution, Watershed Protection Department (WPD) will contribute a total of \$2,903,606.33, which is approximately 78% of the overall Phase Plan budget. WPD is contributing an additional \$286,911.83 of additional funds to their initial budgeted amount of \$2,616,694.50. The Parks and Recreation Department (PARD) will contribute a total of \$560,720.25 (15%). The PARD contribution remains the same as original Phase Plan proposal.

Addendum Two does not modify the Brazos Street Duct Bank / Austin Energy (AE) Utility Route design work associated Addendum One to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan, which is funded in full by AE. In addition, the construction associated with this work also will be funded by AE and will be included in the future Creek Delta construction phase plan. AE will contribute an amount not to exceed \$154,982 toward Addendum One.

In accordance with Section 10.01 (Project Disbursement Fund Account) of the JDA, upon approval of regularly submitted invoices by the WGC, the City will disburse payment accordingly to the

appropriate Project Disbursement Fund Account. As required by Section 3.04 A.25 of the JDA, **Exhibit D, Capital Needs Projection** addresses the prime scope of work and the projected funding needs, excluding Allowances, Change Order Contingency, and Cost Overrun Reserve.

**FUNDING SOURCES & REQUIREMENTS/CONSTRAINTS ON FUNDS (3.04 A.4 & 3.04 A.13)**

Project invoices will be paid for by the City and managed by WGC. With the approval of this addendum, invoices will be paid per scope split as outlined for an amount not to exceed \$560,720.25 of PARD funds, and not to exceed \$2,903,606.33 of WPD funds.

**COST OVERRUN PLAN (3.04 A.5)**

In accordance with the JDA, the identification of the source of funds for the Cost Overrun Reserve are required. The Proposing Party must seek approval from the Responding Party to utilize Cost Overrun funding. The request to use Cost Overrun funds does not require LGC approval unless additional funding is needed. For the Creek Delta Construction Documents, Permitting & Bidding Phase Plan, there is a Cost Overrun Reserve of \$159,435, which is included in the grand total amount listed above in the Project Budget section. As of 4/24/20, the amount remaining in the Cost Overrun Reserve is \$133,450.50. The contribution split brought forth by Addendum Two has PARD contributing \$27,517.57 and WPD contributing \$105,932.93 to the Phase Plan Cost Overrun Reserve moving forward.

# EXHIBIT A: PROJECT SCHEDULE

- ① LGC Approval Anticipated - May 13, 2020
- ② Original Phase Plan completion time
- ③ 90% CD Submittal
- ④ 100% CD Submittal Bidding - Competitive Sealed Proposal
- ⑤ Contract Negotiation
- ⑥ Construction Start\* - not in scope

\*Construction not in the scope of this Addendum, but may be addressed as a separate Phase Plan document. Exact schedule of construction to be determined at later date.

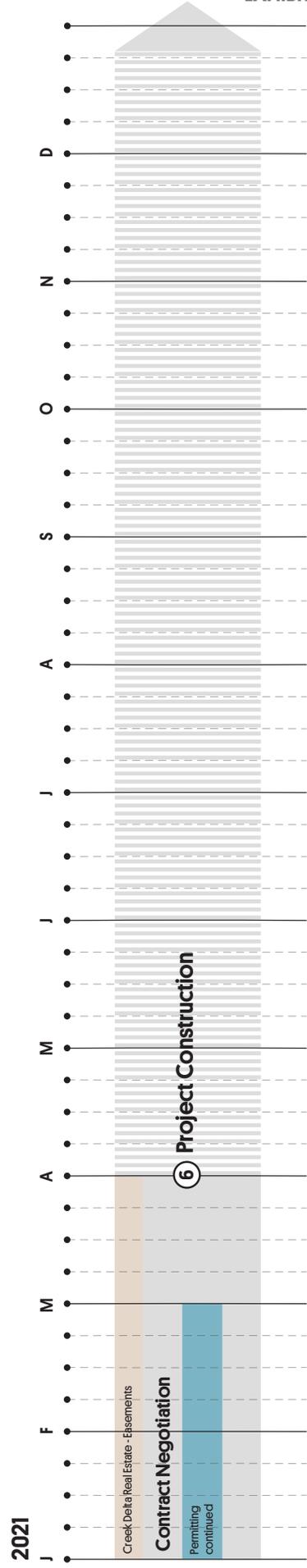
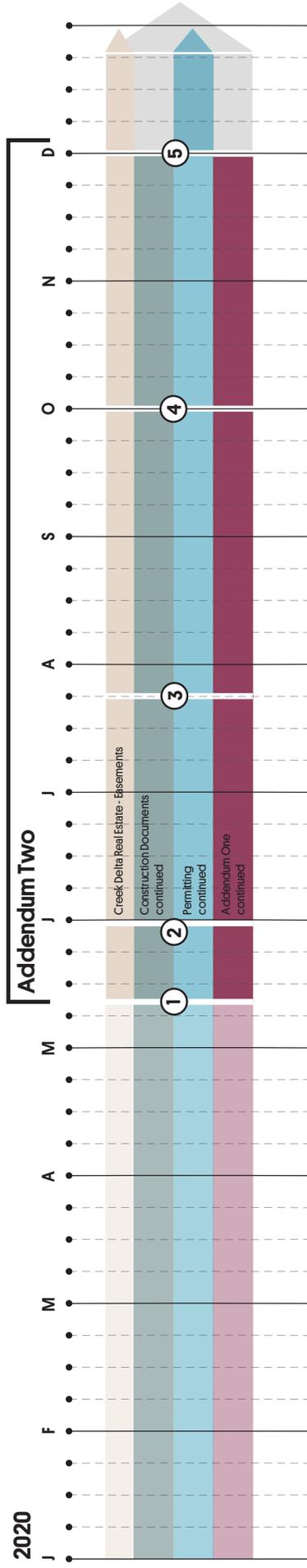
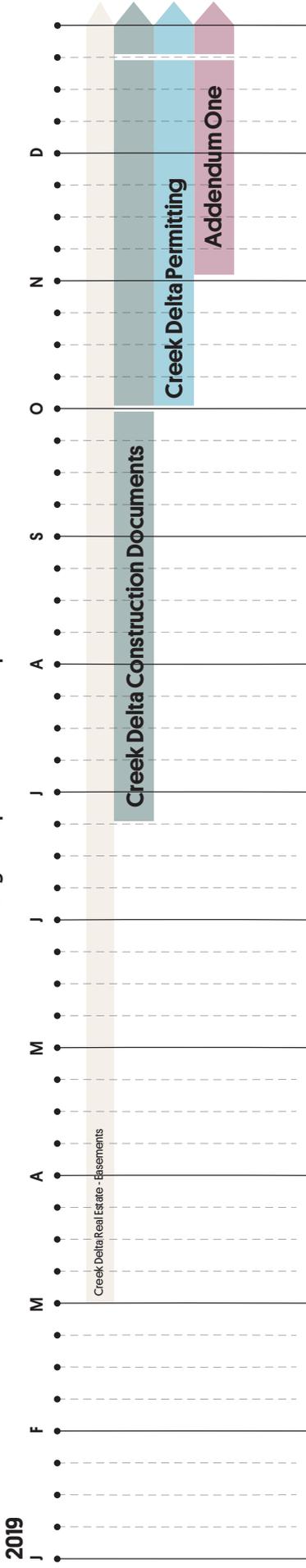
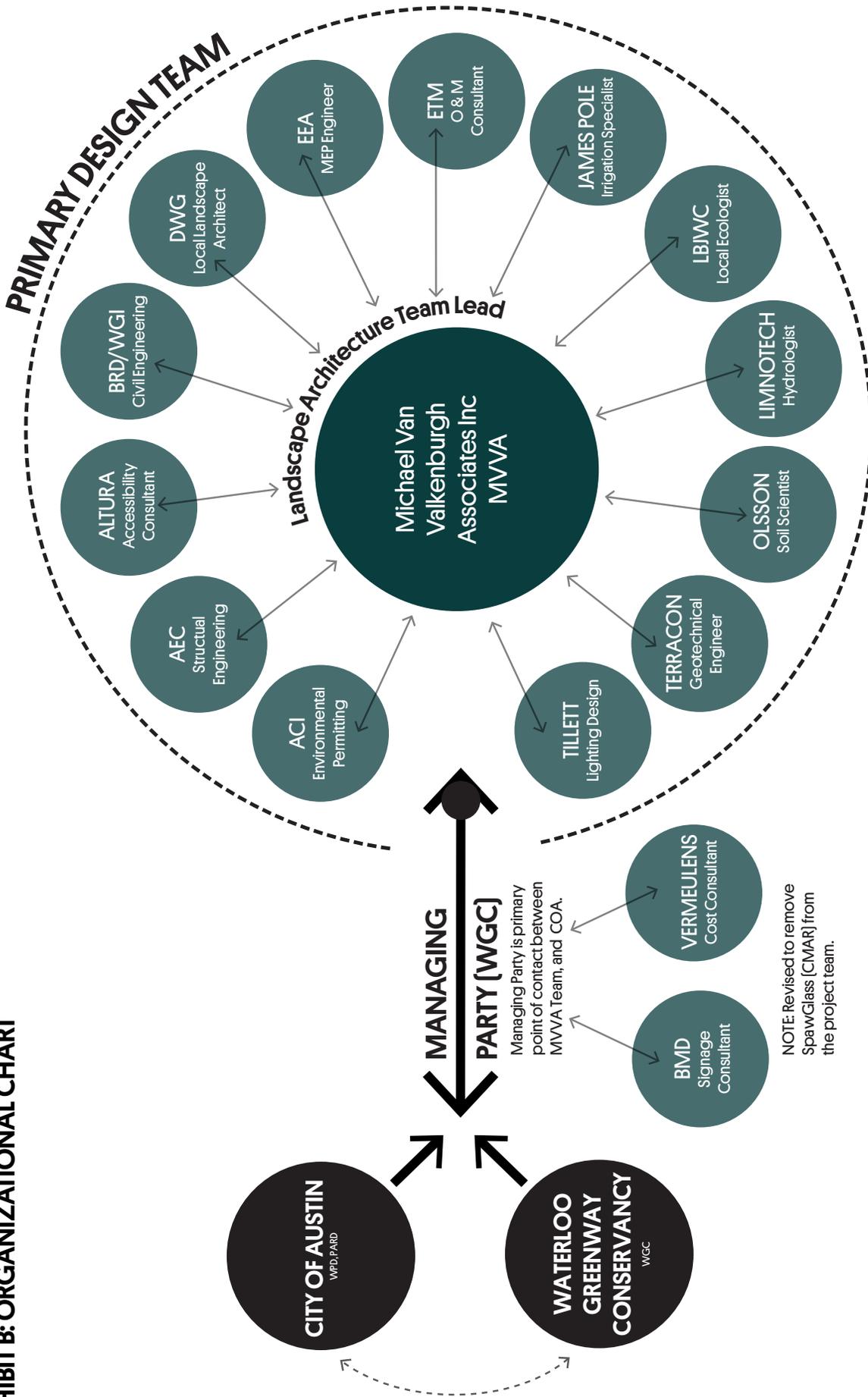


EXHIBIT B: ORGANIZATIONAL CHART





<b>ADDENDUM TWO TO THE CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING &amp; BIDDING PHASE PLAN</b>		
		<b>Total Fees*</b>
		<b>\$3,188,700</b>
<b>Monthly Pay Request</b>	<b>Activity</b>	<b>Fees</b>
1 - Sep'19	Construction Documents	\$31,469
2 - Oct'19	Construction Documents	\$200,911
3 - Nov'19	Construction Documents	\$306,347
4 - Dec'19	Construction Documents & Permitting	\$368,957
5 - Dec'19	Construction Documents & Permitting	\$382,760
6 - Feb'20	Construction Documents & Permitting	\$222,977
7 - Mar'20	Construction Documents & Permitting	\$164,830
8 - Apr'20	Construction Documents & Permitting	\$125,185
9 - Apr'20	Construction Documents & Permitting	\$137,909
10 - May'20	Construction Documents & Permitting	\$138,595
11 - Jun'20	Construction Documents & Permitting	\$138,595
12 - Jul'20	Construction Documents & Permitting	\$138,595
13 - Aug'20	Construction Documents & Permitting	\$138,595
14 - Sep'20	Construction Documents & Permitting	\$138,595
15 - Oct'20	Construction Documents & Permitting	\$138,595
16 - Nov'20	Construction Documents & Permitting	\$138,595
17 - Dec'20	Permitting & Bidding	\$138,595
18 - Jan'21	Permitting & Bidding	\$138,595
<b>TOTAL</b>		<b>\$3,188,700</b>
<b>*Excludes Allowances and Cost Overrun Reserve</b>		
Pay Request #10 and forward are Projections and will fluctuate in response to adjustments in work flow		