



City of Austin

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

December 15, 2020

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

Subject: Funding Letter for Addendum Three (Additional Authority and Bidding Phase Process)
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 of **\$420,000** toward the Addendum Three to the Creek Delta Construction Documents, Permitting, & Bidding Phase Plan for the Additional Authority and Bidding Phase Process scope of work. The total not to exceed amount will be fully funded by the Watershed Protection Department (WPD).

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.

Funding will be provided by WPD via Certificates of Obligation (CO), Drainage Utility Fund (DUF), Riparian Mitigation Zone Fund (RZMF), and Urban Structural Control Fund (USCF). CO hold the same restrictions as the DUF as it was established for the purpose of drainage utility revenues restricted to purposes related to WPD's mission and operation as the City's Municipal Drainage Utility System, in accordance with State law. RZMF hold the aforementioned restrictions and are limited to the urban regulatory area where the revenue was received. USCF is restricted to the purposes related to stormwater control measures and water quality improvements.

As such, all invoices submitted for the Phase Plan must only be for services that maintain the City's compliance with these restrictions. Invoices submitted by the Conservancy will be reviewed by WPD to ensure alignment with both restrictions on uses of funds and agreed upon scope of work for the Phase Plan.



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Sincerely,

Scott Lookabaugh

Scott Lookabaugh, Financial Analyst III
Watershed Protection Department
512-974-7283