



City of Austin

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

June 26, 2019

Waller Creek Conservancy
ATTN: Peter Mullan, Chief Executive Officer
1111 Red River Street
Austin, Texas 78701

Subject: CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING AND BIDDING PHASE PLAN FUNDING

Dear Mr. Mullan:

The City of Austin (City) will contribute an amount not to exceed \$3,177,414.75 toward Creek Delta Construction Documents, Permitting and Bidding Phase Plan. Funding sources for the total not to exceed amount includes Watershed Protection Department (WPD) Certificates of Obligation (\$2,616,694.50) and Parks and Recreation Department (PARC) Parkland Mitigation Funds (\$560,720.25).

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) and 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 as such, 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 WPD via Certificates of Obligation hold the same restrictions as the Drainage Utility Fund (DUF) as it was established for the purpose of drainage utility operations. DUF are drainage utility revenues restricted for purposes directly related to WPD's mission and operations as the City's Municipal Drainage Utility System, in accordance with State law. Funding provided by PARC via the Parkland Mitigation Fund can be used to enhance or expand the recreational value of the park system.

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 to ensure alignment with both restrictions on uses of funds and the agreed upon scope of work for the Phase Plan.

Should you have any questions, please contact the appropriate City staff.

Sincerely,

Elaine Hart
Deputy City Manager and Chief Financial Officer
City of Austin, Texas