



City of Austin

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

May 7, 2020

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

Subject: Funding Letter for Addendum Two (Budget Contribution Split & Modified Schedule) 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 **\$286,912** toward Addendum Two to the Creek Delta Construction Documents, Permitting, & Bidding Phase Plan for the Budget Contribution Split & Modified Schedule scope of work. The funding source for the total not to exceed amount covers Waterloo Greenway's portion of the budget contribution as the organization responds to the financial impacts of the COVID-19 crisis on fundraising efforts. The subject addendum includes the same scope and project area as outlined in the original Phase Plan.

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 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 operations. DUF are the drainage utility revenues restricted

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



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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 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 the agreed upon scope of work for the Phase Plan.

Sincerely,

Scott Lookabaugh

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