



# City of Austin

301 W. Second Street  
Austin, TX

## Recommendation for Action

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**File #:** 23-1075, **Agenda Item #:** 38.

2/9/2023

### **Posting Language**

Approve an ordinance authorizing negotiation and execution of an amendment to the Project Partnership Agreement with the U.S. Army Corps of Engineers for the Confluence Construction Project; amending the Fiscal Year 2022-2023 Watershed Protection Department Operating Budget Special Revenue Fund (Ordinance No. 20220817-004) to accept and appropriate up to \$3,975,000 from the U.S. Army Corps of Engineers for the Confluence Construction Project; and amending the Fiscal Year 2022-2023 Watershed Protection Department Capital Budget (Ordinance No. 20220817-004) to appropriate up to \$3,975,000 from the U.S. Army Corps of Engineers for the Confluence Construction Project.

### **Lead Department**

Watershed Protection Department.

### **Fiscal Note**

Funding in an amount up to \$3,975,000 may become available from the U.S. Army Corps of Engineers. A City funding match is required. A match of local funds in the amount of up to \$993,750 is required, which is available from the Watershed Protection Department Fiscal Year 2022-2023 Capital Budget funded from the Drainage Utility Fund and Certificates of Obligation. Funding will not be required from the General Fund. Fiscal notes are attached.

### **Prior Council Action:**

October 18, 2012 - Council approved Resolution No. 20121018-068 affirming the selection of the design chosen by the Waller Creek Design Completion Jury relating to the revitalization of the Waller Creek District, on a 7-0 vote.

May 24, 2018 - Council approved Ordinance No. 20180524-013 approving the amended Design Plan for the Waller Creek District, on a 10-0 vote.

May 24, 2018 - Council approved as amended Ordinance No. 20180524-012 approving Amendment No. 2 to the Project and Financing Plan for Tax Increment Financing Reinvestment Zone No. 17, providing an additional \$110 million to finance projects in the updated Project Plan, on a 10-0 vote.

June 16, 2022 - Council approved Ordinance No. 20220616-043 authorizing the negotiation and execution of a Project Partnership Agreement with the U.S. Army Corps of Engineers and amending the Fiscal Year 2021-2022 Watershed Protection Department Capital Budget to accept and appropriate \$9,025,000 for the Confluence Construction Project, on an 11-0 vote.

### **For More Information:**

Anupa Gharpurey, Financial Manager III, 512-974-2543; Kristin Pipkin, Project Management Supervisor, 512-974-3315; Diana Wang, Project Manager, 512-974-7168.

### **Additional Backup Information:**

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The Federal government is authorized to provide design and construction assistance for publicly owned, non-Federal water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities; water quality protection, wastewater treatment, and related facilities; and surface water resource protection and development pursuant to Section 5138 of the Water Resources Development Act of 2007, Public Law 110-114 ("Section 5138"). Section 5138(e) provides that the Federal share of project costs shall be 75 percent.

The previously approved Project Partnership Agreement and related Federal funding through the U.S. Army Corps of Engineers supports construction of the Confluence within the Waterloo Greenway, part of the Council-approved Design Plan for the Waller Creek District. Upon executing that Agreement, the total amount of Federal funding available for the Federal share of project costs was \$9,025,000. Additional funding in the amount of \$3,975,000 may become available to provide further assistance for the Confluence Construction Project for a total grant amount of up to \$13,000,000.

This project will improve the stability and ecology of over 2,500 feet of Waller Creek, from 4th Street to where it joins Lady Bird Lake. Using biotechnical engineering techniques, the stability of the creek will be restored to allow for the creation of a continuous hike and bike trail along the creek, while improving water quality and aesthetics.

The General Fund will not be required to contribute additional funds beyond those currently budgeted to this grant. When the grant funds expire, the Watershed Protection Department's needs for continuing funding will be evaluated and may be denied

**Strategic Outcome(s):**

Safety; Health and Environment.