

From: Andy Icken [redacted]@aol.com>  
Sent: 7/10/2016 12:45:35 PM  
To: Jim Murphy  
Subject: Fwd: Walnut Bend Funding

For now and assuming agreement confirmed from meeting with mayor.

Sent from my iPhone

Begin forwarded message:

From: "Harry Hayes (2)" <Harry.Hayes22@houstontx.gov>  
Date: July 10, 2016 at 8:42:20 AM CDT  
To: Jim Murphy <jmurphy@westchasedistrict.com>, "Rudick, Dale - PWE" <Dale.Rudick@houstontx.gov>, Sylvester Turner - MYR <Mayor.ST@houstontx.gov>, "Kelly, Bill - MYR" <Bill.Kelly@houstontx.gov>  
Cc: "Icken, Andy - MYR" <Andy.Icken@houstontx.gov>  
Subject: RE: Walnut Bend Funding

Dale,

Andy and I will stay out of your way and let you and Jim meet privately and fix this. You don't need extra chefs in the kitchen.

Thanks

Harry J. Hayes  
Chief Operating Officer  
Office of Mayor Sylvester Turner  
City of Houston, Texas  
[redacted]  
[redacted]

----- Original message -----

From: Jim Murphy <jmurphy@westchasedistrict.com>  
Date: 7/10/16 7:38 AM (GMT-06:00)  
To: "Rudick, Dale - PWE" <Dale.Rudick@houstontx.gov>  
Cc: "Harry Hayes (2)" <Harry.Hayes22@houstontx.gov>, "Icken, Andy - MYR" <Andy.Icken@houstontx.gov>  
Subject: Re: Walnut Bend Funding

Let's meet at 10:45 AM. I will assume your office unless you tell me otherwise. I will bring the ribbon so we can put a bow on this.

On Jul 9, 2016, at 5:34 PM, Rudick, Dale - PWE <Dale.Rudick@houstontx.gov> wrote:

Tuesday morning works best for me but would be more than happy to accommodate for the afternoon.

Sent from my iPhone

On Jul 9, 2016, at 5:27 PM, Jim Murphy <jmurphy@westchasedistrict.com> wrote:

Would you have time to meet on Tuesday at 10:30 or 11 AM or in the afternoon btwn 2:30 and 5?

Or feel free to suggest some other options.

On Jul 9, 2016, at 11:39 AM, Rudick, Dale - PWE <Dale.Rudick@houstontx.gov> wrote:

Representative Murphy,  
I used the only phone contact I have for you and left a message. However, please do not hesitate to contact me at 281-848-9850. As I have said before, I want to continue the dialogue.

From: Harry Hayes (2)  
Sent: Saturday, July 09, 2016 9:45 AM  
To: [jmurphy@westchasedistrict.com](mailto:jmurphy@westchasedistrict.com); Rudick, Dale - PWE <[Dale.Rudick@houstontx.gov](mailto:Dale.Rudick@houstontx.gov)>; Loethen, Mark - PWE <[Mark.Loethen@houstontx.gov](mailto:Mark.Loethen@houstontx.gov)>; [lsanchez@westchasedistrict.com](mailto:lsanchez@westchasedistrict.com)  
Cc: Icken, Andy - MYR <[Andy.Icken@houstontx.gov](mailto:Andy.Icken@houstontx.gov)>; Brock, Alison - MYR <[Alison.Brock@houstontx.gov](mailto:Alison.Brock@houstontx.gov)>  
Subject: RE: Walnut Bend Funding

Rep. Murphy and Ms. Sanchez,

Director Rudick will reach out to you at some point today to put this issue to bed. I've looked at the information that both groups have presented and concur with PWE's findings that we're somewhere around \$600k - \$1 MM to closure.

In reading the streams between our two groups, I want to clarify what I believe the mayor's comments were during and after the meeting:

- The mayor fully supports this project.
- The mayor doesn't want to lose the TIP funding.
- The mayor understood that WD would consult with HGAC to seek the gap in CIP/TIP funding.
  - Who did WD reach out to?
  - Was there support letter needed from COH.
  - Did we leverage our city members on the committee?
  - What amount, if any, did we seek?
- We needed to determine which set of plans we were working from.
- What items were to be deleted to "balance" the city's contribution.
- What were the final dollar values from the deleted items?

Mayor Turner will be on vacation next week. But I would like to notify him of his requested items by next Wednesday and close this item from the "pending list".

Rep. Murphy, please look for a call or communication from Director Rudick today.

Thanks.

Harry Hayes  
Chief Operating Officer  
Office of Mayor Sylvester Turner  
[REDACTED]

From: Jim Murphy <[jmurphy@westchasedistrict.com](mailto:jmurphy@westchasedistrict.com)>  
Date: July 8, 2016 at 8:05:06 AM CDT  
To: "Rudick, Dale - PWE" <[Dale.Rudick@houstontx.gov](mailto:Dale.Rudick@houstontx.gov)>, [REDACTED] <[\[REDACTED\]@binkleybarfield.com](mailto:[REDACTED]@binkleybarfield.com)>  
Cc: "Loethen, Mark - PWE" <[Mark.Loethen@houstontx.gov](mailto:Mark.Loethen@houstontx.gov)>, [REDACTED] <[\[REDACTED\]@binkleybarfield.com](mailto:[REDACTED]@binkleybarfield.com)>, "Icken, Andy - MYR" <[Andy.Icken@houstontx.gov](mailto:Andy.Icken@houstontx.gov)>, Irma Sanchez <[lsanchez@westchasedistrict.com](mailto:lsanchez@westchasedistrict.com)>, "Harry Hayes (2)" <[Harry.Hayes22@houstontx.gov](mailto:Harry.Hayes22@houstontx.gov)>  
Subject: Re: Walnut Bend Funding

This is a follow-up to my brief note of yesterday.

Todd Calvin reviewed the new cost allocations and confirmed that the items proposed to be moved from the city to Westchase District were in fact standard improvements for any City project. Consequently, the cost allocations presented at the meeting with Mayor Turner and confirmed in Irma Sanchez's email two weeks ago are both mathematically correct and in line with what was agreed to at the meeting.

This might will be obvious to everyone but I want to be clear that the Westchase District is in support of using its entire \$9.7 million grant to fund the city's share of the project cost and not use these grant funds for the enhancements even though they were referenced in the application. Furthermore, with city approval, Westchase District will increase its contribution from the 380 funds from \$1 million to cover the \$5 million or so specified in the Sanchez email. And this would allow the city to reduce its contribution from \$11 million to the \$4.5 million that was agreed to.

Time is truly of the essence as the CIP is about ready for council consideration. We appreciate all the work that's been done and are ready to wrap this up.

Please let me know if you would like our attorneys to start drafting this agreement or if this is something the city will provide.

Thank you very much.

On Jul 7, 2016, at 2:25 PM, Rudick, Dale - PWE <[Dale.Rudick@houstontx.gov](mailto:Dale.Rudick@houstontx.gov)> wrote:

Jim, as stated in the email (attached), there is a change from BBI's PER cost estimate for what was itemized as back of curb enhancements line items and what is now represented as Pavement items in what was last sent by Irma.

As always, we will continue the dialogue. We look forward to hearing from Todd. Thanks.

From: Jim Murphy [mailto:[jmurphy@westchasedistrict.com](mailto:jmurphy@westchasedistrict.com)]  
Sent: Thursday, July 07, 2016 2:08 PM  
To: Loethen, Mark - PWE <[Mark.Loethen@houstontx.gov](mailto:Mark.Loethen@houstontx.gov)>; Rudick, Dale - PWE <[Dale.Rudick@houstontx.gov](mailto:Dale.Rudick@houstontx.gov)>

To: [REDACTED] <[REDACTED]@binkleybarfield.com> <[REDACTED]@binkleybarfield.com>  
Cc: Icken, Andy - MYR <Andy.icken@houston.tx.gov>; Irma Sanchez <[REDACTED]@westchasedistrict.com>  
Subject: Walnut Bend Funding

Mark:

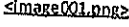
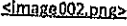
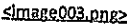

Irma is on vacation but sent me your email. I will get with Todd ASAP and get a more detailed response to you.

At first blush, it looks like the COH CIP costs have been reduced from the \$2.1 million we set at the meeting with Mayor Turner and Director Rudick to the \$600 K you estimated. I have attached a copy of the 6/24 email that recapped our meeting and outlined our agreement.

We are doing everything we can to help the City reduce the \$11 million budget in the current CIP. We have eliminated project elements, used the water and sewer funds and, most significantly, taken on \$6.6 million in increased costs to be funded through the WD 380 (subject to approval, of course). But we might need the City's share to be what we agreed to at the meeting. Stay tuned on this.

We understand that we only have a short time to work this out and that a lot of folks are looking over your shoulder so I will follow up with you soon to get you the information that you need.

Thank you.

 Jim Murphy | General Manager  
[REDACTED]  
[REDACTED]  
10370 Richmond Avenue, Suite 1350 | Houston, TX 77042  
  

<Walnut Bend>

From: Andy Icken [redacted]@aol.com>  
Sent: 7/11/2016 9:33:36 AM  
To: Jim Murphy  
Subject: Re: Walnut Bend Funding

Stay the course. I've dealt with Harry's thousand question to change the subject frequently and it is really a delaying tactic. You should be on firm ground. I believe !!

Sent from my iPhone

On Jul 11, 2016, at 9:22 AM, Jim Murphy <jmurphy@westchasedistrict.com> wrote:

Thanks for watching my back.

I thought everything was worked out until I saw Harry's prior email.

Don't understand what he's up to.

I will request that Dale honor the agreement we all made in our meeting. In fact, it was Dale who put the \$2.1 million on the table from his own \$s before Mark weighed in. I was pushing for \$2.5 which the Mayor thought was fine as well.

I will keep you posted. Of course.

Jim Murphy  
[redacted]

<mime-attachment>

From: Andy Icken <[REDACTED]@aol.com>  
Sent: 7/15/2016 6:47:11 PM  
To: Jim Murphy  
Subject: Fwd: Walnut Bend

You will probably find this exchange somewhat comical if it didn't have such a tortured history. I'll probably take heat for my comment (so what). Thoughts?

Sent from my iPhone

Begin forwarded message:

From: "Icken, Andy - MYR" <Andy.Icken@houstontx.gov>  
Date: July 15, 2016 at 6:30:04 PM CDT  
To: "Rudick, Dale - PWE" <Dale.Rudick@houstontx.gov>, Sylvester Turner - MYR <Mayor.ST@houstontx.gov>, "Harry Hayes (2)" <Harry.Hayes22@houstontx.gov>  
Subject: RE: Walnut Bend

Glad to see to we are settling at the 4.6m\$ previously discussed. Thank you.

From: Rudick, Dale - PWE  
Sent: Friday, July 15, 2016 6:08 PM  
To: Sylvester Turner - MYR; Harry Hayes (2)  
Cc: Icken, Andy - MYR  
Subject: RE: Walnut Bend

My pleasure, sir. Let's see if he has comments.

From: Sylvester Turner - MYR  
Sent: Friday, July 15, 2016 6:04 PM  
To: Harry Hayes (2) <Harry.Hayes22@houstontx.gov>  
Cc: Icken, Andy - MYR <Andy.Icken@houstontx.gov>; Rudick, Dale - PWE <Dale.Rudick@houstontx.gov>  
Subject: Re: Walnut Bend

Thanks Dale...

Sent from my iPhone

On Jul 15, 2016, at 6:02 PM, Harry Hayes (2) <Harry.Hayes22@houstontx.gov> wrote:

Dale has handled this masterfully.

Thanks Dale for getting us across the finish line.

**Harry J. Hayes**  
Chief Operating Officer  
Office of Mayor Sylvester Turner  
City of Houston, Texas

611 Walker, 12th Floor  
[REDACTED]  
[REDACTED]

*"The City of Houston is a City of Solutions"*

From: Rudick, Dale - PWE  
Sent: Friday, July 15, 2016 5:54 PM  
To: Jim Murphy  
Cc: Harry Hayes (2)  
Subject: Walnut Bend

Representative Murphy

Met w/Todd Calvin this morning. He provided the needed information. I left you a voice mail message and would like to finalize the details so I can prepare a MOU for the Mayor's signature. I propose the following which we can discuss further but I wanted to get you something in writing.

A Cooperative Development Agreement will be entered into between WD and COH to include the following:

- 1) COH will pay for the design and construction costs directly associated with Water and Wastewater facilities within the limits of the project and contained within the approved engineering plans of subject project.
- 2) COH will reimburse WD for up to and not to exceed \$1.6M associated with back-of-curb city-standard improvements related to: ADA ramps, sidewalks, street lighting and turf (sod) as indicated in the PER (Appendix J-1). Should the full 20% Contingency of these items not be realized upon receipt of bid proposals, as

- Indicated in the PER, then the COH will be credited with that amount not encumbered by subtraction from the established \$1.6M contribution by the City.
- 3) WD will sponsor and the City will actively support a proposal to H-GAC for an amendment to the subject project to acquire a 50/50 federal match utilizing the City's Utility and 380 contributions as the local match.
  - 4) The City will pay WD for the cost of the utilities (design & construction) at the time the cost is incurred.
  - 5) The City will reimburse WD for the expenses incurred as described in Item #2 above within one (1) year of substantial completion of the project.

This is my first crack at it to provide a general outline of the MOU. I look forward to receiving your thoughts. Thanks in advance.

Dale A. Rudick, P.E.  
Director  
Department of Public Works and Engineering

<Image001.jpg>

10/12/10 10:00 AM

From: Jim Murphy  
Sent: 7/15/2016 10:49:30 PM  
To: Andy <[REDACTED]@aol.com>  
Subject: Re: Walnut Bend

It will come.

I will let him know that this was new ground and I appreciate him taking the lead. I was simply say that I agree and that we should each share in the proportion to our contribution. Which is about 80/20. Btw.

On Jul 15, 2016, at 10:41 PM, Andy <[REDACTED]@aol.com> wrote:

Do you still get the 4.6m\$- I thought they said that. That Saudi would strongly support a response by you that you are "stunned" by arbitrary and non-agreed items.

Sent from my iPad

On Jul 15, 2016, at 10:30 PM, Jim Murphy <jmurphy@westchasedistrict.com> wrote:

I will call you sometime tomorrow.

I am stunned by these last-minute "tweaks" that are so one sided. And never discussed.

On Jul 15, 2016, at 9:48 PM, Andy <[REDACTED]@aol.com> wrote:

Relax. When you have a chance however I would like your comments on the email exchange.

Sent from my iPad

On Jul 15, 2016, at 9:40 PM, Jim Murphy <jmurphy@westchasedistrict.com> wrote:

Thank you for your email. I am relaxing tonight but will get back on this tomorrow.

On Jul 15, 2016, at 6:47 PM, Andy Icken <[REDACTED]@aol.com> wrote:

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**Harry J. Hayes**  
**Chief Operating Officer**  
**Office of Mayor Sylvester Turner**  
**City of Houston, Texas**

611 Walker, 12th Floor

~~922.555.1200~~  
~~h.j.hayes@houstontx.gov~~

***"The City of Houston is a City of Solutions"***

**From:** Rudick, Dale - PWE  
**Sent:** Friday, July 15, 2016 5:54 PM  
**To:** Jim Murphy  
**Cc:** Harry Hayes (2)  
**Subject:** Walnut Bend

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Dale A. Rudick, P.E.  
Director  
Department of Public Works and Engineering

~~922.555.1200~~  
<image001.jpg>