



# McKinney Community Development Corporation Agenda

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Thursday, October 27, 2016

8:00 AM

Council Chambers  
222 N. Tennessee Street  
McKinney, Texas 75069

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PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.002, A QUORUM OF THE CITY COUNCIL MAY BE PRESENT. NO CITY COUNCIL ACTION WILL BE TAKEN.

## CALL TO ORDER

16-1080 [Oaths of Office](#)

16-1081 [Election of Officers](#)

## CONSENT ITEMS

This portion of the agenda consists of non-controversial or housekeeping items required by law. Items may be considered individually by the Board or Commission member making such request prior to a motion and vote on the Consent Items.

16-1082 [Minutes of the McKinney Community Development Corporation Meeting of September 22, 2016](#)

**Attachments:** [Minutes](#)

## REPORTS

16-1083 [September Financial Report](#)

**Attachments:** [September Transmittal Letter](#)

[September Financials](#)

[September Checks Issued](#)

16-1084 [Board and Liaison Updates](#)

[Board Chair](#)

[City of McKinney](#)

[McKinney Chamber](#)

[Parks and Recreation](#)

[MPAC/Main Street](#)  
[McKinney National Airport/McKinney Air Center](#)  
[McKinney Convention and Visitors Bureau](#)

**Attachments:** [MCVB Report](#)

**16-1085** [President's Report](#)

**Attachments:** [Prospective Projects](#)  
[Grants Awarded - FY16](#)  
[Grants Awarded - FY17](#)  
[Manhattan Construction Report](#)  
[Chestnut Square \(Project #16-04\) Final Report](#)

**REGULAR AGENDA**

**16-1086** [Consider/Discuss/Act on an Amendment to Project #15-06 to Extend the Term of the Performance Agreement to January 23, 2017; to Reallocate \\$2,800 Approved for Surveys to Lot Preparation; to Reallocate \\$27,580.74 Approved for Lot Purchase to Lot Preparation; and to Reallocate \\$2,188.45 Approved for Lot Purchase to Neighborhood Revitalization](#)

**Attachments:** [NCCHFH Request Letter](#)

**DISCUSSION ITEMS**

**16-1087** [Presentation on Open Meetings Act; Type B Corporate Requirements; Type B Permissible Projects and Related Issues](#)

**Attachments:** [Open Meetings Presentation](#)

**CITIZEN COMMENTS**

**BOARD OR COMMISSIONER COMMENTS**

Board or Commission Comments relating to items of public interest:  
Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, upcoming meetings, informational update on projects, awards, acknowledgement of meeting attendees, birthdays, requests for items to be placed on upcoming agendas, and condolences.

**EXECUTIVE SESSION**

In Accordance with the Texas Government Code:

Section 551.087. Deliberation Regarding Economic Development Matters

- Project Frost

- Apex Centre

- Project #15-06 North Collin County Habitat for Humanity

## **ACTION ON EXECUTIVE SESSION**

## **ADJOURN**

Posted in accordance with the Texas Government Code, Chapter 551, on the 20th day of October, 2016 at or before 5:00 p.m.

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Cindy Schneible  
President

Accommodations and modifications for people with disabilities are available upon request. Requests should be made as far in advance as possible, but no less than 48 hours prior to the meeting. Call 972-547-2694 or email [contact-adacompliance@mckinneytexas.org](mailto:contact-adacompliance@mckinneytexas.org) with questions or for accommodations.



**16-1080**

**TITLE:** Oaths of Office

**SUPPORTING MATERIALS:**



**16-1081**

**TITLE:** Election of Officers

**SUPPORTING MATERIALS:**

16-1082



**TITLE:** Minutes of the McKinney Community Development Corporation Meeting of September 22, 2016

**SUPPORTING MATERIALS:**

[Minutes](#)

## **MCKINNEY COMMUNITY DEVELOPMENT CORPORATION**

**SEPTEMBER 22, 2016**

The McKinney Community Development Corporation met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on September 22, 2016 at 8:00 a.m.

Board members Present: Chairman Scott Elliott, Vice Chairman Kurt Kuehn, Secretary David Clarke, Treasurer David Myers, Michelle Gamble, Hamilton Doak and Rick Glew.

Council Liaison Present: Councilwoman Tracy Rath

Staff Present: President Cindy Schneible

City Staff Present: City Manager Paul Grimes, Senior Financial Analyst Trevor Minyard, Director of Parks and Recreation Rhoda Savage, Assistant Director of Parks and Recreation Ryan Mullins, Aquatics and Fitness Manager Teresa Thompson, MEDC President Darrell Auterson, MCVB Marketing Manager Beth Shumate and MEDC Executive Assistant Sheri Van Slycke.

There were 10 guests present.

Chairman Elliott called the meeting to order at 8:00 a.m. after determining a quorum was present.

**16-949** Minutes of the McKinney Community Development Corporation Meeting of August 25, 2016. Board members unanimously approved the motion by Vice Chairman Kuehn, seconded by Secretary Clarke, to approve the August 25, 2016 minutes.

**16-950** Minutes of the McKinney Community Development Corporation Promotional and Community Event Grant Subcommittee Meeting of August 10, 2016. Board members unanimously approved the motion by Board member Gamble, seconded by Board member Doak, to approve the August 10, 2016 minutes.

**16-951** Chairman Elliott called for the August Financial Report. Senior Financial Analyst Trevor Minyard reported revenue is above budget YTD by 13.12%. Sales tax figures are currently 7.4% above last year's collection

through August. Expenditures are below budget in total, with personnel expenses coming in approximately 16.7% under budget through August. The fund's major expenditures continue to be related to construction costs for the Apex Centre. As of August, the MCDC has expended over \$23.3 million related to the Apex Centre. Mr. Minyard reminded the Board that the interactive monthly financial report is available online on the City of McKinney website.

**16-952** Chairman Elliott called for the Board and Liaison Updates.

City of McKinney – Councilwoman Rath reported that City Council approved the budget and adopted a tax rate of \$0.573. Ms. Rath thanked Chairman Elliott, on behalf of City Council, for his dedicated service and care of MCDC. Ms. Rath went on to thank Mr. Elliott for his outstanding leadership on the Apex Centre project, the largest project that MCDC and the city have undertaken. City Manager Paul Grimes congratulated Chairman Elliott on the completion of his term on MCDC and thanked him for his service. Mr. Grimes reported the Council Chambers will receive an Audio/Visual upgrade over the coming months and during that time, the CDC and EDC boards will probably be meeting at an alternative location during the construction on the chamber. An Airport Master Plan study is scheduled to begin in late October to define facility needs and evaluate development alternatives over the next 20 years. Mr. Grimes congratulated Mr. Mark Holloway on his new position as the City of McKinney's Chief Financial Officer.

McKinney Economic Development Corporation – MEDC President Darrell Auterson thanked Mr. Elliott for his service and leadership. Mr. Auterson thanked Ms. Schneible for her collaboration locating some previous reports that enabled the EDC to reduce the cost and scope of future consultant's research and study. Mr. Auterson shared his long term plan for the EDC and his efforts in correlating the EDC strategic planning alongside City Council.



Parks and Recreation - Director of Parks and Recreation Rhoda Savage reported the Parks Master Plan is near completion and will be brought before City Council, as well as the Parks and CDC Boards, for approval before its adoption. Ms. Savage expressed her thanks to Chairman Elliott for his support and friendship.

McKinney Convention and Visitors Bureau - MCVB Marketing Manager Beth Shumate thanked Chairman Elliott and the CDC for all the support and leadership over the years. Ms. Shumate reported staff attended the Heritage Spring Bridal Show in Anna on August 21<sup>st</sup> and the Texas Association of Convention and Visitors Bureau annual conference in mid-August. City Manager Grimes, MCVB staff, Dana Riley, MISD Superintendent Dr. Rick McDaniel and the MISD Athletic Staff met with the National Athletic Intercollegiate Association about possibly bringing a Football Championship Play-off game in December 2017 to the new MISD Football Stadium. However, consensus was that it may be best to wait until 2018. MCVB helped secure 299 hotel room nights with a revenue of over \$38,000. The International Miniature Book Society Conclave was in town with 175 total room nights at the Sheraton. The number of out-of-country visitors in August was off the charts. Countries represented included Scotland, Australia, Russia, England, Italy, Puerto Rico, Taiwan, Germany, Chile, Malta, South Africa and China. MCVB worked with Main Street and the Sheraton to secure the 2017 Texas Downtown Association Conference.

**16-953** Chairman Elliott called for the President's Report. President Cindy Schneible referred the Board to the reports attached to the agenda. Ms. Schneible welcomed Jackie Brewer as the newest CDC Board member. The Oaths of Office will be administered at the October Board meeting as well as the Election of Officers. Ms. Schneible mentioned that CDC will help promote and support the grantees of Promotional and Community Event Grants through its social media efforts, one of the

priorities agreed upon during the Strategic Planning meetings. In coordination with the Communications department, CDC is creating Fall print advertising that will not only feature the message of 'buy local' but will also feature some of those Promotional and Community events. The order for street banners has been finalized. Banners currently are displayed in the downtown area, but now with CDC support, the reach will be extended throughout the City. Main Street/MPAC Executive Director Amy Rosenthal sent her regards, but was unable to attend the meeting this morning due to the set-up for Oktoberfest which starts tomorrow. CDC is also supporting Crape Myrtle Trails Run which is Saturday, September 24<sup>th</sup>. Ms. Schneible thanked Mr. Elliott for his commitment, support and leadership for the CDC Board. Mr. Kuehn echoed Ms. Schneible's sentiment, and especially thanked him for his servant leadership example. Mr. Myers, as well, echoed Ms. Schneible and Mr. Kuehn's comments to Mr. Elliott. Mr. Clarke stated his equal sentiment in thanking Mr. Elliott for his leadership and friendship. Ms. Schneible presented Mr. Elliott with a crystal gavel as a token of appreciation for his service as Chairman.

- 16-954** Chairman Elliott called for the Consideration/Discussion/Action on Project #16-09, a Request Submitted by Heard Craig Women's Club Trust (dba: Heard-Craig Center for the Arts) in the Amount of Forty Three Thousand Five Hundred Dollars and no/100 (\$43,500) for Replacement of Four HVAC Units in Heard Craig House. Amount Requested Represents 75% of Total Estimated Project Cost. Board members noted the Heard-Craig Center for the Arts has over ten years of operating expenses in a trust (approximately one million dollars) for their use as needed. Board members unanimously approved the motion by Vice Chairman Kuehn, seconded by Treasurer Myers, to deny the request submitted by Heard Craig Women's Club Trust (dba: Heard-Craig Center

for the Arts) in the Amount of Forty Three Thousand Five Hundred Dollars and no/100 (\$43,500).

**16-955** Board members Glew and Doak were recused from the discussion and the vote on item **#16-955**. Chairman Elliott called for the Consideration/Discussion/Action on Project #16-10, Submitted by Heritage Guild of Collin County in the Amount of One Hundred Seventy Five Thousand Dollars (\$175,000) for Improvements to the Dulaney House to Facilitate Use as a Multi-Purpose Community Facility. Amount requested represents 65% of total estimated project cost. Board members noted how important the Dulaney House is to the City of McKinney. Vice Chairman Kuehn stated his desire to see private citizens more motivated to support the Heritage Guild. Treasurer Myers, Secretary Clarke and Ms. Gamble stated their appreciation and confidence of the new leadership Ms. Pedigo brings to the Heritage Guild and expressed their desire to see any future dollar amounts requested be a smaller percentage of the total estimated project cost. Board members unanimously approved the motion by Secretary Clarke, seconded by Vice Chairman Kuehn, to approve the request submitted by Heritage Guild of Collin County in the amount of one hundred seventy five thousand dollars (\$175,000). Board members Glew and Doak returned to the meeting.

**16-956** Chairman Elliott called for the Consideration/Discussion/Action on Project #16-11, Submitted by Collin County Historical Society in the Amount of Six Thousand Nine Hundred Sixty-Eight Dollars and 20/100 (\$6,968.20) for Purchase of iPads, Cases, Headphones and Related Equipment to Facilitate Self-Guided Tours for Visitors to the Texas and Collin County World War I Centennial Commemoration. Amount Requested Represents 100% of Total Estimated Equipment Costs. Board members encouraged the Collin County Historical Society to continue in its current direction and to feel free to submit similar requests

to the CDC. Board members unanimously approved the motion by Vice Chairman Kuehn, seconded by Board member Doak, to approve the submitted request by Collin County Historical Society in the amount of six thousand nine hundred sixty-eight dollars and 20/100 (\$6,968.20).

- 16-957** Chairman Elliott called for the Consideration/Discussion/Action on Project #16-12, Submitted by North Collin County Habitat for Humanity in the Amount of Two Hundred Fifty One Thousand Dollars and No/100 (\$251,000) for Purchase, Survey and Preparation of Six Lots for the Construction of Affordable Housing; and Completion of Fifteen Exterior Home Repair Projects. Amount Requested Represents 27% of Total Estimated Project Costs. Board members unanimously approved the motion by Treasurer Myers, seconded by Board member Gamble, to approve the request submitted by North Collin County Habitat for Humanity in the Amount of Two Hundred Fifty One Thousand Dollars and No/100 (\$251,000).

Chairman Elliott called for citizen comments. Ms. Celeste Cox introduced Mr. Bryant Knepp as the new Habitat for Humanity Construction Project Coordinator. Ms. Courtney Ward thanked Mr. Elliott for his dedication, leadership and service to the CDC, as well as to the community. Ms. Juli Smith thanked Mr. Elliott for all of his help, guidance and support for the All Abilities Playground. The Rotary Club and all the children of McKinney will be grateful for many years to come.

Chairman Elliott called for Board comments. Ms. Gamble expressed her thanks and it's been her pleasure serving on the CDC Board under his guidance and leadership. Mr. Glew stated that Mr. Elliott has made it a great experience to serve the City, as a member of the CDC board, under his leadership. Chairman Elliott stated his experience on the Board has been more than he could have ever envisioned and thanked Councilwoman Rath, Roger Harris, George Fuller, Kevin Griffin and Jason Burrell for taking him under their wing from the beginning. Mr. Elliott expressed that it has been a pleasure and honor to serve with all his current Board members. There are many City staff to give appreciation to, not the least of which, is Trevor Minyard, Rhoda Savage,

Ryan Mullins, and Teresa Thomason. He offered special friendship thanks to Mayor Loughmiller and Michael Puhl for all their help and counsel over the years. Thanks to Patricia Jackson for her tireless leadership on the Apex Centre project. Mr. Elliott thanked Sheri Van Slycke for her unwavering support. Mr. Elliott expressed his thanks to Ms. Schneible for her wise counsel and expressed what a privilege and an honor it has been to work with her. There is no way he could have managed without her over the last four years.

Board members unanimously approved the motion by Board member Doak, seconded by Secretary Clarke, to adjourn. Chairman Elliott adjourned the meeting at 8:50 a.m.

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SCOTT ELLIOTT  
Chairman



**16-1083**

**TITLE:** September Financial Report

**SUPPORTING MATERIALS:**

[September Transmittal Letter](#)

[September Financials](#)

[September Checks Issued](#)

# September Monthly Financial Report

October 27, 2016

Each month, city staff provides a financial report to the McKinney Community Development Corporation's board to apprise them of the financial status of the corporation. In an effort to continue providing meaningful financial updates, this transmittal letter includes links to the interactive online financial tool for the month of September. The following is a brief analysis of each section of the corporation's financials.

## September Analysis

### ***MCDC Revenue-***

Revenue of the McKinney Community Development Corporation is above budget YTD by 6.49%. Sales tax figures came in 6.26% above last year's collection through September. Below is a link to the current year-to-date revenue of the MCDC:

[MCDC Revenues – YTD through September](#)

### ***MCDC Expenditures-***

Expenditures of the McKinney Community Development Corporation are below budget in total. The MCDC fund's expenses continue to be concentrated for the MAFC. As of September, the MCDC has made over \$23.7 million in expenditures related to MAFC construction. Below is a link to the current year-to-date expenses of the MCDC:

[MCDC Expenditures – YTD through September](#)

### ***Sales Tax Analysis-***

Below are three links that show some unique analysis for the sales tax of the McKinney Community Development Corporation and the City of McKinney at large. The first two links relate directly to the sales tax performance, and the third is a picture of the city's collection by industry:

[FY2016 Monthly Sales Tax Comparison](#)

[MCDC – Historic Monthly Sales Tax Comparison](#)

[City of McKinney – Sales Tax by Industry](#)

### ***Project Details-***

Project details for the McKinney Community Development Corporation are provided as an attachment.

***Checks Issued-***

Below is a link to the checks that were issued by the McKinney Community Development Corporation during the month of September:

[MCDC September Checks Issued](#)

***Conclusion-***

The information included in the interactive monthly financial report is intended to provide a status update on the operations of the McKinney Community Development Corporation. Please note, items presented may change slightly during the FY2016 audit activities. Staff is available to answer any additional questions you may have.

Sincerely,

Mark Holloway

Acting Chief Financial Officer

City of McKinney



**McKinney Community Development Corporation**  
**Summary Operating Statement**  
September 2016 (Preliminary) (100% of FY Complete)

Revenues	FY16 Adopted Budget	Monthly Actual	YTD Actual	Remaining Budget	Budget Received	Monthly Comparison		YTD Comparison	
						Monthly Budget	Monthly Variance	YTD Budget	YTD Variance
Sales Tax Receipts	\$ 10,750,000	\$ 938,767	\$ 11,468,033	\$ (718,033)	106.7%	\$ 895,833	\$ 42,934	\$ 10,750,000	\$ 718,033
Interest Income	179,000	22,090	219,969	(40,969)	122.9%	14,917	7,174	179,000	40,969
<b>Total Revenues</b>	<b>\$ 10,929,000</b>	<b>\$ 960,858</b>	<b>\$ 11,688,002</b>	<b>\$ (759,002)</b>	<b>106.9%</b>	<b>\$ 910,750</b>	<b>\$ 50,108</b>	<b>\$ 10,929,000</b>	<b>\$ 759,002</b>

Expenses	FY16 Adopted Budget	Monthly Actual	YTD Actual	Remaining Budget	Budget Spent	Monthly Budget	Monthly Variance	YTD Budget	YTD Variance
MCDC Operations									
Personnel Expense	\$ 195,043	\$ 19,388	\$ 182,531	\$ 12,512	93.6%	\$ 16,254	\$ (3,134)	\$ 195,043	\$ 12,512
Supplies Expense	18,050	791	4,581	13,469	25.4%	1,504	713	18,050	13,469
Maintenance Expense	3,000	-	-	3,000	0.0%	250	250	3,000	3,000
Services/Sundry	350,234	18,153	159,571	190,663	45.6%	29,186	11,033	350,234	190,663
Total Administrative	\$ 566,327	\$ 38,332	\$ 346,683	\$ 219,644	61.2%	\$ 47,194	\$ 8,862	\$ 566,327	\$ 219,644

<b>Projects</b>									
Economic Development & Capital	\$ 7,335,345	\$ -	\$ 1,365,728	\$ 5,969,617	18.6%	\$ 611,279	\$ 611,279	\$ 7,335,345	\$ 5,969,617
Community Grants & Projects	1,822,712	51,899	726,114	1,096,598	39.8%	151,893	99,994	1,822,712	\$ 1,096,598
Other Project Expenses	28,000	448	1,947	26,053	7.0%	2,333	1,885	28,000	26,053
<b>Total Projects</b>	<b>\$ 9,186,057</b>	<b>\$ 52,347</b>	<b>\$ 2,093,788</b>	<b>\$ 7,092,269</b>	<b>22.8%</b>	<b>\$ 765,505</b>	<b>\$ 713,158</b>	<b>\$ 9,186,057</b>	<b>\$ 7,092,269</b>

<b>Non-Departmental</b>									
Administrative Fee to GF	\$ 170,000	14,167	\$ 170,000	\$ -	100.0%	\$ 14,167	\$ -	\$ 170,000	\$ -
General Fund	-	-	-	-	-	-	-	-	-
Park Construction Fund	6,494,444	162,602	2,489,535	4,004,909	38.3%	541,204	378,601	6,494,444	4,004,909
MPAC	375,000	31,250	375,000	-	100.0%	31,250	-	375,000	-
MCDC Debt Service Payments	955,000	-	955,000	-	100.0%	79,583	79,583	955,000	-
MCDC Debt Service I & S	764,078	-	764,078	-	100.0%	63,673	63,673	764,078	-
Paying Agent	1,000	-	400	600	40.0%	83	83	1,000	600
Capital Equip/Construction-Aquatic Center	30,784,691	10,093	23,360,267	7,424,424	75.9%	2,565,391	2,555,298	30,784,691	7,424,424
<b>Total Non-Departmental</b>	<b>\$ 39,544,213</b>	<b>\$ 218,112</b>	<b>\$ 28,114,279</b>	<b>\$ 11,429,934</b>	<b>71.1%</b>	<b>\$ 3,295,351</b>	<b>\$ 3,077,239</b>	<b>\$ 39,544,213</b>	<b>\$ 11,429,934</b>

<b>Total Expenses</b>	<b>\$ 49,296,597</b>	<b>\$ 308,790</b>	<b>\$ 30,554,751</b>	<b>\$ 18,741,846</b>	<b>62.0%</b>	<b>\$ 4,108,050</b>	<b>\$ 3,799,259</b>	<b>\$ 49,296,597</b>	<b>\$ 18,741,846</b>
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<b>Net</b>	<b>\$ (38,367,597)</b>	<b>\$ 652,067</b>	<b>\$ (18,866,749)</b>			<b>\$ (3,197,300)</b>	<b>\$ 3,849,367</b>	<b>\$ (38,367,597)</b>	<b>\$ 19,500,848</b>
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<b>FY16 Beginning Fund Balance</b>	<b>\$ 61,366,331</b>
<b>Add FY16 Budgeted Revenue</b>	<b>10,929,000</b>
<b>Less FY16 Budgeted Expenses</b>	<b>(49,296,597)</b>
<b>FY16 Projected Ending Fund Balance</b>	<b>\$ 22,998,734</b>

**McKinney Community Development Corporation**  
Project Details - September Preliminary 2016

<b>Economic Development Projects</b>	<b>FY Board Approved</b>	<b>Project Code</b>	<b>Budget FY16</b>	<b>Monthly Actual</b>	<b>YTD Actual</b>	<b>Budget Balance</b>
Airport Transient Hangar *	2013-2014	4B1408	\$ 1,365,728	\$ -	\$ 1,365,728	\$ -
Texoma Area Paratransit Systems (TAPS)	2013-2014	4B1412	172,642	-	-	172,642
Project Heat			2,000,000	-	-	2,000,000
Lincoln Property	2014-2015	4B1503	1,500,000	-	-	1,500,000
Undesignated FY 2015 Budget			2,296,976	-	-	2,296,976
<b>Total Economic Development and Capital Projects</b>			<b>\$ 7,335,345</b>	<b>\$ -</b>	<b>\$ 1,365,728</b>	<b>\$ 5,969,618</b>
<b>Community Projects</b>	<b>FY Board Approved</b>	<b>Project Code</b>	<b>Budget FY16</b>	<b>Monthly Actual</b>	<b>YTD Actual</b>	<b>Budget Balance</b>
Samaritan Inn	2013-2014	4B1406	\$ 164,892	\$ -	\$ 164,892	\$ -
MHA for Newsome Homes	2013-2014	4B1407	104,574	-	87,773	16,802
Heard Wildlife Museum	2013-2014	4B1415	1,187	-	1,171	16
Habitat for Humanity	2014-2015	4B1506	220,000	14,732	139,739	80,261
Pecan Grove Memorial Park	2015-2016	4B1601	127,698	-	127,698	-
Heard Natural Science Museum	2015-2016	4B1602	50,000	-	-	50,000
Armed Services Memorial Board	2015-2016	4B1603	145,000	-	-	145,000
Heritage Guild of Collin County	2015-2016	4B1604	62,000	18,695	61,440	560
Heard Natural Science Museum and Wildlife Sanctuary	2015-2016	4B1605	50,000	13,437	50,000	-
McKinney Rotary Foundation (Special Abilities Playground)	2015-2016	4B1606	200,000	-	-	200,000
Heritage Guild of Collin County	2015-2016	4B1607	50,000	-	-	50,000
Heritage Guild of Collin County	2015-2016	4B1610	175,000	-	-	175,000
Collin County Historical Society	2015-2016	4B1611	6,968	-	-	6,968
North Collin County Habitat for Humanity	2015-2016	4B1612	251,000	-	-	251,000
Undesignated FY 2016 Budget			54,230	-	-	54,230
<b>Total Community Projects</b>			<b>\$ 1,662,549</b>	<b>\$ 46,865</b>	<b>\$ 632,712</b>	<b>\$ 1,029,837</b>
<b>Discretionary Promotional and Community Grant</b>	<b>FY Board Approved</b>	<b>Project Code</b>	<b>Budget FY16</b>	<b>Monthly Actual</b>	<b>YTD Actual</b>	<b>Budget Balance</b>
Vietnam Syndrome Exhibit	2013-2014	PC1410	\$ 4,500	\$ -	\$ 4,500	\$ -
Heard Museum	2014-2015	PC1502	3,000	-	-	3,000
Crape Myrtle Trails	2014-2015	PC1503	4,000	-	3,570	430
Smiles Charity	2014-2015	PC1505	800	-	800	-
Heritage Guild	2014-2015	PC1507	863	-	863	-
Holiday Home Tour / Tour de Coop	2014-2015	PC1512	11,000	-	10,990	10
Empty Bowls	2014-2015	PC1513	7,000	-	7,000	-
Monster Mash Birthday Bash	2014-2015	PC1514	4,000	-	3,870	130
Home for the Holidays	2014-2015	PC1515	15,000	-	15,000	-
Parade of Lights	2014-2015	PC1516	5,500	-	5,500	-
2015 Believe! Run	2014-2015	PC1517	4,500	-	3,042	1,458
3e McKinney - Run for Cover	2015-2016	PC1601	3,000	-	3,000	-
Heritage Guild of Collin County	2015-2016	PC1602	6,500	-	6,500	-
Crape Myrtle Trails Foundation	2015-2016	PC1603	3,000	-	-	3,000
Embrace Waiting Children	2015-2016	PC1604	2,000	-	1,962	38
Heard Wildlife Museum	2015-2016	PC1605	2,500	-	-	2,500
Kiwanis of McKinney	2015-2016	PC1606	3,000	-	3,000	-
McKinney Main Street	2015-2016	PC1607	12,000	-	11,472	528
ManeGait Therapeutic Horsemanship	2015-2016	PC1608	4,000	2,612	2,612	1,388
Smiles Charity	2015-2016	PC1609	5,000	-	4,000	1,000
The Werx	2015-2016	PC1610	9,000	2,122	5,421	3,579
Believe! 2016	2015-2016	PC1612	5,500	-	-	5,500
Empty Bowls 2017	2015-2016	PC1613	7,500	-	-	7,500
Especially Needed Fall Carnival	2015-2016	PC1614	7,000	300	300	6,700
Oktoberfest	2015-2016	PC1615	15,000	-	-	15,000
McKinney Artists Studio Tour	2015-2016	PC1616	5,000	-	-	5,000
NCCFHF Monster Mash	2015-2016	PC1617	4,000	-	-	4,000
Rotary Parade of Lights	2015-2016	PC1618	6,000	-	-	6,000
Undesignated FY 2016 Budget			-	-	-	-
<b>Total Promotional Grants</b>			<b>\$ 160,163</b>	<b>\$ 5,034</b>	<b>\$ 93,402</b>	<b>\$ 66,761</b>
<b>City of McKinney Projects</b>	<b>FY Board Approved</b>	<b>Project Code</b>	<b>Budget FY16</b>	<b>Monthly Actual</b>	<b>YTD Actual</b>	<b>Budget Balance</b>
Land Acquisition 2012-16	2010-2012	PK2262	\$ 1,891,494	\$ -	\$ 1,861,328	\$ 30,166
Aquatic Center - City Design & Pre-const.	2013-2014	PK7102	602,950	27,852	326,975	275,975
Frisco ISD Neighborhood Park (Westridge 3)	2015-2016	PK3224	500,000	-	-	500,000
Gabe Nesbitt Tennis CTR Expansion	2015-2016	PK4396	3,000,000	134,750	301,232	2,698,768
Community Ctr Patio & Playground	2015-2016	PK4252	470,000	-	-	470,000
FY 15 PROS Master Plan	2015-2016	PK4324	30,000	-	-	30,000
<b>Total Parks Construction Projects</b>			<b>\$ 6,494,444</b>	<b>\$ 162,602</b>	<b>\$ 2,489,535</b>	<b>\$ 4,004,909</b>
<b>Aquatic Center Construction</b>	<b>2014-2015</b>	<b>4B1409</b>	<b>\$ 30,784,691</b>	<b>\$ 10,093</b>	<b>\$ 23,360,267</b>	<b>\$ 7,424,424</b>

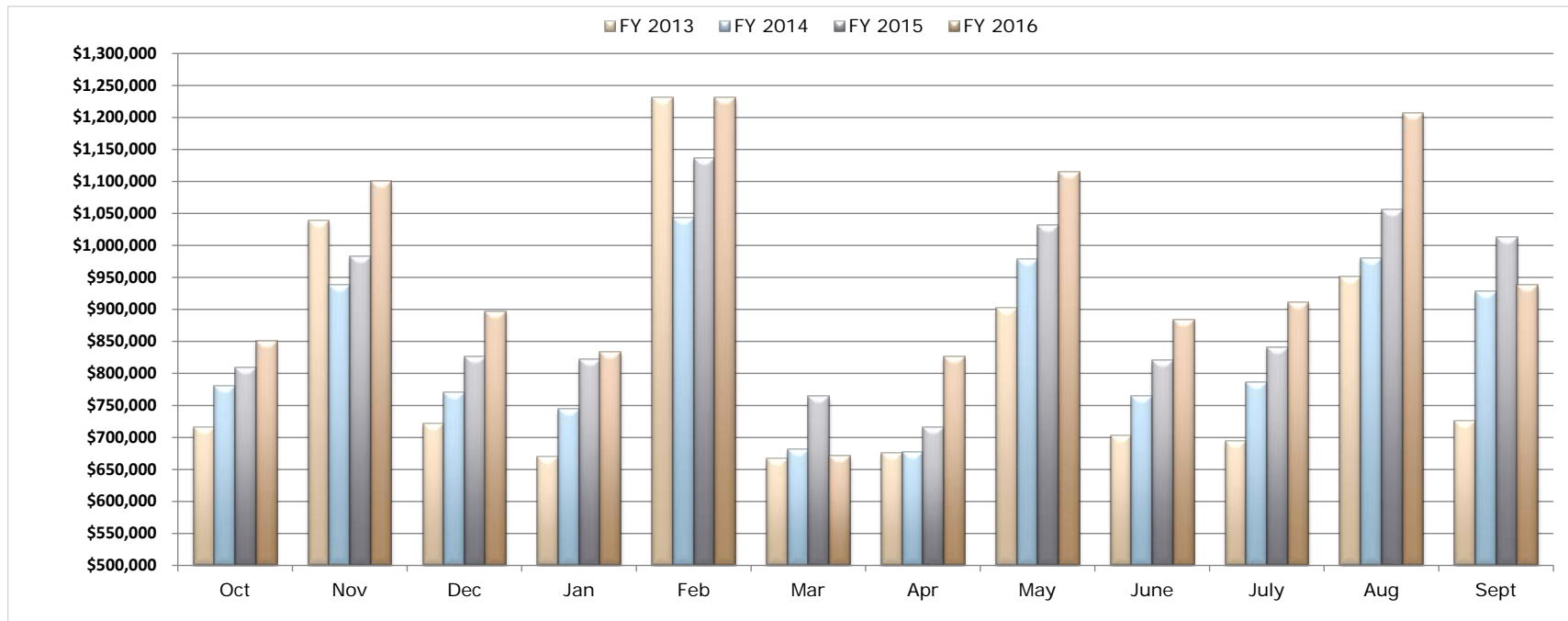
\* Other City of McKinney Projects in Eco/Comm Project Allocations

# McKinney Community Development Corporation

## Sales Tax Revenue

September 2016

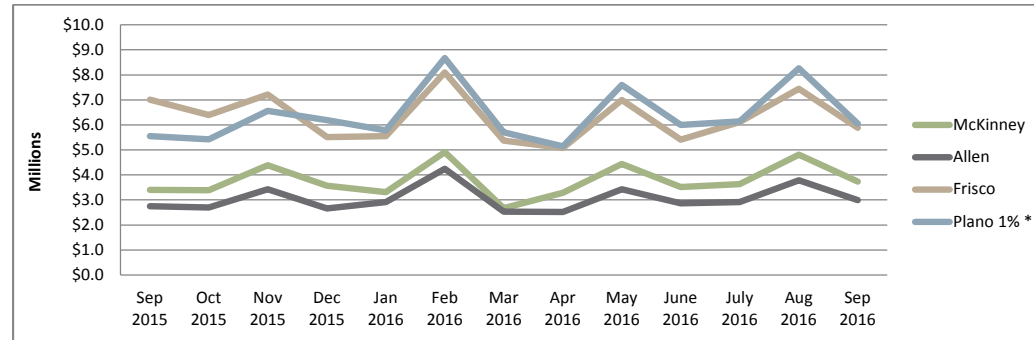
Month Received	FY 2011 Received	FY 2012 Received	FY 2013 Received	FY 2014 Received	FY 2015 Received	FY 2016 Received	Difference to FY 2015	Variance to FY 2015	% of Budget
October	\$618,027	\$677,019	\$716,718	\$780,694	\$809,613	\$851,178	\$41,564	5.1%	8.3%
November	782,350	788,763	1,039,163	938,090	982,351	1,101,106	\$118,755	12.1%	19.0%
December	596,953	590,569	722,045	770,221	826,009	897,304	\$71,295	8.6%	27.8%
January	635,746	652,773	669,397	744,988	821,731	833,503	\$11,773	1.4%	35.9%
February	913,054	900,507	1,231,993	1,043,205	1,136,044	1,231,183	\$95,139	8.4%	47.9%
March	551,228	582,592	666,620	681,914	764,445	671,518	(\$92,927)	-12.2%	54.5%
April	564,781	563,639	676,334	677,086	716,258	825,953	\$109,695	15.3%	62.6%
May	802,920	837,767	903,002	978,399	1,031,572	1,114,575	\$83,003	8.0%	73.4%
June	607,652	646,007	703,897	765,309	820,908	884,501	63,594	7.7%	82.1%
July	625,389	678,542	694,500	787,000	840,355	910,886	70,531	8.4%	90.9%
August	767,331	845,911	951,437	980,251	1,055,774	1,207,558	151,784	14.4%	102.7%
September	635,984	995,666	725,552	928,323	1,013,186	938,767	(74,418)	-7.3%	106.7%
<b>Total</b>	<b>\$8,101,418</b>	<b>\$8,759,753</b>	<b>\$9,700,659</b>	<b>\$10,075,479</b>	<b>\$10,818,246</b>	<b>\$11,468,033</b>	<b>\$649,787</b>	<b>6.0%</b>	<b>106.7%</b>



# TOTAL SALES TAX COLLECTED

## Sister City Comparison

Sept 2016	McKinney	Allen	Frisco	Plano (1%)*
Diff to LY	\$342,615	\$237,648	-\$1,129,539	\$502,462
Var to LY	10.1%	8.6%	-16.1%	9.1%
Year To Date	McKinney	Allen	Frisco	Plano (1%)*
Diff to LY	\$3,234,180	\$1,937,895	-\$2,517,607	-\$815,632
Var to LY	7.6%	5.5%	-3.2%	-1.0%



## Year-to-Date Collections

FY 2015	McKinney	Allen	Frisco	Plano 1% *
Oct 2014	\$3,224,215	\$2,609,274	\$5,904,836	\$6,191,498
Nov 2014	3,915,144	3,135,352	6,820,782	7,062,280
Dec 2014	3,289,692	2,602,597	5,877,112	5,713,086
Jan 2015	3,272,569	2,952,971	6,059,107	5,997,871
Feb 2015	4,529,724	3,958,728	8,487,636	9,696,211
Mar 2015	3,043,330	2,405,289	5,675,812	5,514,098
Apr 2015	2,850,523	2,258,329	5,137,766	5,525,585
May 2015	4,111,728	3,605,740	7,090,777	8,164,578
June 2015	3,269,101	2,667,427	6,350,732	6,027,506
July 2015	3,346,734	2,572,825	6,010,506	5,873,094
Aug 2015	4,208,443	3,522,837	7,147,729	7,037,004
Sep 2015	<b>3,397,281</b>	<b>2,752,625</b>	<b>7,008,577</b>	<b>5,548,221</b>
<b>FY 2015 Total</b>	<b>\$42,458,484</b>	<b>\$35,043,993</b>	<b>\$77,571,372</b>	<b>\$78,351,032</b>

FY 2016	McKinney	Allen	Frisco	Plano 1% *
Oct 2015	\$3,389,959	\$2,697,390	\$6,390,476	\$5,419,975
Nov 2015	4,389,632	3,428,833	7,212,966	6,559,191
Dec 2015	3,574,431	2,655,217	5,508,523	6,194,708
Jan 2016	3,319,142	2,920,196	5,550,315	5,785,538
Feb 2016	4,909,813	4,240,249	8,100,618	8,671,921
Mar 2016	2,671,190	2,530,504	5,368,411	5,706,034
Apr 2016	3,288,815	2,522,420	5,082,521	5,141,742
May 2016	4,443,548	3,427,481	6,995,779	7,595,316
June 2016	3,522,696	2,861,306	5,408,488	6,004,470
July 2016	3,628,455	2,920,296	6,117,169	6,145,855
Aug 2016	4,815,087	3,787,724	7,439,461	8,259,970
Sep 2016	<b>3,739,896</b>	<b>2,990,272</b>	<b>5,879,038</b>	<b>6,050,683</b>
<b>FY 2016 Total</b>	<b>\$45,692,664</b>	<b>\$36,981,888</b>	<b>\$75,053,766</b>	<b>\$77,535,401</b>

\* State Comptroller reports 1% sales tax for City of Plano and 1% for DART. All other Sister Cities represent 2% sales tax.

# McKinney Community Development Corporation

## Balance Sheet

September 2016 (Preliminary)

	MCDC Operations	MCDC Long Term Debt	General Fixed Assets	Consolidated
<b>Assets</b>				
Cash and Cash Equivalents	\$ 320,991	\$ -	\$ -	\$ 320,991
Investments	41,392,251	-	-	41,392,251
Interest Receivable - Investments	1,810	-	-	1,810
Accounts Receivable	1,948,586	-	-	1,948,586
Security Deposits	4,852	-	-	4,852
Deferred Charges - Prepaid Items	4,450	-	-	4,450
Discounts on Investments	(1,652)	-	-	(1,652)
Capital/Land	-	-	4,970,062	4,970,062
Capital/Land Improvements (Net of Depreciation)	-	-	2,149,546	2,149,546
Capital/Construction in Progress	-	-	2,318,116	2,318,116
GASB 68 TMRS/Investment	-	4,617	-	4,617
GASB 68 TMRS/Contributions	-	20,028	-	20,028
General Long Term Debt	-	24,461,092	-	24,461,092
<b>Total Assets</b>	<b>\$ 43,671,288</b>	<b>\$ 24,485,737</b>	<b>\$ 9,437,723</b>	<b>\$ 77,594,748</b>
<b>Liabilities</b>				
Vouchers Payable	\$ 4,866	\$ -	\$ -	\$ 4,866
Accrued Payroll Payable	6,633	-	-	6,633
Compensated Absences	-	25,851	-	25,851
Retainage Payable	1,160,207	-	-	1,160,207
Bonds Payable Interest	-	95,510	-	95,510
Bonds Payable Current	-	955,000	-	955,000
Bonds Payable	-	23,315,000	-	23,315,000
TMRS Pension Liability	-	89,911	-	89,911
TMRS Actuarial Experience	-	4,465	-	4,465
<b>Total Liabilities</b>	<b>\$ 1,171,706</b>	<b>\$ 24,485,737</b>	<b>\$ -</b>	<b>\$ 25,657,443</b>
<b>Fund Equity</b>				
Unreserved Fund Balance *	\$ 35,368,686	\$ -	\$ -	\$ 35,368,686
Reserved for Encumbrances	7,130,896	-	-	7,130,896
Investment in Capital Assets	-	-	9,437,723	9,437,723
<b>Total Fund Equity</b>	<b>\$ 42,499,582</b>	<b>\$ -</b>	<b>\$ 9,437,723</b>	<b>\$ 51,937,305</b>
<b>Total Liabilities and Equity</b>	<b>\$ 43,671,288</b>	<b>\$ 24,485,737</b>	<b>\$ 9,437,723</b>	<b>\$ 77,594,748</b>
<b>Unreserved Fund Balance *</b>				
<b>\$ 35,368,686</b>				
Committed Projects Reserve:				
Economic Development & Capital Projects	\$ 3,672,642			
Community Projects	975,607			
Discretionary Prom & Comm Grants	66,761			
Parks Construction Projects	4,004,909			
Aquatic Center Construction				
(unencumbered project balance)	309,469			
<b>Total Committed Projects</b>	<b>\$ 9,029,388</b>			
<b>Unreserved Fund Balance after Project Commit.</b>	<b>\$ 26,339,298</b>			
Undesignated Reserve:				
Eco Develop & Capital Projects (FY16)	\$ 2,296,976			
Community Projects (FY16)	54,230			
Discretionary Prom & Comm Grants (FY16)	-			
<b>Total Undesignated Allocations</b>	<b>\$ 2,351,206</b>			
<b>Remaining Unreserved Fund Balance</b>	<b>\$ 23,988,092</b>			
Less Contingency	5 -			
<b>Final Unreserved Fund Balance</b>	<b>\$ 23,988,092</b>			

# McKINNEY COMMUNITY DEVELOPMENT CORPORATION

Check Issued: September 2016

DATE	NUMBER	DESCRIPTION	AMOUNT	FPO #	PO #
9/6/2016	444	Manhattan Construction (MAFC Construction)	\$1,867,498.88		151668
		(Retainage)	\$89,065.27		151668
9/6/2016	445	Volunteer McKinney (Collin County Giving Day sponsorship)	\$1,000.00	F31406	
9/8/2016	446	Moonlight Graphics (Stonebridge News & Craig Ranch Telegram)	\$387.00	F31432	
9/13/2016	447	Brown & Hofmeister (Legal fees - Project costs = \$336; MCDC general = \$144)	\$480.00	F31459	
9/13/2016	448	Community Impact Newspaper (Oct Issue/Quarter page ad)	\$950.00	F31458	
9/16/2016	449	Manegait Therapeutic (Gala Sponsorship)	\$2,500.00	F31498	
9/16/2016	450	Heritage Guild of CC (Project #4B16-04) Grant Reimbursement	\$18,695.08	F31500	
9/16/2016	451	Standard Coffee Service	\$26.22		160268
9/23/2016	452	Volunteer McKinney (NonProfit Leadership Conference sponsorship)	\$1,200.00	F31530	
9/23/2016	453	NCC Habitat for Humanity (Project #4B15-06) Grant Reimbursement	\$14,732.39	F31531	
9/23/2016	454	Heard Museum (Project #4B16-05) Grant Reimbursement	\$13,437.35	F31546	
9/23/2016	455	Especially Needed (Project #PC16-14) Grant Reimbursement	\$300.00	F31540	
9/29/2016	456	CASA of Collin County (Sponsorship-Kids Classic Golf)	\$1,000.00	F31575	



16-1084

**TITLE:**

Board and Liaison Updates  
Board Chair  
City of McKinney  
McKinney Chamber  
Parks and Recreation  
MPAC/Main Street  
McKinney National Airport/McKinney Air Center  
McKinney Convention and Visitors Bureau

**SUPPORTING MATERIALS:**

[MCVB Report](#)

## Talking Points October 2016 for September 2016

### MCVB Updates:

#### Events: 3

- Leadership McKinney Retreat- Dee-dee Guerra
- 9/10-13/16-Dee-dee attended TSAE (Texas Society of Association Executives) New Ideas Conference in San Antonio, TX. There were over 300 association meeting planners in attendance.
- 9/29/16- Staff is did a segment with City Communications-#SeeMcKinneyWithMe.

#### New Venues: 3

- Stone Crest (New Hope, TX)- <http://stonecrest.com/>
- Rustic Barn Ranch(Celina, TX)- <http://www.rustybarnranch.com/>
- McKinney: Grace Vineyards <http://www.gracevineyardstx.com/vineyards>

### Hot Tax Collections:

**September 2016 – Sales Report TTL Room Nights: 163; TTL Rev: \$17,605**

**Weddings:** 9 Weddings, 3 no Pick-up, 1- Corporate w/no room nights-space only

- Caldwell/Calistro Wedding: Holiday Inn: TTL Rooms -27, TTL Rev: \$2943
- Stanley Wedding: Hampton Inn – TTL Rooms: 11, TTL Rev: \$1254, Sheraton: TTL Rooms: 22, TTL Rev; \$ 2475
- Barnard/McCoy Wedding: Hampton Inn – TTL Rooms: 42, TTL Rev: \$4578
- Horner/Torres Wedding: Holiday Inn – TTL Rooms: 6, TTL Rev: \$654
- Oscar Butos Wedding: Holiday Inn – TTL Rooms 13, TTL Rev: \$1457
- Namey Wedding: Holiday Inn – TTL Rooms 16, TTL Rev: \$1635
- Tavera Wedding: Holiday Inn – TTL Rooms: 26, TTL Rev: \$2609
- No pick up report for the following weddings:
  - Ussher Wedding – Used Allen Hotels
  - Jennifer Rengal Wedding
  - Sean Copeland Wedding

### Associations/Corporate:

- Stetler Media & Expos – no pick up report, used Sheraton Conference Center for space only.

### Visitors:

- FYTD Total (October '15 –September '16): 2023; YTD: 4165



## MEDC-MCDC-MAIN ST.

- **September Total:** 146 (registered); 486 total Count
- **Out of State:** 72
- **Out of Country:** 14
- **Texas Residents:** 50
- **McKinney Residents:** 10

### Day Trips: 1

- Methodist Hospital Sr. Group (Heard Museum and Downtown McKinney)

### RFP Rec'd- RFP's: 1 (Social)

- Morning Noon Lions –Holiday Inn Express- 5<sup>th</sup> year in McKinney; October 21, 2016, 100 attendees, 30 room nights:

### Advertising:

- **Ads/materials created and submitted:**
  - TSAE Directory Listing Updates
  - Banner ads/text for TripInfo refresh
- **SEPTEMBER 2016 Media Coverage:**

<i><b>September 2016 - MCVB Publicity/Free Media Coverage Values</b></i>					
<b>Publication</b>	<b>Article/Topic</b>	<b>Print Value</b>	<b>Web Value</b>	<b>PR Value</b>	<b>Impressions</b>
Courier-Gazette	Weekend Update	\$0.00	\$1,600.00	\$4,800.00	49384
BubbleLife	Shared our blog link	0.00	2000.00	6,000.00	837,343
NOTE: SAME NUMBERS AS LAST MONTH					
TOTALS		0.00	\$3,600.00	\$10,800.00	886,727



16-1085

**TITLE:** President's Report

**SUPPORTING MATERIALS:**

[Prospective Projects](#)

[Grants Awarded - FY16](#)

[Grants Awarded - FY17](#)

[Manhattan Construction Report](#)

[Chestnut Square \(Project #16-04\) Final Report](#)

### Prospective Projects for MCDC Funding

Prospective Project	Description	Cost	Timeframe
McKinney Garden Club	Median beautification projects	\$7,500	?
McKinney Greens	Nature Center	?	?
McKinney National Airport FBO	Upgrades to FBO, hangar, parking	\$8,000,000	Q1 2017
Craig Ranch	Resort Hotel & Conf Center	?	?
City of McKinney	Signage in and around downtown	?	?
City of McKinney	McKinney StarCenter expansion	?	?

<p align="center"><b>McKinney Community Development Corporation</b>  <b>Grants and Transfers - FY 15-16</b></p>
---

Category	Grant/Transfer	Amount
Promotional & Community Events	MCDC Discretionary	\$ 100,000.00
	Run for Cover/3e McKinney	\$ (3,000.00)
	Crape Myrtle Trails Run and Festival	\$ (3,000.00)
	Embrace Waiting Children-Fairways for Families	\$ (2,000.00)
	Heard Wildlife Museum - Texas Heritage Festival	\$ (2,500.00)
	Heritage Guild of Collin County - Farmers Market and Ice Cream Crank-off	\$ (6,500.00)
	Kiwanis Historic McKinney Triathlon	\$ (3,000.00)
	ManeGait - Gaitapalooza	\$ (4,000.00)
	McKinney Main Street - Arts in Bloom	\$ (12,000.00)
	Smiles Charity - 2016 Event	\$ (5,000.00)
	The WERX - multiple 2016 events	\$ (9,000.00)
	Holy Family School - Believe! 2016	\$ (5,500.00)
	St. Peters - Empty Bowls 2017	\$ (7,500.00)
	Especially Needed Fall Carnival	\$ (7,000.00)
	McKinney Main Street - Oktoberfest	\$ (15,000.00)
	McKinney Artists Studio Tour	\$ (5,000.00)
	NCCHFH - Monster Mash	\$ (4,000.00)
	Rotary Parade of Lights	\$ (6,000.00)
	Balance	\$ -
Community Projects	MCDC Discretionary	\$ 1,171,896.00
	#16-01 Pecan Grove Cemetary - Road resurfacing and construction	\$ (127,698.00)
	#16-02 Heard Natural Science Museum - Buidling modifications, electrical and equipment requirements for Magic Planet exhibit	\$ (50,000.00)
	#16-03 Armed Services Memorial Board - Site work and installation of monument to Gold Star Families	\$ (145,000.00)
	#16-04 Heritage Guild of Collin County - Paint and upgrades to Bevel House, Chapel and Pavilion	\$ (62,000.00)
	#16-05 Heard Natural Science Museum - equipment purchase, infrastructure improvements and construction required for Dinosaurs Live exhibit	\$ (50,000.00)
	#16-06 McKinney Rotary Foundation - construction of an all-abilities program in Bonnie Wenk Park	\$ (200,000.00)
	#16-07 Heritage Guild of Collin County - improvements to the Dulaney Cottage	\$ (50,000.00)
	#16-10 Heritage Guild of Collin County - improvements to Dulaney House	\$ (175,000.00)
	#16-11 Collin County Historical Society - purchase of equipment to facilitate self-guided tours	\$ (6,968.20)
	#16-12 North Collin County Habitat - land acquisition, surveys, lot prep, exterior house repairs	\$ (251,000.00)
	Balance	\$ 54,229.80
Projects - Parks & Recreation	Project #15-04	\$ 5,500,000.00
	Scott Elementary Neighborhood Park	\$ (500,000.00)
	Community Center ADA Compliance	\$ (470,000.00)
	Gabe Nesbitt Park - Park Road, Parking (Phase II Aquatic Center) <i>Added to MAFC (4B 1409) as a result of Board action on 11/19/15.</i>	\$ (1,500,000.00)
	Gabe Nesbitt Tennis Court Expansion	\$ (3,000,000.00)
	Parks Master Plan Update - add section re: Streetscape	\$ (30,000.00)
	Balance	\$ -
MPAC Operations		\$ 375,000.00
		\$ (375,000.00)
	Balance	\$ -
MAFC Operations		\$ 200,000.00
	Reallocation of \$150,000 to Project #14-09 for tools, equipment and supplies necessary for aquatic and fitness center opening	\$ (150,000.00)
	Reallocation of \$50,000 to MCDC Special Events line item to be used for marketing/opening events	\$ (50,000.00)
	Balance	\$ -

Loan to PSA in an amount up to \$3,200,000; approved in FY13 is reflected on MCDC books as a note repayable within 5 years.

Total amount loaned: **\$2,721,965.38**

First loan repayment made 6/23/15 in the amount of **\$1,000,000**

Final loan repayment made 7/28/16 in the amount of **\$1,721,965.38**

Balance: 0

**McKinney Community Development Corporation  
Grants and Transfers - FY 16-17**

Category	Grant/Transfer	Amount
Promotional & Community Events	MCDC Discretionary	\$ 100,000.00
	Balance	\$ 100,000.00
Community Projects	MCDC Discretionary	\$ 1,259,745.00
	Balance	\$ 1,259,745.00
Projects - Parks & Recreation	Project #15-04	\$ 5,500,000.00
	Hike & Bike Trails	\$ (480,000.00)
	Prosper ISD Neighborhood Park	\$ (705,000.00)
	Gray Branch Phase I	\$ (770,000.00)
	Land Acquisition	\$ (2,270,000.00)
	Frisco ISD Neighborhood Park	\$ (825,000.00)
	Park Accessibility/ADA Compliance Plan	\$ (250,000.00)
	Erwin Park Phase I	\$ (200,000.00)
	Balance	\$ -
MPAC Operations		\$ 375,000.00
		\$ (375,000.00)
	Balance	\$ -
MAFC Operations		\$ 1,040,093.00
	Balance	\$ 1,040,093.00



# Monthly Report

## McKinney Aquatics & Fitness Center

McKinney, Texas

Issued Date: 10/19/2016



*The only thing better than recognizing a quality product is building one.*

# **Monthly Report**

## **McKinney Aquatics & Fitness Center**

### **Table of Contents**

- **Construction Status**
- **Design and Owner Coordination Items**
- **Subcontractor Status Log**
- **Schedule Summary**
- **Budget and Cash Flow**
- **Weather**
- **Photographs**



# CONSTRUCTION STATUS



## **October 19, 2016 – Construction Status**

### **Site Work & Utilities**

- Some stockpiled material does remain on site including the top soil material and the spoils pile left over from the PSA construction project. Over the month of October the City has used their equipment to remove some of the stockpiled material for City use.

### **Landscape & Hardscape**

- Sidewalk concrete is ongoing at main south entry.
- Outdoor pool paving is complete.
- Construction of landscaping and site retaining wall work is ongoing

### **Concrete & CMU**

- Interior CMU walls are complete including the construction of the walls at the elevator openings

### **Steel Erection**

- Miscellaneous steel construction is complete

### **Building Envelope**

- Masonry punch list work is ongoing throughout the site

### **Doors/Frames/Hardware**

- Hollow metal doors have been installed.

### **Drywall Partitions and Ceilings**

- All hard ceilings are installed. Ceiling tile is currently being installed. The installation of ceiling tile has followed completion of all MEP overhead work including PRs 20 and 25.

### **Interior Finishes**

- Tile installation work is complete at Levels 1 and 2. Wood floor and millwork material has been installed in multiple locations. Outstanding items include the entry desk and group fitness floor.
- Interior glazing work is ongoing with the installation of glazed doors and window wall at CL 5 between the Natatorium and the fitness space.
- The first coat of finish paint has been applied at all areas.

### **Elevators**

- Elevator installation is complete. Final adjustments are being made to elevator towards end of the month. The state inspection will follow.

### **Pools**

- Erection of Slides A and B is complete. Wall tile installation is ongoing at the all pools. Erection of Slides C and D is ongoing. Family slide installation will follow.

### **Mechanical / Plumbing / Fire Protection**

- Overhead mechanical equipment and ductwork is being installed, tested and startup of equipment is ongoing. Test and Balance of HVAC system will begin this week. Commissioning will follow.

### **Electrical / Lighting Control / Fire Alarm**

- Final connection of electrical power and light fixture installation is ongoing at all areas. Temporary power should be removed by the end of the month.

### **Audio Visual / Tele/Data / Security**

- Installation of the Proposal Request 25RR scope is ongoing.



# DESIGN & OWNER COORDINATION ITEMS

## **October 19, 2016 - Design & Owner Coordination Items**

### **Site Work & Utilities**

- NA

### **Landscape & Hardscape**

- Removal of the remaining excess soil including the soil from the construction of the adjacent PSA project remains on the site.

### **Concrete & CMU**

- NA

### **Steel Erection**

- NA

### **Building Envelope**

- NA

### **Doors/Frames/Hardware**

- NA

### **Drywall Partitions and Ceilings**

- Final coordination and approval of PR 25RR AV Design Development – Installation of overhead and in wall conduit to support AV changes has impacted the completion of the drywall and ceiling scope of work. MCC is reworking areas as needed to implement PR25RR.
- RFI 401 Open Office Outlet Revision – MCC is currently pricing this change to revise the outlet layout in open office 211 to coordinate with furniture layout.

### **Interior Finishes**

- Final coordination and approval of PR 25RR AV Design Development – Installation of overhead and in wall conduit to support AV changes has impacted the completion of the drywall and ceiling scope of work. MCC is reworking areas as needed to implement PR25RR.
- RFI 401 Open Office Outlet Revision – MCC is currently pricing this change to revise the outlet layout in open office 211 to coordinate with furniture layout.

### **Elevators**

- NA

### **Pools**

- NA

### **Mechanical / Plumbing / Fire Protection**

- NA

### **Electrical / Lighting Control / Fire Alarm**

- PR 25RR AV design changes have been released and are being implemented now
- PR 24R Additional Fitness Equipment design changes have been released and are being implemented now

### **Audio Visual / Tele/Data / Security**

- PR 25RR AV design changes have been released and are being implemented now
- PR 24R Additional Fitness Equipment design changes have been released and are being implemented now



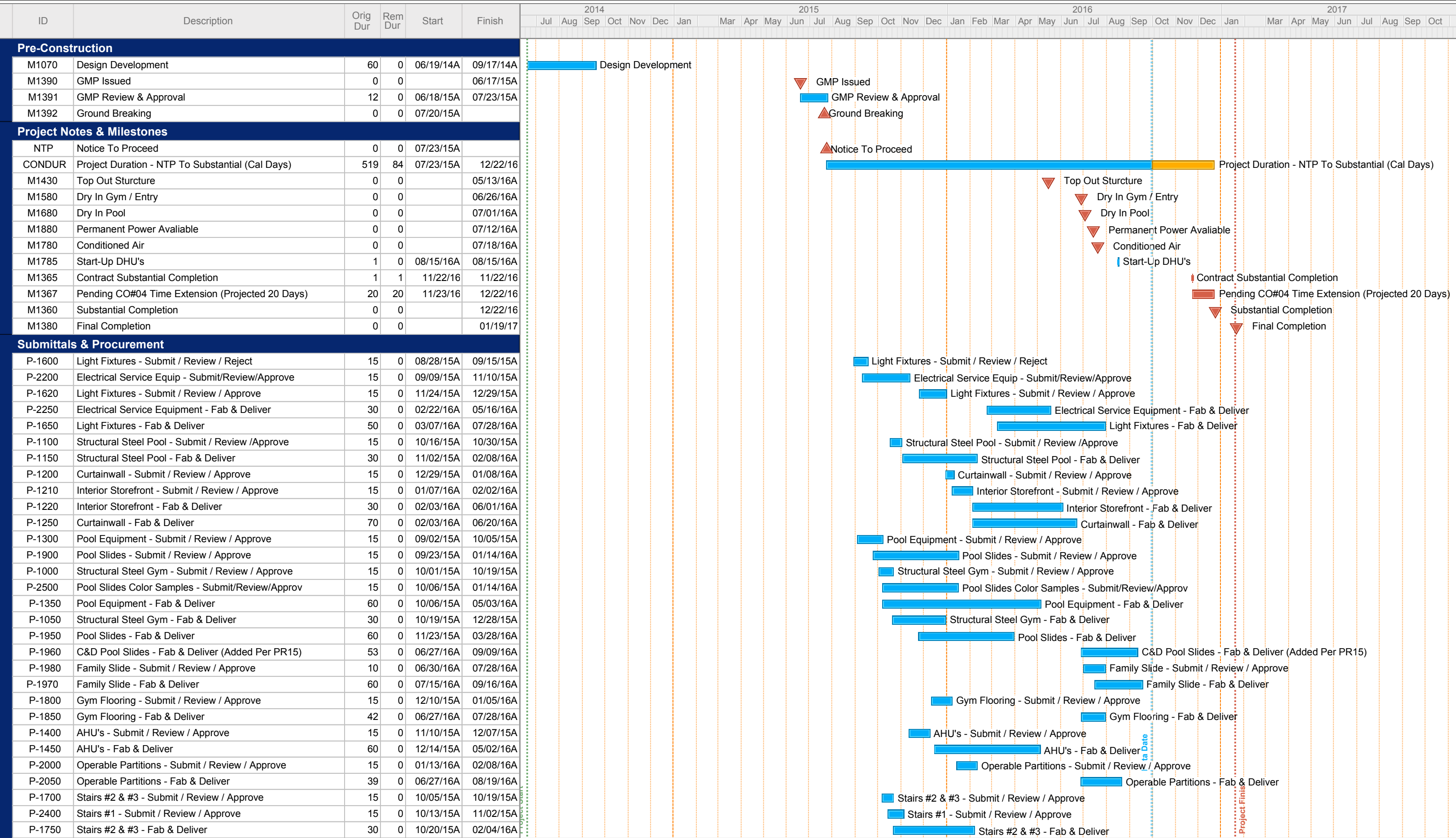
# SUBCONTRACTOR STATUS LOG

## McKinney Aquatics & Fitness Center - Contractor Award Log

Bid Package:	Scope of Work:	Awarded Contractor:	Award Notice:
2	Concrete	Kent Companies	1
3	Masonry	Skinner Masonry	3
4	Steel	Basden Steel	2
5	Specialty Metals	Viva Railings, LLC	3
6	Structural Carpentry	RM Rodgers, Inc.	4
7	Finish Carpentry	Lundy Services, LLC	2
8	Waterproofing	Chamberlin Waterproofing	3
9	Metal Louvers	OGI Architectural Metal	3
10	Roofing	Paragon Roofing	3
11	Spray Fireproofing	NA	NA
12	Doors & Hardware	Performance Door and Hardware	3
13	Overhead Doors	Overhead Door Co. of Dallas	3
14	Glass	DGB Glass, Inc.	2
15	Plaster & Stucco	NA	NA
16	Drywall	Drywall Interiors, LP	2
17	Tile	Alamo Tile & Stone	3
18	Wood Floor	Ponder Company, Inc.	3
19	Carpet & Resilient Flooring	Fabulous Floors, Inc.	3
20	Painting	Carrco Painting	3
21	Misc. Specialties	Spectrum Resources, LTD	4
22	Signs	ASI Signage Inovations	4
23	Lockers	Hollman, Inc.	4
24	Site Furnishings	InPro Fabrications	4
25	Folding Operable Partitions	Modernfold, Inc.	3
26	Appliances	PIRCH, Inc.	4
27	Athletic Equipment	John F. Clark Company	3
28	Window Treatments	AEC Corporation	3
29	Aquatic Pools, Slides & Equipment	Sunbelt Pools	1
30	Elevators	Thyssen Krupp Elevator Systems	2
31	Fire Sprinkler	Fire-Tech Protection Systems	2
32	Mechanical Plumbing & HVAC	Humphrey & Associates	1
33	Electrical	Petri Electric	1
34	Tele Data Comm	Lantek Communications	4
35	Security / CCTV	Securadyne Systems	3
36	Audio Visual	AVI/SPL	4
37	Earthwork	RPMx Construction, LLC	1
38	Pavement Markings	Stripe A Zone, Inc.	4
39	Fences & Gates	The Anchor Group, Inc.	4
40	Modular Retaining Wall	Texas - ERW Site Solutions	4
41	Landscape & Irrigation	SOI Group, Inc.	5
43	Site Utilities	Maverick Utility Construction, Inc.	1



# SCHEDULE SUMMARY












[illegible]

Data Date

McKinney Aquatics & Fitness Center  
McKinney, TX  
MCC Project #3666



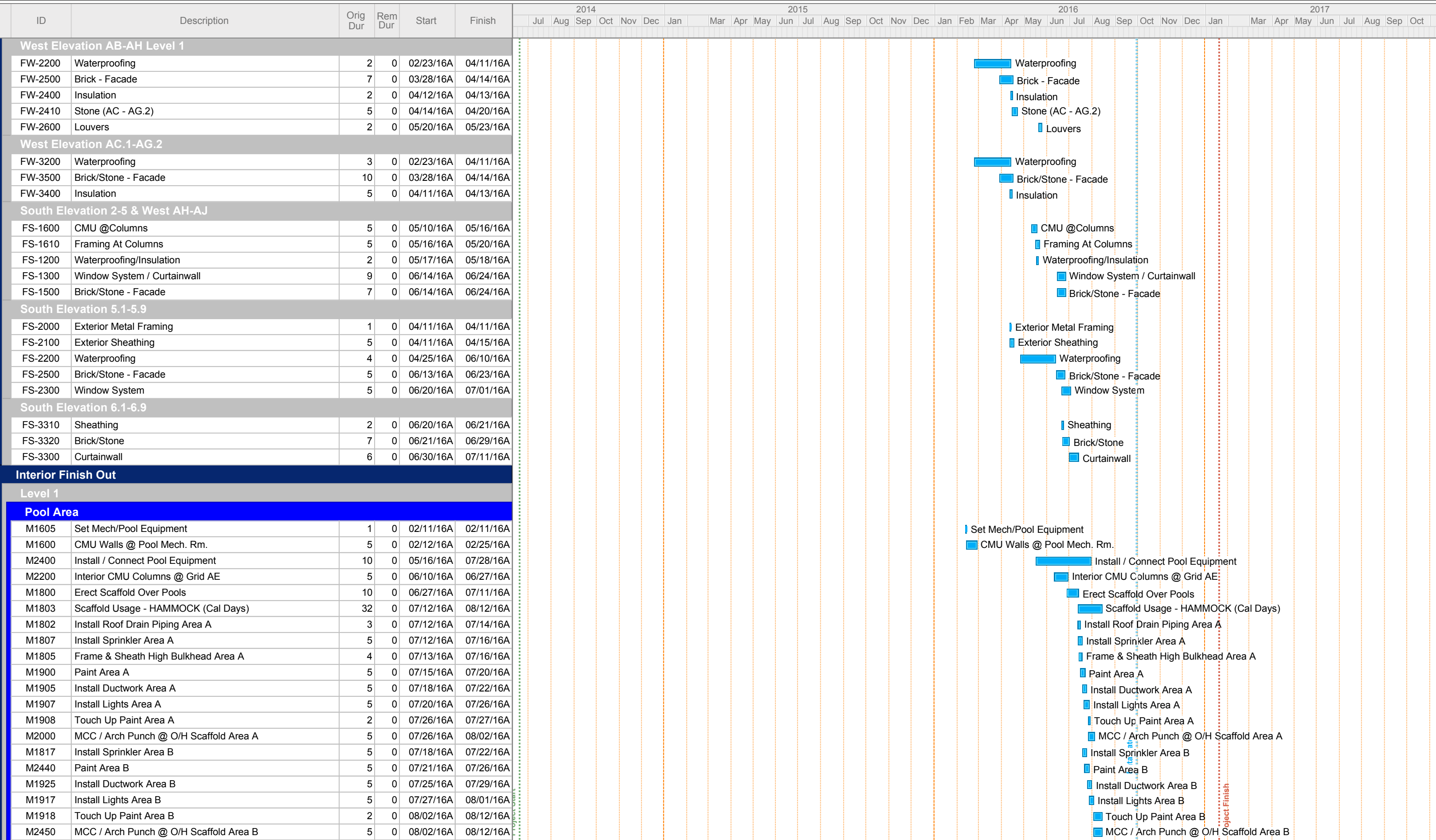



<p>Start Date: 06/19/14          Finish Date: 01/19/17          Data Date: 09/30/16          Run Date: 10/07/16</p>	<p>McKinney Aquatics &amp; Fitness Center          McKinney, TX          MCC Project #3666</p>	
<p>3666-MAF13.ppx</p>	<p>Page 6A</p>	











<p>Start Date: 06/19/14          Finish Date: 01/19/17          Data Date: 09/30/16          Run Date: 10/07/16</p> <p>3666-MAF13.ppx</p> <p>Page 10A</p>	<p>McKinney Aquatics &amp; Fitness Center          McKinney, TX          MCC Project #3666</p>	
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<p>3666-MAF13.ppx</p> <p>Page 11A</p>	<p>Start Date: 06/19/14          Finish Date: 01/19/17          Data Date: 09/30/16          Run Date: 10/07/16</p> <p>McKinney Aquatics &amp; Fitness Center          McKinney, TX          MCC Project #3666</p>	
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<p>Start Date: 06/19/14          Finish Date: 01/19/17          Data Date: 09/30/16          Run Date: 10/07/16</p> <p>3666-MAF13.ppx</p> <p>Page 13A</p>	<p>McKinney Aquatics &amp; Fitness Center          McKinney, TX          MCC Project #3666</p>	
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<p>3666-MAF13.ppx</p> <p>Page 14A</p>	<p>Start Date: 06/19/14          Finish Date: 01/19/17          Data Date: 09/30/16          Run Date: 10/07/16</p> <p>McKinney Aquatics &amp; Fitness Center          McKinney, TX          MCC Project #3666</p>	
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<p>Start Date: 06/19/14          Finish Date: 01/19/17          Data Date: 09/30/16          Run Date: 10/07/16</p>	<p>McKinney Aquatics &amp; Fitness Center          McKinney, TX          MCC Project #3666</p>	
<p>3666-MAF13.ppx</p>	<p>Page 15A</p>	





# BUDGET & CASH FLOW







# WEATHER

## McKinney Aquatics and Fitness Center

3003 Alma Road  
McKinney, TX 75070

Tel: Fax:

## Manhattan Construction Company

Project # 3666

Date	Low	Temperature Median	High	Precip	Cumulative Precipitation	Lost Workday	Conditions
9/17/2016	71		95	0.00	70.08		Clear
9/18/2016	69		93	0.19	70.27		Clear, Fog, Thunder, Windy(41mph)
9/19/2016	74		96	0.00	70.27		Clear, Fog
9/20/2016	74		96	0.00	70.27		Clear, Fog
9/21/2016	69		91	0.00	70.27		Clear, Fog
9/22/2016	66		92	0.00	70.27		Clear
9/23/2016	70		93	0.00	70.27		Clear, Windy(27mph)
9/24/2016	75		90	0.00	70.27		Partly Cloudy, Thunder, Windy(24mph)
9/25/2016	69		79	2.58	72.85		Cloudy, Fog, Thunder, Windy(21mph)
9/26/2016	62		69	2.06	74.91	Y	Cloudy, Fog, Windy(25mph)
9/27/2016	58		77	0.00	74.91		Clear, Fog, Smoke
9/28/2016	54		87	0.00	74.91		Clear, Smoke
9/29/2016	56		76	0.00	74.91		Clear, Windy(24mph)
9/30/2016	51		79	0.00	74.91		Clear
10/1/2016	57		81	0.00	74.91		Clear
10/2/2016	56		83	0.00	74.91		Clear
10/3/2016	58		83	0.00	74.91		Clear, Fog, Smoke, Windy(22mph)
10/4/2016	64		87	0.00	74.91		Clear, Windy(30mph)
10/5/2016	72		89	0.00	74.91		Clear, Windy(26mph)
10/6/2016	70		88	0.00	74.91		Partly Cloudy, Windy(26mph)
10/7/2016	58		74	0.69	75.60		Partly Cloudy, Fog, Windy(32mph)
10/8/2016	51		77	0.00	75.60		Clear
10/9/2016	49		75	0.00	75.60		Clear
10/10/2016	49		78	0.00	75.60		Clear
10/11/2016	51		85	0.00	75.60		Clear, Windy(24mph)
10/12/2016	61		88	0.00	75.60		Partly Cloudy, Windy(31mph)
10/13/2016	57		73	0.00	75.60		Partly Cloudy
10/14/2016	59		77	0.00	75.60		Partly Cloudy
10/15/2016	68		86	0.00	75.60		Partly Cloudy, Fog, Windy(32mph)
10/16/2016	70		88	0.00	75.60		Clear, Windy(31mph)
10/17/2016	72		89	0.00	75.60		Clear, Windy(34mph)



# PHOTOGRAPHS



**Manhattan**  
*Building excellence.*



**Aquatic & Fitness Center**

Print #161003712

Date: 10/03/16

Lat/Lon: 33.172764 -96.714439

Order No. 59827



**Aerial Photography, Inc.** 954-568-0484





**Manhattan**  
*Building excellence.*



**Aquatic & Fitness Center**

Print #161003710

Date: 10/03/16

Lat/Lon: 33.172764 -96.714439

Order No. 59827



**Aerial Photography, Inc.** 954-568-0484





**Manhattan**  
*Building excellence.*



**Aquatic & Fitness Center**

Print #161003711

Date: 10/03/16

Lat/Lon: 33.172764 -96.714439

Order No. 69827



**Aerial Photography, Inc.** 954-568-0484



## **McKINNEY COMMUNITY DEVELOPMENT CORPORATION**

### **Final Report**

**Organization:** Heritage Guild of Collin County

**Funding Amount:** \$62,000

**Project/Promotion/Community Event:** Wedding/Event facility enhancements at Chestnut Square, The Bevel House, The Pergola, & Chapel

**Start Date:** June 2016

**Completion Date:**

Sept 2016

**Location of Project/Promotion/Community Event:** Chestnut Square Historic Village

#### **Please include the following in your report:**

- Narrative report on the Project/Promotion/Community Event

Work began on the facilities in early June. The painting of the Bevel House, the most urgent need, came first, and was completed in June. Estimates on the exterior painting came in right on budget.

The design, materials and permitting for the pergola was the next phase, completed in June as well. The original design was insufficient, and a new company was contacted, and with the help of an engineer, the structure was drawn and approved. Construction had to wait until the middle 2 weeks of August, when there were 10 consecutive days with no event rentals.

The Chapel exterior painting was done in July, and the carpet was installed August 10. The Bevel house bathrooms were upgraded with new cabinetry, paint, hardware and electric hand dryers. A row of new cabinets was added to the kitchen, and volunteers from the Job Corp painted the kitchen.

Framing on the new pergola began August 15, and the roofing, new wiring, and fans were installed the week of August 22. Last week, the staining was complete, and the vinyl sheeting was added to be utilized in extreme heat, cold or wet weather.

- Identify goals and objectives achieved

The pergola – newly named “Event Pavilion” – is beyond our expectations. Although the supports are the original circumference, it seems much larger as the ceiling is 18’ instead of 10’. The fully decked and shingled roof allow for complete protection from rain & sun. We are more than excited – and brides who are already

booked are completely blown away. Prospective brides are also impressed as we explain the weather shielding capabilities.

- Financial report – budget as proposed and actual expenditures, with explanations for any variance

Work in the Bevel House came in higher than expected, but the new pavilion design was less than the one used for the request, so the total project came in just under.

- Samples of printed marketing and outreach materials – N/A
- Screen shots of online promotions – attached
- Photographs, slides, videotapes, etc. – attached
- Performance against metrics outlined in application

Brides book a year or more out – so we may not have any real comparisons for the winter season until fall 2017 and early 2018. But reactions from all who have witnessed the project are so favorable that we anticipate the outcomes predicted. We are currently promoting winter bookings for end of 2016 & early 2017.

**Please submit Final Report no later than 30 days following the completion of the Project/Promotion/Community Event to:**

McKinney Community Development Corporation  
5900 S. Lake Forest Blvd., Suite 110  
McKinney, TX 75070

Attn: Cindy Schneible  
[cschneible@mckinneycdc.org](mailto:cschneible@mckinneycdc.org)



Chapel-  
before



Chapel  
Before



Chapel After









Bevel House -  
After



Bevel House After







Perqala  
Befal



Pergola After







create coffee country history center dir

## Chestnut Square Historic Village

Create Page @Username

Home

About

Photos

Events

Reviews

Likes

Videos

Notes

Posts

Manage Tabs

Promote

Like Message More

Chestnut Square Historic Village, Delia Dominguez, Market With Mario and 5 others

Write a comment...

### Chestnut Square Historic Village

Published by Jaymie Jenkins Pedigo 171 August 23 at 7:29pm

We can't believe what is happening at Chestnut Square. These beams on our new event Pergola took 8 men to unload from the truck, but here just 2 men are positioning one 10 feet in the air to support the roof! Thanks to MDCDC for supporting this major improvement!



5,486 people reached

Like Comment Share

9

Write a comment...

Boost Post

Chestnut Square Historic Village with Bernard's Game

Jaymie Home

Settings Help

Book Now



### UPCOMING EVENTS

**SEP 22** North Texas Giving Day  
Thu 5 PM - Mitchell Park in McKin...

1 person interested 2 people going

+ Create Event

### NOTES

Wish List for Chestnut Square  
July 17, 2011

Volunteers Wanted!  
June 27, 2011

Chestnut Square Gets Spooky at Night!  
June 15, 2011

### VISITOR POSTS

**Jump Into Art**  
July 16 at 4:52pm

Jump Into Art has art classes for kids ages 6+ starting in September at the McKinney Art House!

Like Comment Chat(131)





where culture meets history comes alive

# Chestnut Square Historic Village

Create Page @Username

- Home
- About
- Photos
- Events
- Reviews
- Likes
- Videos
- Notes
- Posts
- Manage Tabs
- Promote

Chestnut Square Historic Village added 3 new photos.  
Published by Sherril Murphy 12h · August 31 at 4:57pm · McKinney ·

Work day Wednesday...and Thursday, Friday, Saturday and Sunday!  
Lots of improvement projects happening everyday here at Chestnut Square.  
Pictured here is our new Pergola near the Visitors Center. It's going to be beautiful!



185 people reached

Boost Post

Book Now

The Local Yocal - Farm to Market  
Butcher Shop

Dumpster Diva Designs  
Home Decor

Diggin' It  
Garden Center

Tourist Attractions in McKinney, Texas

LIKED BY THIS PAGE

Girl Scouts of Northeast Texas

Holiday Inn Hotel & Suites McKin...

McKinney Fire Department Museum

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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# The Chapel at Chestnut Square

- Home
- Photos
- About
- Reviews
- Likes
- Videos
- Contact
- WeddingWire Reviews
- Events
- Posts

Create a Page

Like Message Save More

The Chapel at Chestnut Square added 3 new photos 13 hrs

We are now "covered" for all weather conditions! Along with our indoor reception facility, now our outdoor pavilion can be enjoyed whether it is rainy in the spring or cold in the winter. Come check us out!



Like Comment Share 8 Write a comment...

Search for posts on this Page

376 people like this  
Leisna Scott Phipps and 13 other friends

1,658 people have been here  
Matthew Bado and 3 other friends

Invite friends to like this Page

5.0 stars 14 reviews  
View Reviews

ABOUT



315 S Chestnut St  
McKinney, TX 75069

(972) 467-9823

Ask for The Chapel at Chestnut Square's hours  
http://www.chestnutsquare.org/

APPS



Contact



WeddingWire Reviews  
Chat (13)



16-1086

**TITLE:** Consider/Discuss/Act on an Amendment to Project #15-06 to Extend the Term of the Performance Agreement to January 23, 2017; to Reallocate \$2,800 Approved for Surveys to Lot Preparation; to Reallocate \$27,580.74 Approved for Lot Purchase to Lot Preparation; and to Reallocate \$2,188.45 Approved for Lot Purchase to Neighborhood Revitalization

**COUNCIL GOAL:** Enhance the Quality of Life in McKinney

**MEETING DATE:** October 27, 2016

**DEPARTMENT:** McKinney Community Development Corporation

**CONTACT:** Cindy Schneible, President

**ITEM SUMMARY:**

- North Collin County Habitat for Humanity is requesting an extension on the term of the performance agreement executed for Project #15-06 from October 24, 2016 to January 23, 2017 (90 days).
- Additionally, the organization is requesting a reallocation of \$2,800 originally approved to be used for survey work to be used instead for lot preparation; the reallocation of \$27,580.74 originally approved for the purchase of lots for the construction of affordable housing to be used instead for lot preparation; and the reallocation of \$2,188.45 originally approved for lot purchase to be used for neighborhood revitalization projects.
- If approved, the balance of the grant funds remaining (\$80,261.34) would be available for lot preparation in the amount of \$30,261.34 and for neighborhood revitalization projects in the amount of \$50,000.

**BACKGROUND INFORMATION:**

- North Collin County Habitat for Humanity has been building homes for working, low-income families since its incorporation in 1992.
- Through NCCHF's neighborhood revitalization program, A Brush with Kindness, low-income homeowners in need of exterior home repairs that are financially unaffordable receive needed renovation services.
- To date, NCCHF has completed 101 new homes and 123 home rehabs.

- Between June 2015 and July 2016, NCCHFH hosted more than 5,000 volunteers contributing more than 23,000 volunteer hours in support of home construction and repair.

**FINANCIAL SUMMARY:**

- Total amount of the grant awarded for Project #15-06 was \$220,000. The balance remaining on the grant as of October 19, 2016, is \$80,261.34.

**SUPPORTING MATERIALS:**

[NCCHFH Request Letter](#)





*Seeking to put God's love into action, North Collin County Habitat for Humanity brings people together to build homes, communities and hope.*

**BOARD OF DIRECTORS**

Terry Busha..... President  
 Larry Pietenpol..... Past Pres.  
 Matt Hilton..... Pres-Elect  
 Jerrica Anderson..... VicePres  
 Jason Jupiterwala..... Treasurer  
 Nelson Carter..... Secretary  
 Cindy Maxwell-Batheas..... Asst. Secretary  
 Tim Baker  
 Rache Barnette  
 Mike Foreman  
 David Hale  
 Jack Kocks  
 JR Russell  
 Jac Schuster  
 Marty Smith  
 Olive Swearingen  
 Bud Ward  
 Russ Waite  
 Terry Wegner  
 Fr. Don Zeller

*Emeritus*

Shannon Cain  
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 Jim German  
 Marta Gore  
 Dennis Heydanek  
 Don Hixon  
 Rick Horton  
 Mike LaTour  
 Kim McPeak  
 Michael Nichols  
 Harvey Oaxaca  
 Jim Owens  
 Frank Shushok  
 Sue Shushok  
 Ed Smith  
 Timothy Solano  
 Ed Stankunas  
 Brian Umberger  
 Sharon Weideman  
 Bill Whitfield, Past Mayor

*Ex-Officio*  
 Corbett Howard, Past Mayor  
 Terri Ricketts, Celina

**STAFF – Dept. Heads**

Celeste Cox .....Exec.  
 Director  
 Bryant Knepp.....Project  
 Manager  
 LaVeeta Hamilton...Dir.  
 Fam. Prog.  
 Rick Greene.....Dir. of  
 ReStore Op  
 Robert Manley.....Dir. of  
 HR/Ops.  
 Ruthie Drye.....Dir. of  
 Finance

Randy Hullett....Legal Counsel

Friday, October 14, 2016

To: MCDC Board of Directors and Cindy Schneible  
 From: Celeste H. Cox, CEO North Collin County Habitat for Humanity  
 Re: Reallocation request for Funding Cycle 2015-2016

We would like to respectfully request a 90-day extension of our current grant for the following reasons:

- Weather setbacks in construction
- Delays in design work and replat permitting for infrastructure
- Increase in cost for lot prep on our 6-lot development that was purchased with funds from MCDC. (dirt work, water/sewer)

Our request is summarized in the chart below:

- Reallocate \$2800 from Surveys to Lot Prep
- Reallocate \$29,769.19 from lot Purchase to NR (\$2,188.45) and lot prep (\$27,580.74)

Lot Prep	\$ 7,500.00	\$ 7,619.40	\$ (119.40)	\$ 2,800.00	\$ 27,580.74	\$ 30,261.34
NR	\$ 125,000.00	\$ 77,188.45	\$ 47,811.55	\$ 2,188.45		\$ 50,000.00
Lot Purchase	\$ 75,000.00	\$ 45,230.81	\$ 29,769.19	\$ (2,188.45)	\$ (27,580.74)	\$ -
Surveys	\$ 12,500.00	\$ 9,700.00	\$ 2,800.00	\$ (2,800.00)		\$ -
	\$ 220,000.00	\$ 139,738.66	\$ 80,261.34			\$ 80,261.34
	Original Request	Reim. to Date	Remaining			Reallocation

Thank you for your consideration of our request.

Sincerely,

Celeste H. Cox, CEO

**16-1087**



**TITLE:** Presentation on Open Meetings Act; Type B Corporate Requirements; Type B Permissible Projects and Related Issues

**SUPPORTING MATERIALS:**

[Open Meetings Presentation](#)



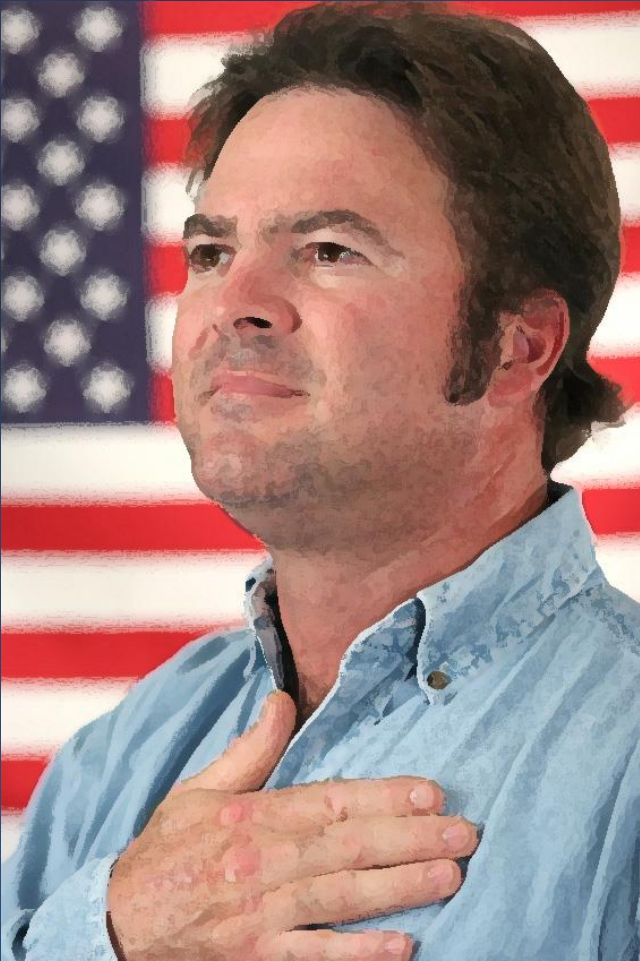
# **McKinney Community Development Corporation**

**City of McKinney  
October 27, 2016**

**Presented By:  
Jeff Moore**

**Brown & Hofmeister, L.L.P.  
740 E. Campbell Road, Suite 800  
Richardson, Texas 75081  
(214) 747-6100  
[www.bhlaw.net](http://www.bhlaw.net)**

# Overview of Topics



1. **Open Meetings Act**
2. **Development Corporation Act**
3. **Conflicts of Interest Issues**

# **Open Meetings Act**

**Chapter 551 of the  
Texas Government Code**

# When Does the Open Meetings Act Generally Apply?

- A quorum is present and discusses public business.
- Applies to city councils, city boards and commissions and Type A/B Corporation.
- Does not apply to purely social gatherings, attendance of public officials at conferences or training, ceremonial events, or press conferences.



# What constitutes a “quorum”?

- “Quorum” means “a majority of a governmental body, unless defined differently by applicable law or rule or the charter of the governmental body.” Texas Government Code § 551.001(6).
- In addition, a quorum must be present to convene a meeting.
- **City Council** – 4 members of City Council. Section 23 of Home-Rule Charter.



# What constitutes a “quorum”?

## (cont’d)

- **Planning and Zoning Commission** – 4 of the 7 members. Section 157 of Home-Rule Charter.
- **Zoning Board of Adjustment** – 5 members required to hear all cases. Section 161 of Home-Rule Charter.
- **MEDC** – 4 of the 7 member board. Chapter 504 of Texas Local Government Code.
- **MCDC** – 4 of the 7 member board. Chapter 505 of Texas Local Government Code.



# What constitutes a meeting?

- Section 551.001(4) – definition of “meeting”
  - a deliberation between a quorum of a governmental body, or
  - between a quorum of a governmental body and another person,
  - during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action; or

# What constitutes a meeting? (cont'd)

- a gathering:
  - conducted by the governmental body or for which the governmental body is responsible;
  - a quorum of members is present;
  - called by the governmental body; and
  - members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about public business or public policy over which the governmental body has supervision or control.

# What constitutes a meeting? (cont'd)

- The term does not include the gathering of a quorum of a governmental body at
  - a social function unrelated to the public business that is conducted by the body,
  - the attendance by a quorum of a governmental body at a regional, state, or national convention or workshop, ceremonial event, or press conference,
  - if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.
- The term includes a session of a governmental body.

# Where can a meeting be held?

- A meeting must be held in a location accessible to the general public.
  - See, Op. Tex. Att’y Gen. No. JC-0487 (2002) (Board of Regents for University of Texas System could not hold a meeting in Mexico).
- Type A and Type B corporations must conduct their meetings within the City limits pursuant to the Development Corporation Act.
  - Sections 504.054 and 505.055 of Texas Local Government Code.

# Where and how long must an agenda be posted?

“The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for *at least 72 hours before the scheduled time of the meeting. . . .*”

--Section 551.043



# **Must an agenda be posted on the City's website?**

- Section 551.056 of Texas Government Code
- Applies to the City or economic development corporation that maintains an Internet website or for which an Internet website is maintained.
- In addition to posting at City Hall must also currently post notice of a meeting on the Internet website.



## **Must an agenda be posted on the City's website? (cont'd)**

- In addition, City and Type A and Type B economic development corporations in a city with a population of 48,000 or more must post the agenda for the meeting on the Internet website.
- There is a good faith exception if the failure to post on the Internet “is due to a technical problem beyond the control of the governmental body or economic development corporation.”

# Can You Change the Date/Time of an Open Meeting Without Posting a Corrected Notice for 72 hours?



No.

The Texas Open Meetings Act requires literal compliance. A governmental body generally does not have authority to change the date/time of its meeting without posting the new date for at least 72 hours in advance of the meeting.

# Can We Change the Location of an Open Meeting Without Posting a Corrected Notice for 72 hours?

No.

On the day of the meeting, you may be able to move to a bigger room within the same building to accommodate a large crowd. However, it is not clear whether such a change would constitute literal compliance with the Act.



# Can We Continue a Meeting to the Immediate Next Day Without Reposting?

- A governmental body can recess an open meeting to the following regular business day provided the action is taken in good faith and not to circumvent the Open Meetings Act.
- § 551.0411.





# What if an Unposted Issue is Raised at an Open Meeting?

You may not deliberate or make any decision about an unposted issue at the meeting. If an unposted item is raised, you have four options:

- 1) respond with a statement of specific factual information or recite the governmental body's existing policy on the issue
- 2) direct the person making the inquiry to visit with staff
- 3) offer to place the item on the agenda at a future meeting
- 4) post the matter as an emergency item if it meets the criteria





# What Duty Does a Governmental Body Have to Produce Minutes of Open Meetings?

- Section 551.021: a governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.
  - The minutes must:
    - (1) state the subject of each deliberation; and
    - (2) indicate each vote, order, decision, or other action taken.

# How long is the city required to keep minutes or a tape of a meeting?

- Approved minutes must be maintained permanently by the city.
- A tape of a meeting for the purpose of preparing minutes must be maintained for 90 days following the approval of the minutes by the governmental body.



# What are the General Subjects for which a Governmental Body may Hold an Executive Session?

- Common exceptions are:
  - personnel matters;
  - certain consultations with an attorney;
  - discussions about the value or transfer of real property; and
  - discussion of certain economic development matters.

# What are the procedures to convene into an executive session?

- When authorized to convene a closed meeting the presiding officer must take the following steps:
- (1) In open session state that a closed meeting will be held and identify the exceptions of the Open Meetings Act which authorize the executive session.
- (2) In the executive session, the presiding officer states the date and time.
- (3) Discuss the executive session matter within the confines of the statutory exception. (No voting can occur in the executive session).
- (4) At the conclusion of the executive session, the presiding officer states the date and time.
- (5) Reconvene in open session. Voting on the subject matter must occur in open session.

*When can a governmental body hold an executive session using the exception for consultation with an attorney?*

- Section 551.071: allows a governmental body to meet with its attorney to receive legal advice about pending or contemplated litigation or about settlement offers.
  - may also meet with its attorney to receive legal advice on any matter on the agenda.

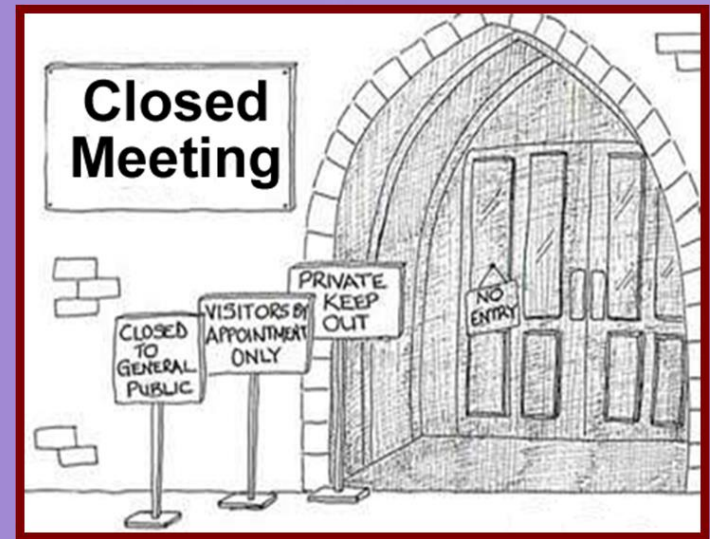


# **Can a City Council discuss potential business incentives and other economic development issues in executive session?**

- Can hold an executive session:
  - to discuss or deliberate commercial or financial information the governmental body received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the city and with which the governmental body is conducting economic development negotiations; *or*
  - to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

# Can the city discuss real property in executive session?

- A governmental body may deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with third parties. TEX. GOV'T CODE ANN. § 551.072.



# Can a governmental body discuss personnel matters in executive session?

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- Section 551.074 of the Government Code authorizes an executive session to discuss “the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;” or “to hear a complaint or charge against an officer or employee.”
  - GA-0511(2007) (school district could not admit select members of the public into an executive session to discuss school superintendent).

# Who is Permitted to Attend an Executive Session?

- The Open Meetings Act does not specify who may or may not attend an executive session.
- **Texas Attorney General Opinion JC-0375 (2001):**
  - concluded the governmental body has discretion to determine who may attend executive sessions. However, the governmental body may not admit those whose attendance is contrary to the legal basis for the executive session.
- **Texas Attorney General Opinion GA-0511 (2007):**
  - citizens could not be invited into an executive session to discuss the school superintendent. Would cause the meeting to be an unauthorized closed meeting.



# Can a governmental body approve items or vote in an executive session?

- Can you vote in executive session?
- No. “a final action, decision, or vote on a matter deliberated in a closed meeting . . . may only be made in an open meeting.”

– § 551.102





# Is a governmental body required to record or create a certified agenda of discussions held in executive session?

Section 551.103: requires a governmental body to produce a “certified agenda” or make a tape recording of every executive session, unless the closed session is being held under the exception for consultation with an attorney. A governmental body may turn off the tape or stop taking notes during the portion of a closed meeting that involves consultations with an attorney.



# Civil and Criminal Penalties

- 551.141** : Void any action taken.
- 551.142** : Mandamus or injunctive relief.
- 551.143** : Conspiracy to circumvent the act by meeting in numbers less than a quorum - fine \$100 to \$500 and/or one month to six months confinement in the county jail.
- 551.144** : Unauthorized closed meeting - fine \$100 to \$500 and/or one month to six months confinement in the county jail.
- 551.145** : Fail to keep a certified agenda or tape recording of a closed meeting -class C misdemeanor.
- 551.146** : Release of a certified agenda or tape of a closed meeting - class B misdemeanor.

# **Development Corporation Act**

**Chapters 501 and 505 of the  
Texas Local Government Code**

# What are Permissible Type B Projects?

- Projects which must create or retain primary jobs:
  - manufacturing and industrial facilities;
  - research and development facilities;
  - military facilities, including closed or realigned military bases;
  - transportation facilities;
  - Sewage or solid waste disposal facilities;
  - recycling facilities;
  - air or water pollution control facilities;
  - distribution centers;
  - small warehouse facilities;
  - primary job training facilities for use by institutions of higher education;
  - regional or national corporate headquarters facilities; and
  - projects which promote or develop new or expanded business enterprises including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, or general municipally owned improvements.
- **Tex. Loc. Gov't Code §§ 501.101 and 505.155.**



# What are Permissible Type B Projects? (cont'd)

- Projects which need not create or retain primary jobs:
  - job training classes;
  - certain targeted infrastructure which promotes or develops new or expanded business enterprises.
    - limited to streets and roads, rail spurs, water and sewer utilities, and electric utilities, gas utilities, drainage, site improvements, and related improvements, telecommunications and Internet improvements, and beach remediation along the Gulf of Mexico;
  - land buildings, equipment, facilities, improvements, and expenditures required or suitable for a career center, provided the area benefited is not located in the taxing jurisdiction of a junior college district;
  - professional and amateur sports, athletic facilities; entertainment, tourist, convention facilities; public parks and related open space improvements;
  - affordable housing;



## Sec. 501.103. CERTAIN INFRASTRUCTURE IMPROVEMENT PROJECTS

- In this subtitle, “project” includes expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to:
  - (1) streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements;
  - (2) telecommunications and Internet improvements; or
  - (3) beach remediation along the Gulf of Mexico.

**Tex. Loc. Gov’t Code § 501.103.**

# WHAT ARE PERMISSIBLE TYPE B PROJECTS? (CONT'D)

## ○ Projects which need not create or retain jobs (cont'd):

- certain water supply facilities and water conservation programs with voter approval;
- development, improvement, expansion, or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses;
- Certain airport or railport facilities; and
- Development or construction of housing facilities for public state college. (Expires 9/1/2017).

# What is a “Primary Job”?

- In 2003, the Texas Legislature required most Type A or Type B projects create or retain primary jobs.
- The term primary job means
  - a job that is ... available at a company for which a majority of the products or services of that company are ultimately exported to regional, statewide, national, or international markets infusing new dollars into the local economy; and
  - is included in one of nearly sixteen (16) NAICS sector codes

# WHAT IS A “PRIMARY JOB”?

- The NAICS sector code categories include:
  - crop production;
  - animal production;
  - forestry and logging;
  - commercial fishing;
  - support activities for agriculture and forestry;
  - mining;
  - utilities;
  - manufacturing;
  - wholesale trade;
  - transportation and warehousing;
  - information
  - securities, commodity contracts, and other financial investments and related activities;
  - scientific research and development services;
  - management of companies and enterprises;
  - Telephone call centers;
  - correctional institutions; and
  - A job included within National Security sector number 928110.

# Sales Tax Proceeds for Promotional Purposes?

- Both Type A and Type B corporations may spend no more than ten percent (10%) of the corporate revenues for promotional purposes.
- Texas Attorney General Opinion GA-0086 (2003)
  - promotional purpose is a question of fact for the board of directors to resolve in the first instance;
  - the City Council could approve or disapprove of a particular promotional expenditure;
  - the Attorney General noted a corporation may not spend more than ten percent (10%) of its current annual revenues for promotional purposes in any given year. Yet, unexpended revenues specifically set aside for promotional purposes in past years may be expended for such purposes.



# Can Type B Corporations Expend Sales Tax Proceeds for Job Training Classes?

- A corporation may spend tax revenue received under this Act for job training offered through a business enterprise only if the business enterprise has committed in writing to:
  - create new jobs that pay wages that are at least equal to the prevailing wage for the applicable occupation in the local labor market area; or
  - increase its payroll to pay wages that are at least equal to the prevailing wage for the applicable occupation in the local labor market area.
- **Tex. Loc. Gov't Code Ann. § 501.162.**

# **Conflicts of Interest Statute**

**Chapter 171 of the  
Texas Local Government Code**

# What conflict of interest laws apply to elected Texas city officials?

- The general conflict of interest law for Texas city officials is found in Chapter 171 of the Texas Local Government Code.
- Chapter 171 establishes the standard for determining when a city official has a conflict of interest that would affect his ability to discuss or vote on a particular item.
- Chapter 171 conflict of interest provisions apply to all local public officials. Within a city, “local public officials” are defined to include:
  - 1) elected city officials such as the members of the city council (whether paid or unpaid); and
  - 2) appointed city officials (paid or unpaid) who exercise responsibilities that are more than advisory in nature.

# **The Texas conflict of interest statute addresses two types of conflicts:**

- **Business Entity Conflicts**: conflicts due to a city official's substantial interest in a "business entity" that has an issue before the city; or
- **Real Property Conflicts**: conflicts due to a city official's substantial interest in "real property" that would be affected by a city action.
- If an item is being considered by a city official that does not involve a business entity or real property, then chapter 171 conflict of interest laws would not be applicable.

# What is considered a “substantial interest” in a business entity?

- Stock Interest: official owns 10 percent or more of the total voting stock
- Other Ownership Interest: official owns 10 percent or more or \$15,000 or more of the fair market value of the business entity
- Income Interest: official received 10 percent or more of her gross income for the previous year
- Close Family Member with any of the Above Interests: If a close relative of the city official has any of the above types of interest in a business entity. Close relatives are those persons within the first degree by consanguinity (blood) or within the first degree by affinity (marriage).



# What is considered a “substantial interest” in real property?

- A person has a substantial interest in real property if he has:
  - A \$2,500 Ownership Interest in the Real Property: If the official has a \$2,500 or more legal or equitable interest in real property that would be affected by the city action.
  - A Close Family Member with a \$2,500 Ownership Interest in the Real Property: Close relatives are those persons within the first degree by consanguinity (blood) or within the first degree by affinity (marriage).



# Conflict of Interests: Relatives

***Is there a conflict of interest if a city official's close relative has a substantial interest in a business entity or in real property that is before the city council?***

Yes, a city official is considered to have the same interest in a business entity or in a piece of real property that his close relatives have in that business entity or real property. In this context, close relatives of a city council member would include persons who are related to the city official within the first degree by consanguinity (blood) or within the first degree by affinity (marriage).

**Father**

**Mother**

**Sons**

**Daughters**

**Spouse**

**Father-in-law**

**Mother-in-law**

**Son-in-law**

**Daughter-in-law**

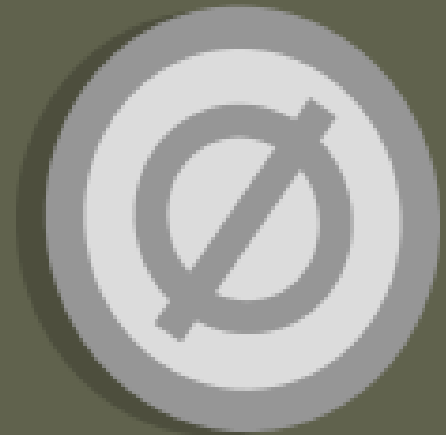
**Stepsons**

**Stepdaughters**

# Have a Conflict of Interest Under Chapter 171?

If a city official has a conflict of interest he or she must take three (3) actions:

- 1) File an Affidavit
- 2) Abstain from Discussion on the Item
- 3) Abstain from Voting on the Item



**May a city official deliberate about an issue for which he has a conflict of interest if he abstains from voting on the issue?**

**No.** A city official may not discuss an issue for which he has a conflict of interest even if he abstains from voting on the item. If a conflict of interest exists, the city official must file the required affidavit, and both abstain from discussing the matter and abstain from voting on the item.





# **McKinney Community Development Corporation**

**October 27, 2016**

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