



SANTA MARIA INDEPENDENT SCHOOL DISTRICT

**Special Meeting of the Board of Trustees
Monday, February 1, 2016
5:30 p.m.**

Minutes

Notice is hereby given that a scheduled Special Meeting of the Board of Trustees of Santa Maria Independent School District was held on Monday, February 1, 2016 at 5:30 p.m. at the Santa Maria ISD Board Room, 11119 Military Hwy Santa Maria, Texas 78592.

The Santa Maria Independent School District offers reasonable accommodations for persons accessing its school facilities, as required by the Americans with Disabilities Act (ADA). If you require special accommodations, please contact Dalia Rodriguez, Administrative Assistant to the Superintendent of Schools at (956) 565-6308 for assistance.

CALL TO ORDER

Board President calls the meeting to order at 5:31p.m.

ESTABLISH QUORUM

Present:

Belinda Lugo, Board President
Rambaldo Rivera, Jr., Board VicePresident
Consuelo De la Rosa, Board Member
Miguel Zavala, Board Secretary
Noe Aleman, Board Member, walked in at 5:32p.m.
Oralia Ortiz, Board Member, walked in at 5:37p.m.

Absent:

Adolfo Hinojosa, Board Member

Present from the District

Maria J. Chavez, Superintendent of Schools
Enrique Cuellar, Business Manager
Alyssa L. Romero, The Law Offices of Guerra & Farah, PLLC
Dalia Rodriguez, Administrative Assistant to the Superintendent of School

PLEDGE OF ALLEGIANCE

OPEN FORUM

SUPERINTENDENT'S REPORT



Superintendent stated the Administration recommends the approval of the agenda with any modifications or deletions.

1. Presentation update of TGE 5th Grade Wing by Mr. George Lazaro, Fulcrum Consulting Services

Mr. George Lazaro, stated they have asked M-5 Texas Enterprises to itemize the work that has been done. Mr. Martinez provided a list of where we are at and what we need to do.

- a. Performance and payment bonds- required documents to make sure we have an instrument in place. In case they don't finish the job, we have insurance coverage to cover that. That was \$24,000.
- b. Construction building permits- the permitting we need to acquire with the county before construction begins. In respect to foundation, plumbing, electrical, air conditioning and inspections. This was \$5500.
- c. Sanitary facilities that was about \$1000.
- d. Small mobile facilities in case they have meetings on site.
- e. Waste disposal \$4300
- f. Foundation and site work performed. There were two power lines running directly through. They had to be relocated and that cost the contractor money upfront
- g. Steel erector services
- h. Temporary power services
- i. Exterior insulation to ensure the wall is damp proof \$10,000
- j. Process in establishing the water service - with MHWS a check has been given and a permit has been done. And a meter has been ordered to be installed
- k. Pest control
- l. Third party engineer- soil test \$8700 up to this point
- m. Window glass
- n. Air conditioning materials
- o. Electrical, plumbing, and doors
- p. Masonry labor and equipment, that is about \$40,000

According to his record (contractor), he has paid up to about \$65,000. As far as payments to the contractor there has been five payments that have already been done totaling \$554,540. So you can see those numbers are pretty close. And actually he has shown he has paid \$11,000 more than what has been paid to them. But the one thing I would want to focus on is a summary as to where we are at with this money. The original amount was a little over \$920,000. We do have a change order number one that has saved us \$20,000 which brought the contract down to \$900,800 all the work that has been done we actually keep about 5% as a retainer. That retainer is not paid until all the work is done. We are holding \$28,000 of that money that he has completed. And then of course his previous payment of \$454,570, so the total funds that are remaining in his contract to pay for construction at this time is about \$418,167.50 so we still have a substantial amount of money that needs to be paid for that building. Now till this morning he is still saying he is committed in turning the building in to the district by the end of the month. We will keep on meeting with him, I will be coming to the work site two to three times a day we meet with the contractor to try to assist them. Hopefully by Thursday he will start working on the inside. So it's moving forward, that's my report for tonight.



Mr. Zavala asked if it is going to be done this month.

Mr. Lazaro stated, that is what the contractor, Armando Martinez has told him. That by the end of this month he should be turning over a complete building to Santa Maria ISD.

Mr. Zavala asked if we send him a certified letter in case he don't finish.

Mr. Rivera stated it is already in place in the contract.

Ms. Chavez stated it is already in the contract because we have a certain amount of days. With the bad weather days which are the ones we have in question. They still have the additional days that will take them to the end of this month. So we are not there yet.

Mr. Lazaro stated, at different meetings we have expressed to them, that if they don't meet deadlines, there is terms in the contract to charge off liquidated damages. But as far as putting it in writing to tell them that they are being reminded we have not done that except verbally.

Ms. Chavez stated right now what we are doing is monitoring the work that is actually planned for and then coming back and revisiting the accountability of what work was accomplished. The Monday morning meeting and the close out on Friday. I think we were able to establish more alignment and communication of what is actually getting done and what areas not being approved based on Mr. Lazaro's design.

Mr. Lazaro stated that it may mean that we do issue that maybe in the next two weeks, depending on the progress we see.

Mr. Aleman stated his concern is that, him hurrying the project and not do things right because we want it done by the end of the month.

Mr. Lazaro stated at this time we will be working with him on a daily basis and we work through providing a report to your superintendent. If we see that something needs to be done we can call a meeting at that time.

Ms. Lugo stated in other words Mr. Lazaro will still be inspecting it to make sure that everything gets done.

Mr. Lazaro stated he will be at the site in the morning and in the afternoon and if they call us my guys will come by again.

Ms. Chavez, stated we are looking at a regular board meeting on the fifteenth if that item is approved were looking at rerouting the Regular Board meeting to the fifteenth of February and we will have a chance to vote if that's a good option.

Mr. Lazaro stated that until then Daniel Gonzalez and I have a meeting every Monday morning.

2. Presentation 2014-2015 School Report Card

Copy of report was given to the board members.

Ms. Chavez stated, campus meet standards but they can also be distinguished designation.



Governance

3. Discussion and possible action to move the Regular Board meeting of Monday, February 8, 2016 to Monday, February 15, 2016

Motion made by Noe Aleman, second by Adolfo Hinojosa. Motion passed unanimously.

Travel

4. Discussion and possible action to approve Student Out of Valley Travel Request for TSTC Educational Talent Search-Santa Maria High School 11th & 12th Grade Enrichment Trip to Austin, Texas March 4-5, 2016

Motion made by Rambaldo Rivera, Jr., second by Adolfo Hinojosa. Motion passed unanimously.

President asked for a motion to go into executive session.

Executive Session

Motion made by Noe Aleman, second by Oralía Ortiz. Motion passed unanimously.

President stated it is now 6:07pm we will now be going into executive session

Discussion under the authority of Section 551, Texas Government Code: If, during the course of the meeting covered by this Notice, the Board should determine that a closed session of the Board should be held or is required in relation to any item included in this Notice, then such closed session as authorized by Section 551.001 et. seq. of the Texas Government Code (the Open Government Act) will be held by the Board after the commencement in open session of the meeting covered by this Notice. Such closed session may concern any or all of the subjects and be conducted for any and all purposes permitted by Section 551.071 through and including Section 551.084 of the Texas Open Meetings Act, including, but not limited to, private consultation with the Board's attorney on any or all subjects or matters authorized by law.

- A. Section 551.071 – Consultation with Attorney on Any Permitted Subject including, But Not Limited to:
 - 1) Discussion with School Attorney in Item(s) Exempted under Attorney-Client Privilege
 - 2) Update on Threatened or Pending Litigation, Edwin Barerra d/b/a PHD Vision v. Santa Maria Independent School District; Cause No. 2013-CCL-98, In the County Court at Law No. 1, Cameron County, Texas
- B. Section 551.072 – Deliberation Regarding Real Property
- C. Section 551.073 – Deliberation Regarding Prospective Gift
- D. Section 551.074 – Personnel Matters, pursuant to Section 551.074 of the Texas Government Code and Attorney consultation pursuant to Section 551.071 of the Texas Government Code
 - 1) Discuss all Items as appropriate on Superintendent's personnel recommendations
- E. Section 551.076 – Deliberations on Security Devices or Security Audits
- F. Section 551.082 – School Children; School District Employees; Disciplinary Matters or Complaint
- G. Section 551.0821 – Personally Identifiable Information about Public School Student



Reconvene in Open Session

President asked for a motion to reconvene in open session.

Motion made by Noe Aleman, second by Adolfo Hinojosa. Motion passed unanimously.

President stated it is now 6:37pm and we are now back in open session.

1. Discussion and possible action on items discussed in Executive Session

- a) Discussion and possible action on recommendations on all items as appropriate on Superintendent's recommendations

No action, on item 1. a.

- b) Discussion and possible action on Threatened or Pending Litigation, Edwin Barerra d/b/a PHD Vision v. Santa Maria Independent School District; Cause No. 2013-CCL-98, In the County Court at Law No. 1, Cameron County, Texas

Ms. Chavez stated the administration recommends the settlement as discussed and presented by legal council.

Motion made by Oralía Ortiz, second by Noe Aleman. Motion passed unanimously.

Adjournment

President asked for a motion to adjourn the meeting.

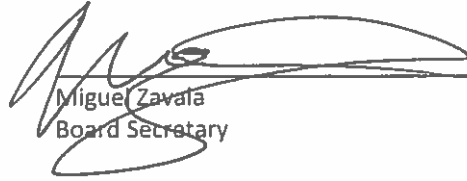
Motion made by Rambaldo Rivera, Jr., second by Consuelo de la Rosa. Motion passed unanimously.

President stated it is 6:39 p.m. and this meeting is now adjourned.





Belinda Lugo
Board President



Miguel Zavala
Board Secretary

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This notice has been publicly posted at the administrative offices of the Santa Maria Independent School District, 11119 Military Rd., Cameron County, Santa Maria, Texas, at least seventy-two (72) hours in advance of the above mentioned meeting, as required by the following sections of the Texas Government Code: 551.071 through 551.084. During the regular school year, this notice is also posted in all schools in the District. The school district also posts its board meeting agendas on the District's internet web site (www.smisd.net)

Consent Agenda: All matters listed under the Consent Agenda are considered to be routine by the Board of Trustees and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired on a specific item(s), that item will be removed from the Consent Agenda and considered separately.

Maria J. Chavez, Superintendent of Schools

Board of Trustees

Adolfo Hinojosa, President

Oralia "Lala" Ortiz, Vice-President

Miguel Zavala, Secretary

Noe Aleman, Member

Consuelo De La Rosa, Member

Belinda Lugo, Member

Rambaldo "Ram" Rivera, Jr., Member

