SANTA MARIA INDEPENDENT SCHOOL DISTRICT

Regular Meeting of the Board of Trustees
Thursday, January 25, 2024
6:00 PM

MINUTES

Notice is hereby given that a scheduled Regular Meeting of the Board of Trustees of Santa Maria Independent School District was held on Thursday, January 25, 2024 at 6:00 p.m. This meeting was held at the Santa Maria ISD Board Room, in the Administration Bldg. located at 11119 Military Road, Santa Maria, TX 78592.
Zoom Link: https://us06web.zoom.us/j/82269001508?pwd=dgtml7s0QJhiCHd0XeQLlmP2LvMQSW.1

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 Ida Torres, Administrative Assistant to the Superintendent/District Receptionist, at (956) 565-6308 for assistance.

CALL TO ORDER

Board President, Adolfo Hinojosa called the meeting to order at 6:01pm.

ESTABLISH QUORUM

Present:
Adolfo Hinojosa, President
Javier Jimenez, Jr., Vice-President
Casey Espinoza, Secretary
Marco Aleman, Member
Andrew De la Rosa, Member
Michele Garcia, Member
Miguel Zavala, Member – 6:03pm

Present from the District:
Martin Cuellar, Superintendent
Yliana Gonzalez, Business Manager
Ida Torres, Administrative Assistant to the Superintendent/District Receptionist

PLEDGE OF ALLEGIANCE

OPEN FORUM

At regular meeting the Board shall allot no more than 30 minutes to hear persons who desire to make comments to the Board. However, no one presentation shall exceed three minutes. Persons who wish to participate in this portion of the meeting shall sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak. The topics for discussion are limited to the topics listed on the posted agenda. Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting. The presiding officer or designed shall determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy.
No body signed up for Open Forum.

ACTION AGENDA

1) Awards & Recognition

It is the policy of Santa Maria ISD not to discriminate on the basis of race, color, national origin, sex or handicap in its vocational programs, services or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

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1) Recognition of SMISD Board Members in Honor of School Board Appreciation Month

Campus Principals presented the SMISD Board Members with a small gift in honor of School Board Appreciation Month.

2) Student Recognition

Mr. Juan Cavazos recognized FFA students

2) <u>Construction</u>

1) Project update by J Pena Construction and Brighton Group of the construction status of the 2021 SMISD Bond Project-Concession Stand/Ticket Booth with JPena Construction.

Joseph Palacios presented status on Concession Stand/Ticket Booth, we had some rainy days and Cameron County was requesting for additional civil plans for drainage and we were able to deliver that to them last month. They already have the permits. They already secured the site, they've done the pad site, some of the excavation for plumbing and some of the excavation for electrical. They are in the submittal process, we do have some sample that we will be leaving with the district to review. We are anticipating a whole lot more submittals. A listing of fixtures that they are proposing to use, they will be delivering samples to the district. Cameron County will be doing inspections. Projecting completion by April.

Miguel Zavala asked if it's almost half done.

Mr. Palacios stated they have ordered the support beams, CMU are being ordered, samples are going to be delivered, and again we are projecting April for them to be completely finished.

Andrew de la Rosa asked the required additional plans, is that something that just came out or did we just looked past it?

Mr. Palacios stated, no Cameron County has adopted a brand new code manual for the facilities. So they are under a whole new update on procedures for permits as well as inspections. We see a significant difference from when we were here doing the high school to now. The new code book that was done in 2023, so all the new process permitting fees is a little bit different. It's not untypical for them, we keep saying it's a concession stand. It's not a big building but, part of their check process is to make sure that the drainage is taken care of. Plans were already done on the civil site, originally from the field were submitted and they did not require any more additional plans. Only your typical TDI, Windstorm and all the other things that they are going to look at before they give us certificate of occupancy. Those are just some of the provisions that they are going to be looking at. They hired a new engineer two years ago. Since then they have done some updates to the way they do business on the new construction site.

Mr. De la Rosa asked, so if there is updates while we are in construction, we have to follow those updates? We are not grandfathered into the previous?

Mr. Palacios stated not on new construction any renovations are not grandfathered in. New constructions are in to the new guidelines. They hadn't updated them in more than five years. They hired a consultant from outside of the valley to put this code book together. Again they are public facilities, they want to make sure they are done right and they are safe.

Mr. De la Rosa asked if he foresees any additional changes.

Mr. Palacios said, no. They will do the inspections, and give us a green tag after every step and then they will do the final inspection for the certificate of occupancy. Pictures were provided to the district of the work that has been done.

Javier Jimenez, Jr. asked how much we have paid J Pena Construction.

Mr. Palacios stated, zero payments have been made to J Pena Construction as of right now.

Michele Garcia stated that if the contractor wants payment prior, you have to state it in the contract.

Mr. Jimenez stated he does not feel like we should be paying $45,000.00 for foundation but the foundation has not been started.

Mr. Palacios stated this is a low bid CSP Contract.

Ms. Garcia stated she has a problem with the contractor charging a Change order of $2,700.00 more. As a contractor you charge more because you never know what you might foresee. Is there going to be more items that will come up.

Mr. Palacios stated these are fees that are owner paid. Your contractor pays those fees so the project can continue. They are not in the contract. They are outside fees that are required to be paid non the less.

Mr. Zavala stated previously some contractors get paid and then they take forever.

Mr. Cuellar stated the board is trying to communicate the progress has been slow for whatever reason, but we have to

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answer to the community. They are going to say you paid them $45,000 and they haven't even done anything.
Mr. Pena stated the county took too long, but we do have it already as of yesterday. The pipes are sitting there. We pay for the permits to continue with the construction and any other contractor would have had to do the same.
Mr. Hinojosa addressed the board, stated with these kinds of situations, personally he would not want to be withholding any payments. Especially if we already agreed to a paycheck. We have Joseph as the Project Manager to advise us and tell us what is going on. Joseph has worked on construction projects here in Santa Maria, he has never come and said we are not going to pay somebody without due cost. So for me personally, I would not like to withhold payments especially to contractors. The thing is we are expecting a building and for them to deliver on that I think we need to honor the contract as is. We all get asked questions from the community and as a board member we can call Joseph and ask questions we can call the attorney, we don't have to wait for a board meeting. We need to take responsibility and not blame the contractors. We can get answers much faster and disseminate it to the community.

2) Discussion, consideration and approval of J Pena Construction Pay App #1 for the total of $45,000.00 for the construction activity as indicated in Pay App #1 which has been reviewed by ERO Architects and Brighton Group.

Motion to approve by Miguel Zavala, second by Marco Aleman. Motion passed unanimously.

3) Presentation discussion and possible action regarding Change order #1 for $2,250.00 to the Contract with J Pena Construction to cover required permits and fees that are items outside of the Construction contract for the SMISD Concession Stand/Ticket Booth Project as listed below:

- Windstorm Plans and WPI-1 registration and inspections
- TDLR registration with Texas, Plan Review, and Final Inspections and Reports

Mr. Palacios asked for a correction on Change order #1 from $2,250.00 to $2,750.00.
Motion to approve by Marco Aleman, second by Andrew de la Rosa. Motion passed unanimously.

3) <u>Finance</u>

1) Presentation, discussion and possible action to approve invoice #19 to Brighton Group for the total of $2,900 for SMISD Bond Program Project Management Services as indicated below:

- Site Observations
- Review of Submittals
- Project Meetings
- Pay Application Review
- Project Administration
- Public Board Meeting Presentations

Motion to approve by Marco Aleman, second by Javier Jimenez, Jr. Motion passed unanimously.

2) Presentation and possible action to approve the District Audit for 2022- 2023

Motion to approve by Andrew de la Rosa, second by Marco Aleman. Motion passed unanimously.

3) Consider and possible action to approve the submission of a Low Attendance Waiver to the Texas Education Agency (TEA) (No Financial Impact)

Superintendent Cuellar, stated due to bad weather we had last week, on Monday, Tuesday and Wednesday we are able to submit an Attendance Waiver to TEA, administration is requesting approval from the board to submit for those three days. Attendance is usually about ninety five percent, as I can present to you on Monday (1/15/2024) the district had about eighty one percent attendance and Tuesday (1/16/2024) it was about forty five percent attendance and then on Wednesday (1/17/2024) it picked up to about eighty percent.
Motion to approve by Michele Garcia, second by Javier Jimenez, Jr. Motion passed unanimously.

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4) Board Travel

1) Discussion and possible action to approve School Board travel to New Orleans, LA for the Annual NSBA Conference on April 6-8, 2024.

Motion to approve by Andrew de la Rosa, second by Miguel Zavala. Motion passed unanimously.

CONSENT AGENDA

Motion to approve the Consent Agenda by Andrew de la Rosa, second by Marco Aleman. Motion passed unanimously.

1) Finance

1. Approval of Check Payments since last report unaudited for December 2023.
2. Approval of Monthly Investment Report for the period of December 2023.
3. Approval of Revenue and Expenditure Report unaudited ending December 30, 2023.
4. Approval of the Tax Collection Report for December 2023.

2) Governance

1. Discussion and possible action to approve Local School - Wellness Policy (LSWP).

3) Minutes

1. Approval of Minutes for Regular Board Meeting on November 16, 2023.
2. Approval of Minutes for Public Hearing & Regular Board Meeting on December 14, 2023.

EXECUTIVE SESSION

Motion to approve to go into Executive Session by Javier Jimenez, Jr., second by Andrew de la Rosa. Motion passed unanimously at 7:06pm.

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
   1) Discussion with School Attorney on Item(s) Exempted under Attorney-Client Privilege
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) Resignations, retirements, terminations, proposed terminations, appointments, evaluations, reassignments, duties and discipline of Professional, Paraprofessional and Non-Contract Employees; Teacher Substitutes and Substitutes for Maintenance, Transportation, and Cafeteria Department
   2) 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

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RECONVENE IN OPEN SESSION

Motion to Reconvene in Open Session by Miguel Zavala, second by Marco Aleman. Motion passed unanimously at 7:25pm.

1. Discussion and possible action on items discussed in Executive Session
2. Discussion and possible action on recommendations on all items as appropriate on Superintendent's personnel recommendations.

EXECUTIVE SESSION

(May be reconvened, if necessary

ADJOURNMENT

Motion to Adjourn meeting by Marco Aleman, second by Javier Jimenez, Jr. Motion passed unanimously at 7:25pm.

This notice was posted in compliance with the Texas Open Meetings Act on Monday, January 22, 2024, at 5:00 p.m.



Adolfo Hinojosa
Board President



Casey Espinoza
Board Secretary

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.

Board of Trustees
Adolfo Hinojosa, President
Javier E. Jimenez, Jr., Vice-President
Casey Espinoza, Secretary
Marco Aleman, Member
Andrew "Andy" De La Rosa, Member
Michele Garcia, Member
Miguel Zavala, Member

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