



SANTA MARIA INDEPENDENT SCHOOL DISTRICT

Special Meeting of the Board of Trustees
Wednesday, August 30, 2023
6:30P.M.

MINUTES

Notice is hereby given that a scheduled Special Meeting of the Board of Trustees of Santa Maria Independent School District will be held on Wednesday, August 30, 2023 at the Santa Maria ISD Board Room in the Administration Building, located at 11119 Military Road, Santa Maria, Texas.

Zoom Link: <https://us06web.zoom.us/j/83047700475?pwd=d1RLNXM5eWt2THFyOWI3anFSZlFTUT09>

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, at (956) 565-6308 for assistance.

CALL TO ORDER

Mr. Hinojosa called meeting to order at 6:32pm.

ESTABLISH QUORUM

Present:

Adolfo Hinojosa
Andrew De la Rosa
Marco Aleman
Miguel Zavala
Javier Jimenez, Jr.
Michele Garcia – Via Zoom

Absent:

Casey Espinoza

Present from the District

Martin Cuellar, Superintendent
Ida Torres, Administrative Assistant to the Superintendent
Yliana Gonzalez, Business Manager
Eden Ramirez, District Attorney

PLEDGE OF ALLEGIANCE

OPEN FORUM

At special 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 one signed for open forum.

ACTION AGENDA

Finance:

1. Discussion and possible action to approve proposed 2023-2024 District Budget

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

2. Consider an order authorizing the defeasance and redemption of a portion of the District's outstanding unlimited tax bonds and approving an escrow agreement and all other instruments and procedures related thereto.

Doctor Miguel De los Santos, presented on behalf of Estrada Hinojosa and Company.

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

3. Discussion and possible action on ordinance adopting the 2023-2024 Tax Rate

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

4. Presentation, discussion and possible action to approve invoice #2023-114 from ERO Architects for design services with all subconsultants; Chanin Structural Engineers and Trinity MEP for the development of construction plans and specifications for the SMISD Concession Stand / Ticket Booth for the total of \$22,500. Invoice is applied to Amendment #1 to Brighton Group for design services subcontracted to the above mentioned firms.

Joseph Palacios presented to the board on ERO Architects for design services with all subconsultants including not just the concession stand overall the entrance to the stadium as well as all the sidewalks ticket booth as well as the concession designing includes not just architectural but electrical and plumbing. The board did a lot as far as we went through certain sessions the last year on trying to figure out how we are going to complete the previous bond they approved for the stadium. This is of exactly what went out to bid. It's inclusive not only the concession stand but it does offer an entry way into the stadium which will provide for a ticket booth, access gates inward as well as the concession stand itself. And then as well if you go into a couple of slides. All the canopy systems, all the sidewalks for pedestrian to go into the stadium. It's not limited to just the concession stand. We did go into a public-advertisements; a CSP procurement on those we had seven different contractors interested. They did attend a pre-bid meeting. In regards to the closing on August 24th we ended up getting four out of the seven formerly bid. All these were received by the district, sealed. They were open and for the record they were opened in a public meeting. And those were the results of that. J. Pena being the lowest bidder of \$481,200. And we did see to make sure they qualify in regards to the bid application for kinds of specs that were public for them to bid. They've done several public projects locally. The board will have to decide which one they will award the project to. There are some areas that we can reduce the budget. We can abstract some of these components such as sidewalks, canopy systems, maybe some of the landscaping if the district chooses to. We will start to submit options to do some changes as far as lights and so far. We need to make



people understand that it's not four hundred eighty-one thousand for the concession stand alone. It's erroneous, it's not realistic. This is for canopy systems, gate systems, sidewalk systems, concession stand, it's lighting it's everything all together. We do have a breakdown of that but that's exactly. I can't negotiate till we award to the lowest responsible bidder and negotiate those components.

Mr. Hinojosa asked if we can still make changes, like can we change the look.

Mr. Palacios stated we can make changes. There is a five percent contingency on there. There is a budget for changes if you want to expand something in the design. But if you do not elect to do that, that savings comes back to the district. This is the full package. Now when we go to negotiate with your superintendent we can start itemizing those things and see do we want to have a general contract. Let the district decide.

Mr. Ramirez also reminded the board you can't deviate to much from the design because that's why you put out there the RFQ. If there are major additions or deletions to what was actually put out to receive the bids for, then you could get complaints from other contractors saying well had I known you really wanted that then I could of done that cheaper. There is room for contingencies that are minor things. Mainly cosmetic things. You can't just say well lets just not do this whole porch any more or lets just not do these sidewalks anymore. Because then you are reducing what the bid actually was and remove the competitive aspect. The easiest way is that for better or for worst, what you are putting out to be constructed. If you don't want that and you're changing it substantially then you're going to have to re-bid it. With the new specs that are substantially different from what you had actually put out to begin with. Other people are going to complain about our practices being unfair. They're going to say well the sidewalks were my most expensive thing, had I known you didn't want that then I would have been cheaper here.

Mr. Palacios stated the district has already done some changes, the building was bigger. Price has gone up in the construction business after Covid.

What makes the difference is what has been done in the past six months. Let's see what we need. Let's see what we can afford, that process has already been done. The procurement process was bided, sealed proposals from seven different companies were submitted to the district, opened by the district. Those are your bids, they are qualified. All we are left with is the decision of the board of how we are to move forward. You do have four qualified bids. The lowest is J. Pena Construction LTD with four hundred eighty-one thousand two hundred dollars and they are a qualified bidder. There is a delay on some of these contractors because of other projects that they have going on.

Mr. Hinojosa asked what would be the timeline.

Mr. Palacios stated anywhere from ninety to one hundred and twenty days. The only thing that we need to iron out is your connection of the utilities. It's on the north side of your bathrooms right now. They have all been notified about safety barriers due to the football games going on, if selected they will comply to that.

Mr. Miguel Zavala stated that it's a lot of money.

Mr. Palacios stated it is a lot of money because there is more than just what most think of than just the concession stand, it's a lot more than that.

Mr. Ramirez stated the law also does not allow you to do a lot of this work in house. Like if you have some electrical work going into a project, you're forced to go through this process. At some point you have plumbing, you're forced to go through this process. If you have a building that is going to occupy people, that has a roof, at some point the district can do some things but the law does not let you do this by yourself. The law requires that you to go out and get bonded. The law requires that you hire an engineer. The law requires that you contract a construction company that is bonded etc. A lot of us in our private world can build this for maybe less than half the cost. But the reality in the public world, when you consider the bonding and the engineering, everything that the law requires you do to comply with it raises the cost the way you are seeing it right now. And not doing that would expose us to legal liability both by TEA sanctions for not hearing to procurement in purchasing and also if something were to actually happen then we'd be



really be messed up and our insurance probably would not cover if we are not following the procurement law as for projects like these.

Mr. Jimenez asked what the square footage is.

Mr. Palacios stated it's just under one thousand square feet.

Mr. Jimenez stated it's about five hundred dollars a square-foot.

Mr. Palacios stated no, not necessarily, you can't do it like that. You have to add in all the plant work, all the outside utility work, you can't do that mathematically, typically you're at about two hundred fifty to three hundred dollars a square foot.

Mr. Jimenez stated typically the only thing we can take away probably would be the concrete sidewalks.

Mr. Palacios stated and all the utility, all the canopy, there's a lot of awnings there. Whoever you choose regardless, that's the point of the negotiations. There's an obvious fact that things have just gone out of control in the construction world.

Mr. Marco Aleman stated that he just wanted to bring up a couple of P.O.s that he has from a house we built, stuff that we built pre Covid, our decking framer was charging six hundred dollars a house. Right now, the framer is charging two thousand.

Mr. Hinojosa stated that he is just thinking long term. The design is very nice. I like that it's a single entry, that will help for security purposes. And then I like that you took in consideration for the people that are parking on the other side. Any visitors that are coming down, because a lot of times like when we have football games it rains. People walk in mud. There's a possibility that they might slip. Somebody can get hurt. You know at the same time somebody can get damage to their vehicle. Or whatever the case may be, but I like what you did there. It looks very nice.

Mr. Palacios stated one of the This building is going to last as long as all the new building here in Santa Maria. This is not a cheap building. At the end of the day, what you do today is going to be much cheaper than what you do ten years from now. Again, that's the drawback.

Mr. Hinojosa stated this does look different than what we had originally anticipated. I think about the experience of the person coming in. Not just our home fans but our visiting fans too. They can say hey you know what this is a good school. At the end of the day, I always think of it as marketing terms. What are we doing to showcase our students and our facilities. To draw in more people. Our enrollment, we had a public hearing and people were questioning our enrollment. Our enrollment is something that our community is looking at. And when you look at these types of buildings.

Mr. Cuellar told Mr. Palacios that he mentioned several times that there is a negotiation phase, can you elaborate.

Mr. Palacios stated the board will give us direction in regards to selecting the lowest most responsible, at that time we will work with your legal counsel as well as the administration office to ironite all of the specific line items. The forty-three pages of the plans of specifications. At that time, we're going to get some direction from the design group on options. These options will be delineated in every capacity, in every division for them to reprice them and we will look at savings. We believe that there's going to be savings in that area once we kind of iron that out and the district does decide then we'll initiate and execute a contract with that lowest most responsible bidder. And then will give them a notice to proceed forward.

Mr. Ramirez, stated the savings comes at the procurement of materials. The savings comes if the price changed from when the bid was done to when the actually purchase, for example the dirt was cheaper or the concrete was cheaper. The savings does not come from changing of the plans. The material for the project is like forty to fifty percent of the actual cost. Cost some of this is for example the bonding insurance is expensive, a lot of the cost of this is on the admin side not on the material side. There is an allowance for landscaping. Again the idea of the allowances and



contingencies is to absorb some of the ideas that the board make. If the board elects not to use the allowances on those certain components then that is all savings to the district.

Mr. Jimenez asked Mr. Ramirez in all how much savings can we get off of that contract without being in legal trouble.

Mr. Ramirez asked In terms of savings you mean in changing the project? It's going to depend on what we change.

The legal standard is substantial changes. So in a very small project like this, substantial changes can reach rather quickly. For example that's a lot of sidewalks that you see there, that's a lot of concrete. And so you just scratch all the sidewalks from there then you can make an argument that that's a substantial change for a project of this size. Maybe if you scratch sidewalks in a building of a school, well that's not a substantial change to the school but it's a substantial change to this project. There isn't anything that I can tell you that, oh only take out this or take out that and you'll be fine.

Mr. Jimenez stated for four hundred and eighty thousand, I want to know how much money I can save. Is it fifty thousand, is it one hundred thousand, or is it two hundred thousand?

Mr. Ramirez said in theory you can save one hundred thousand dollars if for some reason someone donates all the concrete or block. Or someone donates all the concrete pouring or whatever it is. The savings on substantial changes is not the monetary change, it's the change to the specs of a project you put out for bid.

Mr. Palacios stated, we done this before and every project we've brought money back to the district.

Mr. Jimenez said he thinks, well his theory is that we made the big mistake was giving a budget to build this project. It's very pretty but.

Mr. Palacios stated you were at the meeting and we had a bigger building where you all were selecting a larger storage and you took part of it.

Mr. Jimenez said a lot of the times they give you a pre-cost.

Mr. Palacios stated he didn't have any pre-cost, there were no pre-budgets whatsoever. When we issued the plans with specs, they were issued without a budget for the record. We had to issue what the assume budget was after for the five percent of contingency. That was the only time any company has ever been given any idea. So these are bonified bids. And that's for the record.

Mr. Palacios stated he just wants to clarify that thye were not given a budget.

Mr. Hinojosa stated Mr. Jimenez was at the pre-bid meeting.

Mr. Palacios stated yes. We were never given a budget and stay within this money. No this is what we want to build, we went to the drawing board, you said no we're at a million you said no, we came back with this. The storage was removed. The contractors submitted their bids, they had no knowledge of a budget.

Mr. Hinojosa stated he just wants to make sure there's enough space. Because the area we have right now is small.

Mr. Ramirez stated we can't give them a budget and see what they can come up with.

Mr. Hinojosa asked what if we redesign or rebuild, will that cost more money?

Mr. Palacios stated it will cost more money. There are signed and sealed documents.

We will work on saving as much as we can.

Mr. Hinojosa said he wants sponsors to be able to stock the night before and drinks to be nice and cool and ready to go.

Mr. Palacios stated the appliances were included in the bids. There is allowances for that.

Mr. Hinojosa asked if there is any codes that are met.

Palacios stated Cameron County would not give us a permit if we don't meet electrical codes.

Mr. Ramirez stated TEA doesn't specify a concession stand has to be certain square footage, but you do have a Fire Marshal code that says only so many people per square footage.

Mr. Andrew De la Rosa stated everybody has heard the proposals, and the decision is up to us so we take it to Executive Session and talk about it.



Motion to go to Executive Session by Andrew De la Rosa, second by Marco Aleman. Motion passed unanimously at 7:38pm.

Motion to Reconvene in open session by Marco Aleman, second by Miguel Zavala. Motion passed unanimously at 8:35pm.

Motion to approve Item #4 by Marco Aleman, second by Miguel Zavala. Motion passed unanimously.

5. Presentation, discussion and possible action to approve invoice # R032514 for Geotechnical Services for the SMISD Concession Stand/Ticket Booth for the total of \$5,450.
6. Presentation, discussion and possible action to approve invoice #17 to Brighton Group for project management services for SMISD Bond program for the total of \$3,200.

Motion to approve Item #5 & #6 by Marco Aleman, second by Miguel Zavala. Motion passed unanimously.

Construction:

1. Presentation, Discussion and Take Possible Action on selecting the Lowest Most Responsible Bidder, J. Pena Construction LTD; \$481,200 for the SMISD Concession Stand/Ticket Booth RFP-230705, subject to final contract negotiations and giving authority to the superintendent and legal counsel to review and execute the contract and issue a Notice to Proceed.

Motion to grant authority to negotiate with the lowest most responsible bidder scope from the 100 percent documents as advertised by the the Lowest Most Responsible Bidder, J. Pena Construction LTD; \$481,200 for the SMISD Concession Stand/Ticket Booth RFP-230705.

Mr. Ramirez stated the impact of this item does not commit the district to the \$481,200 and it does not award the contract yet. What it does is it allows the project manager and the superintendent to negotiate with the lowest most responsible bidder to secure a lower price on that and bring it back to the board for final review and approval. The price will change to lower that.

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

CONSENT AGENDA

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

Finance

1. Final Budget Amendment for 2022-2023

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
 - 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

RECONVENE IN OPEN SESSION

- 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.

Motion to approve all items as discussed in Executive Session and all items as appropriate on Superintendent's recommendations by Andrew De la Rosa, second by Miguel Zavala. Motion passed unanimously.

EXECUTIVE SESSION

(May be reconvened, if necessary)

ADJOURNMENT

Motion to adjourn meeting by Miguel Zavala second by Andrew De la Rosa. Motion passed unanimously at 8:38pm.

This notice was posted in compliance with the Texas Open Meetings Act on Friday, August 25, 2023 at 6:00



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

