



# Brownsville Independent School District

## Board Of Trustees

**Regular Board Meeting**  
**January 20, 2009**  
**5:30 P.M.**

**Administration Building**  
**1900 Price Road**  
**Brownsville, Texas 78521-2417**

## **A G E N D A**

**NOTE: The Board of Trustees may go into Closed/Executive Session to deliberate any item on this agenda as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.**

- I.** Meeting Called to Order.
- II.** Moment of Silence.
- III.** Pledge of Allegiance.
- IV.** Roll Call.
- V.** Recommend approving the **agenda** of the **Regular Board Meeting of January 20, 2009**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Regular Board Meeting of December 2, 2008**, with any corrections.
- VII.** Recommend approving the **minutes** of the **Special Called Board Meeting of December 8, 2008**, with any corrections.
- VIII. Superintendent's Report**
  - A. Conference Presentations:**
    1. Presentation of 2009 School Board Recognition Month.
    2. Recognition of Chess Teams for Participation in Chess Tournaments.
    3. Presentation of 2009-2010 Budget Calendar.

4. Presentation of the Brownsville Independent School District Financial Report for the period ended November 30, 2008.
5. Presentation on the Notification of Contingency Fund Change Orders.
6. Presentation of Special Services Department Budget-Procurement Process/Procedures. (Board Member Request).
  1. Presentation from the Administrator of Special Services/Special Education regarding the budgets for Fiscal Years ending 6/30/2009, 6/30/2008, 6/30/2007, 6/30/2006 and 6/30/2005. The Presentation shall discuss the following items for these years: (Board Member Request)
    - A. The overall budget
    - B. Amounts transferred from Local funds
    - C. Amounts transferred from State Comp funds
    - D. Budget Amendments with a specific breakdown of the purpose and intended use of said additional funds.
  2. Information and discussion regarding the procurement process and procedures used for the contracted services and consulting services provided to the Special Services/Special Education Department for the Fiscal Years ending 6/30/2009, 6/30/2008, 6/30/2007, 6/30/2006 and 6/30/2005. (Board Member Request)
7. Discuss the Madison BISD Building regarding the previous discussions with Cameron County needing the building. (Board Member Request)
8. Presentation of Credit Hours for Board of Trustees.
9. Presentation of Brownsville Independent School District Unlimited and Limited Refunding Bonds Series 2009.

**B. Standing Board Agenda Items:**

10. Board Calendars.

**IX. PUBLIC AUDIENCE:**

If you wish to address the Board of Trustees during the Public Audience portion of today's meeting, please print your name on the form provided. According to BISD Policy BED (Local), only those persons (on the list) who request to speak shall be heard. The speaker shall limit remarks to five minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other resolution channels are provided shall be directed through those channels. These complaints include complaints on the following subjects: employee complaints, termination of employment, student complaints, removal to alternative education program, and expulsion. If the Board President determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate policy for attempted resolution before bringing the matter to the Board. Complaints against specific employees or officers of BISD shall be heard in Closed Meeting, as authorized by the Texas Government Code Title 5-Section: 551.074 (1) and (2). If our topic concerns complaints against specific employees or officers, please note this on the sign-up sheet. You must make your points on issues in a constructive and courteous fashion pursuant to Robert's Rules of Order.

**X. Closed Meeting: as pursuant to the Texas Government Code Section: 551.074 & 551.082.**

**A. Public Audience Complaint:**

11. Juanita Rodriguez – (001/08-09)

**B. Level III Board Review and Grievance:**

12. Level III Grievance – Joe Saucedo (#008/08-09)
13. Level III Grievance – Kent Whittemore (#009/08-09)

**(Board Reconvenes After Closed Meeting)**

14. Board Action on Level III Grievance – Joe Saucedo (#008/08-09)
15. Board Action on Level III Grievance – Kent Whittemore (#009/08-09)

**XI. Open Hearing: Grievance has requested an open hearing pursuant to Board Policy DGBA Local.**

**NOTE: The Board of Trustees may go into Closed/Executive Session to deliberate any item on this agenda as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551 and consult with their attorney.**

**A. Level III Board Review and Grievance:**

16. Level III Grievance – Micaela Guzman (#010/08-09)
17. Board Action on Level III Grievance – Micaela Guzman (#010/08-09)

**The Board may deliberate or take action regarding the following agenda items.**

**XII. Consent Agenda**

**General Function:**

**A. Recommend approval of the following General Function Items:**

18. Recommend approval for the Pace MCJROTC student to travel to Camp Perry, Ohio on February 19<sup>th</sup> through February 21, 2009 to participate in the 2009 USMC JROTC Service Championship.
19. Recommend approval of Change Order #003 to amend the Owner/Contractor agreement with American Contracting USA, Inc., Combes, Texas, for the Re-roofing Project at Hanna High School, Faulk and Stell Middle Schools, and El Jardin Elementary School.
20. Recommend approval of Change Order #02 to amend the Owner/Contractor Agreement with W. Murray Thompson Construction Co., Inc., San Benito, Texas, for the Classroom Wing Addition to Hudson Elementary School and the Library and Classroom Wing Addition to Villa Nueva Elementary School.

21. Recommend approved to cancel the Regular Board Meeting scheduled for February 3, 2009.
22. Recommend approval to adopt Policy BBB (Local)
23. Recommend approval for Brownsville ISD teachers to be trained with Sabal Palms Writing Project at UTB/TSC in the amount not to exceed \$80,000.0 during the 2008-2009 school year.
24. Recommend approval for BISD Scouts to participate in the annual Brownsville Scout Government Day on February 6, 2009.
25. Chess, evaluation of current funding and with possible action. (Board Member Request)
26. Chess funding distribution, discussion and action (Board Member Request)
27. Processing fingerprints for district employees required by Senate Bill 9; discussion and action. (Board Member Request)
28. Discuss and approve the Superintendent Evaluation to be changed to every 6 months. (Board Member Request)
29. Discuss and Evaluate Attorney's Performance and Fees. (Board Member Request)
30. Discussion, consideration and possible action to hire legal counsel to represent BISD in pending grievance filed by a District employee (A.R.).
31. Discussion, consideration and possible action to hire legal counsel to conduct an investigation regarding the Superintendent and/or Special Services.
32. Consideration and approval of an order by the Board of Trustees of the Brownsville Independent School District authorizing the issuance of "Brownsville Independent School District Limited Tax Refunding Bonds, Series 2009"; levying a continuing direct annual ad valorem tax within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement, an escrow and trust agreement, and a purchase and investment letter complying with the letter of representations with the depository trust company; delegating the authority to certain members of the Board of Trustees and district staff to execute certain documents relating to the sale of the bonds; and providing an effective date.
33. Consideration and approval of an order by the Board of Trustees of the Brownsville Independent School District authorizing the issuance of "Brownsville Independent School District Unlimited Tax Refunding Bonds, Series 2009"; levying a continuing direct annual ad valorem tax for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement, an escrow and trust agreement, and a purchase contract; complying with the letter of representation with the

depository trust company; delegating the authority to certain members of the Board of Trustees and district staff to execute certain documents relating to the sale of the bonds; and providing an effective date.

**B. Recommend approval of the following Payment:**

34. Recommend approval to pay Gignac and Associates \$24,150.00; Gomez Mendez Saenz, Inc. \$4,010.17; Raba-Kistner Consultants, Inc. \$9,728.63; Texas Descon, L.P. \$1,715,753.00; W. Murray Thompson Construction Company \$317,467.20; ZIWA Corporation \$161,452.50; for a grand total of \$2,232,561.50 from Local Maintenance Fund 199.
35. Recommend approval to pay Gignac and Associates \$32,609.24; Gomez Mendez Saenz, Inc. \$56,700.00; Mata Villarreal Garcia Design Group \$26,331.99; Raba-Kistner Consultants, Inc. \$7,397.56; Stanford Knowles Architect and Planner, Inc. \$8,365.50; Terracon \$5,534.00; American Contracting USA, Inc. \$45,259.76; Central Air and Heating Service, Inc. \$83,125.00; D. Wilson Construction Company \$3,926,077.27; Metro Electric, Inc. \$183,786.38; JDS Construction Co., Inc. \$296,159.65; Scoggins Construction Co., Inc. \$2,047,027.70; Texas Descon L.P. \$1,056,861.00; W. Murray Thompson Construction Co. Inc. \$310,985.35; for a grand total of \$8,086,220.40 to be paid from Capital Project Funds 631, 632, 633, and 634.
36. Recommend approval to pay the Kolak Group Inc., Houston, Texas, in the amount not to exceed \$150,000.00 for consultant services from the Texas Education Agency Adequate Yearly Progress (AYP) and State Bilingual Categorical Funds for Hanna, Porter and Bilingual/ESL Department for the 2008-2009 school year. Services to be rendered are subject to the District's needs and funding.

**C. Recommend approval of the following Budget Amendment:**

37. Recommend approval of Budget Amendment #064 in the amount of \$13,357.00 for Fund 231 – Job Training Partnership Act. (Additional Funding)
38. Recommend approval of Budget Amendment #065 in the amount of \$36,621.00 for Fund 309 – Federal Cooperative Fund. (Additional Funding)
39. Recommend approval of Budget Amendment #066 in the amount of \$106,500.00 for Fund 497 – Communities Foundation of Texas Non-profit Corporation. (New Funding)

**D. Recommend approval of the following Contracts/Agreements:**

40. Recommend approval to enter into Memorandum of Understanding between BISD and Cameron County Children's Advocacy Center, Inc. as requested for a 3 year term, ending on September 1, 2011.
41. Recommend approval to enter into a Memorandum of Understanding between Brownsville I.S.D. and Rio Grande Valley Council, Inc., Brownsville, Texas, for implementation of "Positive Action" program in the Middle Schools for the 2008-2009 school year. Services are to be rendered at no cost to the District.
42. Discussion, consideration and possible action on a memorandum of understanding between the Brownsville Independent School District and Brownsville Doctors Hospital pertaining to Hospital Services. (Board Member Request)

43. Recommend approval of the Brownsville ISD and the Communities Foundations of Texas – Texas High School Project Grant Agreement for the Brownsville Early college High School in the amount of \$106,500.00 for the 2008-2009 school year.
44. Recommend approval to Partner with UTB/TSC for the submission of the grants' applications to the Texas Higher Education Coordinating Board for the period May 1, 2009 through May 31, 2011.
45. Discussion, consideration and possible action to renew the District's TWIA Windstorm Insurance for the period January 31, 2009 thru January 31, 2010 to McGriff, Seibel's & Williams of Houston, Texas.

**E. Recommend approval of the following Bids/Proposals/Purchases:**

46. Recommend approval of RFP #09-076 Internet Services District-wide to SmartCom Telephone, McAllen, TX, Time Warner Cable, Harlingen, TX, Tiagras Networks, McAllen, TX and NetSpan, Richardson, TX. (Annual Proposal)
47. Recommend approval of RFP #09-087 E-Mail Filtering Services Provider for Student Use District-Wide (E-Rate) to Gaggle.Net, Bloomington, IL. (Annual Proposal)
48. Recommend approval RFP #09-088 for District Wide Cabling and Equipment (E-Rate) to Calence, LLC Tempe, AZ, Mcallen, TX. (Annual Proposal)
49. Recommend approval to accept the negotiated fee for RFQ #09-066 Civil Engineering Services from Ambiotec Civil Engineering Group, Inc., Brownsville, Texas, in the amount not to exceed \$140,000.00 to be paid from Local Maintenance Fund 199.

**XIII. CLOSED MEETING:** as pursuant to the Texas Government Code Section: 551.071, 551.072, 551.074, 551.082, and 551.084.

**A. PERSONNEL MATTERS:**

50. Presentation of **Retirements/Resignations.**
51. Recommend approval of **probationary contractual personnel** for the 2008-2009 school year – **Teachers.** Subject to receipt of all outstanding documentation.
52. Recommend approval of **term-chapter 21 contractual personnel** for the 2008-2009 school year – **Teacher.** Subject to receipt of all outstanding documentation.
53. Recommend the discharge and termination of a term contract teacher for good cause. (R.C.L.)
54. Superintendents Formative Evaluation.

**B. Consultation with ATTORNEY:**

55. Consultation with attorney regarding pending or threatened litigation matters.

**Special Education Due Process Hearing:**

1. Discussion, consideration and possible action – Due Process Hearing – D.R. bnf Elvira R. vs. Brownsville ISD; TEA Docket No.: 061-SE-1108.

**C. Real PROPERTY:**

56. Discussion of possible acquisition or sale of Real Property.

**(BOARD RECONVENES AFTER CLOSED MEETING)**

A51–53. Recommend approval on personnel matters discussed in Closed Meeting.

B55. Recommend approval on litigation matters discussed in Closed Meeting.

C56. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

**XIV. Announcement(s).**

**Note: If agenda item 21 is approved, the next scheduled Regular Board Meeting will be held on February 17, 2009.**

57. Next **Regular Board Meeting** of the Board of Trustees is on **Tuesday, February 3, 2009**, at the Administration Building at 5:30 p.m.

**XV. Adjournment.**