



Brownsville Independent School District

Board Of Trustees

Regular Board Meeting
June 16, 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 June 16, 2009**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Special Called Board Meeting of June 1, 2009**, with any corrections.
- VII.** Recommend approving the **Consent Agenda**.
- VIII. Superintendent's Report**
 - A. Conference Presentations:**
 1. Presentation from Representative Eddie Lucio.
 2. Presentation on BROAD.
 3. Presentation of the Theatre Regional Winners from Hanna High School. (**Board Member Request**)
 4. Presentation of Brownsville Early College High School Program Update.

5. Presentation on monthly report from the BISD Bond Oversight Committee. Bond Oversight Committee was held on June 4, 2009
6. Presentation of the Brownsville Independent School District Financial Report for the period ended April 30, 2009.
7. Presentation of Notification of Contingency Fund Change Orders.

B. Standing Board Agenda Items:

8. 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 your 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. Level III Board Review and Grievance:

9. Level III Grievance – Leonardo V. Garcia - #16/08-09

(Board Reconvenes After Closed Meeting)

10. Board action on Level III Grievance – Leonardo V. Garcia - #016/08-09

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

XI. General Function:

A. Recommend approval of the following General Function Items:

11. Recommend approval for one student and one sponsor from Pace High School to participate in the SkillsUSA National Officer Leadership Training Session in Reston, Virginia, on July 23-31, 2009 for the 2008-2009 school year.
12. Recommend approval to attend Out of State Trip for Vela Middle School student, Jonathan Zepeda, and teacher, Denise Leal, to travel to Washington, D.C. for the Do the WRITE Thing Leadership Summit.

13. Recommend approval for Career and Technical Education TSA students, chaperones and sponsors to travel and participate in the National TSA Competition held in Denver, Colorado from June 26 through July 3, 2009 for the 2008-2009 school year.
14. Recommend approval of the 2009-2010 District Improvement Plan for the 2009-2010 school year. (CD)
15. Recommend approval of the 2009-2010 Elementary, Middle, and High School Grading Procedures. (CD)
16. Recommend approval to authorize administration to accept the Central Annex Building Renovation Project as substantially complete.
17. Recommend approval of Change Order #008 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.
18. Recommend approval to accept the Library Buildings at Burns, Del Castillo, and Russell Elementary Schools as substantially complete.
19. Recommend approval for the Educational Talent Search Program to rent two BISD buses on July 29, 2009, and August 5, 2009, for student enrichment trips to South Padre Island for an estimated cost of \$802.00 per trip.
20. Recording all public committee meetings from BISD. Discussion, possible action. **(Board Member Request)**
21. Discussion, consideration and possible action regarding the construction of a Teacher Memorial monument at no cost to the District on BISD property, including the appointment of a committee by the Board of Trustees. **(Board Member Request)**
22. Discussion and possible action Drill Team concerns in the High Schools. **(Board Member Request)**
23. Review and discuss the employees hourly rate for the days worked during the Swine Flu and take possible action. **(Board Member Request)**
24. Information and discussion of relevant District policies, guidelines and procedures regarding the use of driving records and traffic violations used to qualify bus drivers and other employees whose job descriptions require operation of District vehicles. **(Board Member Request)**
25. Recommend approval to cancel the July 7, 2009, Regular Board Meeting due to scheduled holidays.

B. Recommend approval of the following Payment:

26. Recommend to pay Gignac & Associates Architect, LLP \$55,900.00; Gomez Mendez Saenz, Inc. \$925.42; Raba-Kistner Constultants, Inc. \$15,950.00, Roth Construction \$426,541.45; Texas Descon, L.P. \$818,198.00; and W. Murray Thompson, Inc. \$91,836.50; ZIWA Corporation \$125,419.00 for a grand total of \$1,534,770.37 to be paid from Local Maintenance Fund 199.

27. Recommend approval to pay ACR Engineering, Inc. \$2,100.00; Gignac and Associates, Architects, LLP \$13,258.90; Gomez Mendez Saenz, Inc. \$24,300.00; Raba-Kistner Consultants, Inc. \$10,074.69; Central Air and Heating Services, Inc. \$112,252.00; D. Wilson Construction Company \$2,605,207.56; JDS Construction Co., Inc. \$112,689.95; PHI Service Agency, Inc. \$8,052.00; Scoggins Construction Co., Inc. \$2,746,786.30; and Texas Descon, L.P. \$639,422.00; for a grand total of \$6,274,143.40 to be paid from Capital Project Funds 631, 632, 633, and 634.
28. Recommend approval of payment in the amount of \$10,017.00 for the printing of Kids2College booklets for the school year 2008-2009 that were not in accordance to Board Policy CH (Local) and the Procurement Code Chapter 44.031.
29. Recommend that the Board approve payment of \$787.50 to the law firm of Jones, Galligan, Key & Lozano, L.L.P.
30. Recommend that the Board approve payment of \$3,014.24 to the law firm of Jones, Galligan, Key & Lozano, L.L.P.

C. Recommend approval of the following Budget Amendments:

31. Recommend approval of Budget Amendment #083 in the amount of \$223,188.00 for Fund 261 – Reading First Grant. (Additional Funding)
32. Recommend approval of Budget Amendment #084 in the amount of \$7,500.00 for Fund 274 – GEAR Up Grant. (Reallocation)
33. Recommend approval of Budget Amendment #085 in the amount of \$1,729,998.00 for Fund 101 – Food Service. (Reallocation)
34. Recommend approval of Budget Amendment #086 in the amount of \$63,009.00 for Fund 192 – Maintenance Tax Note. (Fund Balance)
35. Recommend approval of Budget Amendment #087 in the amount of \$156,881.00 for Fund 511 – Debt Service. (Fund Balance)
36. Recommend approval of Budget Amendment #088 in the amount of \$1,000,000.00 for Fund 162 – State Compensatory. (Categorical Fund Balance)

D. Recommend approval of the following Contracts/Agreements:

37. Recommend approval of Memorandum of Understanding between Brownsville ISD and the University of Texas at Brownsville/Texas Southmost College for the Brownsville Early College High School (BECHS). Services and materials to be purchased subject to the District’s needs and funding.
38. Recommend approval for BISD to contract with the Region One Education Service Center for membership in the Region One Service Center Curriculum Collaborative in the amount not to exceed \$500,000.00 for the 2009-2010 school year. Funding is subject to the District’s need and funding.
39. Recommend approval of the Brownsville ISD and the Communities Foundation of Texas, Texas High School Project Grant Agreement 09-D-014777 for the Brownsville Early

College High School, in the amount of \$106,500.00 for the 2008-2009 school year and the grant amendments for 09-D-011278.

40. Recommend approval to enter into agreements with the Brownsville Public Utilities Board, Brownsville, Texas, to grant Easement and Right of Ways on the Porter High School Athletic Building and the New Wing Addition to Palm Grove Elementary School as described on the utility easement documents.
41. Recommend to approve the 2008-2009 Shared Service Arrangement Agreement with member school districts for the Brownsville Regional Day School Program for the Deaf.
42. Recommend to approve the contract and billing schedule of the law firm of Denton, Navarro, Rocha & Bernal, P.C. previously retained by the Board on May 12, 2009.

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

43. Recommend awarding Bid #09-138 Bottle Water and Related Services District-wide to several vendors. (Annual Bid)
44. Recommend awarding RFP #09-151 for the BISD Delinquent Ad Valorem Tax Collections either to the Law Office of E. Pena & Associates, P.C., or Perdue, Brandon Fielder Collins & Mott, L.L.P. in association with the Law Office of John David Franz, or Linebarger, Goggan, Blair & Sampson, L.L.P., or McCreary, Veselka, Bragg & Allen, P.C. for one year with an option to renew annually for two (2) years.
45. Recommend awarding RFP #09-154 Errors & Omissions Insurance to ACE American Insurance Company/Cavazos Insurance Agency with an option to renew for two additional years. (Annual Proposal)

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

A. PERSONNEL MATTERS:

46. Presentation of **Retirements/Resignations.**
47. Recommend approval of **Probationary Contractual Personnel** for the **2009-2010 school year – Teachers.** Subject to receipt of all outstanding documentation.
48. Recommend approval of **Term-Chapter 21 Contractual Personnel** for the **2009-2010 school year – Counselor.** Subject to receipt of all outstanding documentation.
49. Recommend approval of **Probationary Contractual Personnel** for the **2009-2010 school year – Athletic Trainer.** Subject to receipt of all outstanding documentation.
50. Recommend approval of **Probationary Contractual Personnel** for the **2009-2010 school year – Assistant Choir Director/Itinerant.** Subject to receipt of all outstanding documentation.
51. Recommend approval of **Probationary Contractual Personnel** for the **2009-2010 school year – Choir Director.** Subject to receipt of all outstanding documentation.

52. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Garcia Middle School**. Subject to receipt of all outstanding documentation.
53. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Edward Manzano, Jr. Middle School**. Subject to receipt of all outstanding documentation.
54. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Stell Middle School**. Subject to receipt of all outstanding documentation.
55. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Canales Elementary School**. Subject to receipt of all outstanding documentation.
56. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Garza Elementary School**. Subject to receipt of all outstanding documentation.
57. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Putegnat Elementary School**. Subject to receipt of all outstanding documentation.
58. Recommend approval of **Chapter 21 Contractual Professional Personnel** for the **2009-2010 school year – Principal – Vermillion Elementary School**. Subject to receipt of all outstanding documentation.
59. Discussion and consideration regarding the employment status of the Interim Superintendent including possible addition of stipend. **(Board Member Request)**
60. Review and discuss the letter submitted by administrator D.S. and take action. **(Board Member Request)**

B. Consultation with Attorney:

61. Consultation with attorney regarding pending or threatened litigation matters.
 - a. Discussion, consideration and possible action – Cause No. 2008-CCL-01297-A; South Coast Spine & Rehabilitation, PA vs. Brownsville Independent School District (BISD) et. al.
 - b. Discussion, consideration and possible action – Cause No.: 08-35; Julia V. Rivera vs. Brownsville I.S.D.; In the U.S. District Court for the Southern District of Texas, Brownsville Division.
62. Consultation with Lead Internal Auditor:
 - a. Discussion status report from Lead Internal Auditor on the following matters:
 - Athletic Department - Final Report Investigation (Part A & Part B)

- Auction Review
- Food Services - Operational Audit
- Maintenance - Operational Audit
- Special Services - Operational Audit
- Vela Middle School - Athletic Fundraising Investigation

- b. Status on Ongoing Audits
- Change of Administrators Audits
 - Change of Bookkeeper Audit

C. Real Property:

63. Discussion of possible acquisition or sale of Real Property. Deliberation regarding the purchase, exchange, lease or value of real property pursuant to Section 5541.072 of the Texas Government Code

Consider and take possible action to approve the purchase of Lot 50, Block 34 of the El Valle Grande Subdivision Section 10, in the City of Brownsville, Cameron County, Texas, authorize the Superintendent to move forward with the purchase of the Property, including negotiation of the Real Estate Contract for purchase of the Property behalf of the Board to tender of the purchase price of the Property and the amount of closing and other costs to the title company for payment to the seller of the Property, and authorize the Board President to execute the Real Estate Sales Contract for the purchase, closing documents and all other documents necessary to effect the purchase of the Property.

(BOARD RECONVENES AFTER CLOSED MEETING)

- A47-60. Recommend approval on personnel matters discussed in Closed Meeting.
- B61. Recommend approval on litigation matters discussed in Closed Meeting.
- B62. Recommend approval on consultation with Lead Internal Auditor discussed in Closed Meeting.
- C63. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

XIII. Announcement(s):

Note: If agenda item 25 is approved, the next scheduled Regular Board Meeting will be held on July 21, 2009.

64. **Next scheduled Board Meeting** of the Board of Trustees is on **July 7, 2009**, at the Administration Building at 5:30 p.m.

XIV. Adjournment: