



# Brownsville Independent School District

## Board Of Trustees

### Regular Board Meeting May 5, 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 May 5, 2009**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Regular Board Meeting of April 21, 2009**, with any corrections.
- VII. Superintendent's Report**
  - A. Conference Presentations:**
    1. Recognition of Heinz Ketchup Creativity Contest Winner.
    2. Presentation of Proclamation: Brotherhood of Faith Club.
    3. Notification of Contingency Fund Change Orders.
    4. Televising Board Meetings Live on BISD Channel 17. **(Board Member Request)**
  - B. Standing Board Agenda Items:**
    5. Board Calendars.

**VIII. 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.

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

- 6. Board Action on Level III Grievance – Mary Tolman - #012-08/09

**X. 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:**

- 7. Level III Grievance – Maria L. Cervera (#013/08-09)
- 8. Board Action on Level III Grievance – Maria L. Cervera (#013/08-09)

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

**XI. Consent Agenda  
General Function:**

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

- 9. Recommend approval for BISD Personnel to travel to H. Matamoros, Tamaulipas, Mexico on May 20, 2009 to participate in the Fourth Annual Bi-National Youth Leadership Summit. The following BISD personnel will attend as follows: Rosalva Larrasquitu, Parent Involvement Coordinator, Elizabeth Avitia, Health Lead Teacher, Elizabeth Llongueras, Bilingual/ESL Counselor and Susana Zapata, SAFE Counselor.
- 10. Recommend approval for Career and Technical Education HOSA and SkillsUSA students and sponsors to travel and participate in National Competitions held in Kansas City, Missouri and Nashville, Tennessee. Expenditures will be paid from Career and Technical Education funds in the amount of \$48,000.00.
- 11. Recommend approval for Lia Garza, student, and Nereyda Arizmendi, teacher/sponsor, and Elsa Barrientos to travel to Reno, Nevada to participate in the International Science and Engineering Fair between May 10-17, 2009.

12. Recommend approval for fifty students and five sponsors to participate in the National Hispanic Institute-Lorenzo De Zavala Youth Legislative Session and to cover the expenses in the amount of \$52,750.00 from Title I, Part-A Fund 211 for the 2008-2009 academic year subject to the District's needs and funding.
13. Recommend approval to select the Competitive Bidding and Interlocal Cooperative Contract, and the Competitive Sealed Proposals delivery methods as authorized by the Texas Education Code in Accordance with section Subchapter B, Purchases: Contracts, 44.031, of the Texas Education Code for the Transportation Department Parking Lot Improvements Project, the Faulk and Stell Air-Conditioning Replacement Project, and the Lopez High School Theatre Lighting Upgrades Project, and the Veterans Memorial High School Water Service Infrastructure Project.
14. Discuss & consideration of possible action to give 30 day notice to Walsh, Anderson & Mike Saldana to end contract for legal services. **(Board Member Request)**
15. Discuss & consideration of possible action to go out for RFP for General Counsel for Brownsville Independent School District. **(Board Member Request)**
16. Kinder graduation, discussion, possible action. **(Board Member Request)**
17. Board Policy on sick days paid to retired/deceased employees, discussion, possible action. **(Board Member Request).**
18. Swimming/Tennis electives at Middle School Level, discussion, possible action. **(Board Member Request)**
19. Discussion, consideration and possible action on Project 1000 ID Children. **(Board Member Request)**

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

20. Recommend approval to pay PBK Architects, Inc. \$2,402.44 to be paid from Local Maintenance Fund 199.
21. Recommend approval to pay ACR Engineering, Inc. \$19,365.00; Mata Villarreal Garcia Design Group \$45,200.78, PHI Service Agency, Inc. \$2,013.00; Raba-Kistner Consultants, Inc. \$14,434.49; and American Contracting USA, Inc. \$74,238.32 for a grand total of \$155,251.59 to be paid from Capital Project Funds 631, 632, 633, and 634.

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

22. Recommend approval of Budget Amendment #078 in the amount of \$32,606.00 for Fund 263 – Language Instruction for Limited English Proficient Program. (Additional Funding)
23. Recommend approval of Budget Amendment #079 in the amount of \$250,067.00 for Fund 212 – ESEA Title I-Part C, Migrant. (Additional Funding)

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

24. Recommend approval of Memorandum of Understanding between Brownsville ISD and the University of Texas at Brownsville/Texas Southmost College AT&T Kiosks in the amount not to exceed \$24,000.00 for the 2008-2009 school year.

25. Recommend approval to enter into an agreement with Union Design Developers, LP, a Texas Limited Partnership, relating to a cost share agreement for the new Sewer Lift Station and Force Main Line Extension Project at Veterans Memorial High School. Project to be done subject to the District's needs and funding.

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

26. Recommend awarding Bid #09-147 for Veterans Memorial High School #6 Water and Sewer Improvements to Pederson Construction Co., Inc., Los Fresnos, Texas, in the amount not to exceed \$228,584.00 to be paid from Capital Project Fund 633.
27. Recommend awarding Bid #09-148 for Veterans Memorial High School #6 Old Carmen Avenue Improvements to Pederson Construction Co., Los Fresnos, Texas in the amount not to exceed \$351,186.58 to be paid from Local Maintenance Fund 199.

**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:**

28. Presentation of **Retirements/Resignations.**
29. Recommend approval of **Probationary Contractual Personnel for the 2008-2009 school year and the 2009-2010 school year – Teachers.** Subject to receipt of all outstanding documentation.
30. Recommend approval of **Probationary Contractual Personnel for the 2008-2009 school year and the 2009-2010 school year – Athletic Defensive Coordinator.** Subject to receipt of all outstanding documentation.
31. Discuss & consideration Final Findings Superintendent's Investigation Report conducted by Navarro's Law Firm. **(Board Member Request)**
32. Board Members' Evaluation; pending litigation, discussion, possible action. **(Board Member Request)**
33. Discussion, consideration and possible action on Board Members professional conduct and ethics violation. **(Board Member Request)**

**B. Consultation with Attorney:**

34. Consultation with attorney regarding pending or threatened litigation matters.
  - a. 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.
  - b. Discussion, consideration and possible action – TEA Docket No.: 076-LH-0209; Brownsville Independent School District vs. Ramiro Lozano.

- c. Report to the Board regarding investigation conducted by the law firm of Denton, Navarro, Rocha & Bernal, P.C. regarding an investigation of the Superintendent, Hector Gonzales and/or the Special Services Department. **(Board Member Request)**

**C. Real Property:**

- 35. Discussion of possible acquisition or sale of Real Property.

**(BOARD RECONVENES AFTER CLOSED MEETING)**

A29–33. Recommend approval on personnel matters discussed in Closed Meeting.

B34 a - c. Recommend approval on litigation matters discussed in Closed Meeting.

C35. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

**XIII. Announcement(s):**

- 36. **Next scheduled Board Meeting** of the Board of Trustees is on **Tuesday, May 19, 2009**, at the Administration Building at 5:30 p.m.

**XIV. Adjournment:**