



# Brownsville Independent School District

## Board Of Trustees

**Regular Board Meeting**  
**July 21, 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 July 21, 2009**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Regular Board Meeting of June 2, 2009**, with any corrections.
- VII.** Recommend approving the **minutes** of the **Special Called Board Meeting of June 10, 2009**, with any corrections.
- VIII.** Recommend approving the **minutes** of the **Regular Board Meeting of June 16, 2009**, with any corrections.
- IX.** Recommend approving the **Consent Agenda**.
- X. Superintendent's Report**
  - A. Conference Presentations:**
    1. Presentation of Certificate of Achievement for Excellence in Financial Reporting.
    2. Presentation of U.S. Department of Commerce U.S. Census Bureau.

3. Presentation of Rio Grande Valley Marathon Kids. (Board Member Request)
4. Presentation on monthly report from the BISD Bond Oversight Committee.
5. Presentation of Student Code of Conduct for 2009-2010 School Year. (CD)
6. Presentation of the Brownsville Independent School District Financial Report for the period ended May 31, 2009.

**B. Standing Board Agenda Items:**

7. Board Calendars.

**XI. 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.

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

**A. Employee Complaint :**

8. Employee Complaint #001/09-10 – Margarita Gonzalez

**(Board Reconvenes After Closed Meeting)**

9. Board action on Employee Complaint #001/09-10 – Margarita Gonzalez

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

**XIII. General Function:**

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

10. Recommend approval to adopt the Student Code of Conduct for 2009-2010 school year.
11. Recommend approval to adopt Update 84 Local, Regulation and Miscellaneous Policies.
12. Recommend approval of Change Order #009 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.

13. Recommend approval to authorize administration to “Not Build” Daniel Breeden Elementary School (#144) and to notify Gignac and Associates of termination of Architectural Contract in accordance with the Owner/Architect Agreement.
14. Recommend approval to authorize administration to solicit for architectural/engineering design services for the 2009 High School Science Laboratory Construction projects at Hanna and Porter High School.
15. Recommend approval to accept the Classroom Wing Additions to Egly and Palm Grove Elementary Schools as substantially complete.
16. Recommend approval to purchase the TangoRx Software in the amount of \$350,000.00 from categorical funds for the 2009-2010 school year.

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

17. Recommend approval to pay Ambiotec Civil Engineering Group, Inc. \$5,260.00; PBK Architects, Inc. \$12,811.50; Raba-Kistner Consultants, Inc. \$20,147.29; Terracon Consultants, Inc. \$11,648.75; Roth Construction, Inc. \$564,387.40; Texas Descon, L.P. \$888,641.00; Texas Precisionaire, LTD. \$8,125.00; W. Murray Thompson Construction Co., Inc. \$121,286.95; and ZIWA Corporation \$122,170.00; for a grand total of \$1,754,477.89 to be paid from Local Maintenance Fund 199.
18. Recommend approval to pay ACR Engineering, Inc. \$6,825.00; Amtech Building Sciences, Inc. \$7,357.50; Gomez Mendez Saenz, Inc. \$24,300.00; Mata Villarreal Garcia Design Group, L.L.P. \$49,063.15; Raba Kistner Consultants, Inc. \$10,417.50; Stanford Knowles Architect & Planner, Inc. \$1,742.82; American Contracting USA, Inc. \$58,213.01; Central Air and Heating Service, Inc. \$237,215.00; D. Wilson Construction Company \$1,868,387.56; JDS Construction Co., Inc. \$401,356.95; PHI Service Agency, Inc. \$5,307.69; Scoggins Construction Co., Inc. \$1,997,509.90; Texas Descon L.P. \$645,912.00; Texas Precisionaire, LTD \$11,920.00; W. Murray Thompson Construction Co. Inc. \$160,382.77; for a grand total of \$5,485,910.85 to be paid from Capital Project Funds 631, 632, 633, and 634.

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

19. Recommend approval of Budget Amendment #001 in the amount of \$2,925,000.00 for Fund 199 – Local Maintenance Fund Pena Elementary #141, Pullam Elementary #142 and Keller Elementary #143 start up funds. (Local Maintenance Reserved Fund Balance)
20. Recommend approval of Budget Amendment #002 in the amount of \$2,981.00 for Fund 206 – Texas McKinney Vento Border Initiative Grant. (Carryover Budget)
21. Recommend approval of Budget Amendment #003 in the amount of \$555,403.00 for Fund 261 Reading First Grant. (Carryover Budget)
22. Recommend approval of Budget Amendment #004 in the amount of \$259,852.00 for Fund 274 – Gear Up Grant. (Carryover Budget)
23. Recommend approval of Budget Amendment #005 in the amount of \$6,117.00 for Fund 312 – Temporary Assistance for Needy Families (TANF – Federal) Grant. (Carryover Budget)

24. Recommend approval of Budget Amendment #006 in the amount of \$21,146.00 for Fund 315 – IDEA B-Discretionary Deaf Grant. (Carryover Budget)
25. Recommend approval of Budget Amendment #007 in the amount of \$25,115.00 for Fund 394 – Life Skills Grant. (Carryover Budget)
26. Recommend approval of Budget Amendment #008 in the amount of \$276,491.00 for Fund 409 – High School Completion and Success/Texas High School Project Grant. (Carryover Budget)
27. Recommend approval of Budget Amendment #009 in the amount of \$55,269.00 for Fund 429 – Other State Funded Programs. (Carryover Budget)
28. Recommend approval of Budget Amendment #010 in the amount of \$88,592.00 for Fund 497 – The Texas High School Project. (Carryover Budget)
29. Recommend approval of Budget Amendment #011 in the amount of \$77,540.00 for Fund 498 – Other Local Funded Programs. (Carryover Budget)
30. Recommend approval of Budget Amendment #012 in the amount of \$231,135.00 for Fund 216 – School Improvement Program Funds. (New Funding)
31. Recommend approval of Budget Amendment #013 in the amount of \$170,000.00 for Fund 276 – SIP Academy Funds. (New Funding)
32. Recommend approval of Budget Amendment #014 in the amount of \$9,998.00 for Fund 429 – Texas Fitness Now Grant. (Reallocation of Carryover Budget)
33. Recommend approval of Budget Amendment #015 in the amount of \$246,709.00 for Fund 409 – Texas Ninth Grade Transition and Intervention Program. (New Funding)

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

34. 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 grant year, \$76,975.00 for the 2009-2010 grant year, and \$56,109.00 for the 2010-2011 grant year. Also recommend approval of the Grant Amendment for 09-D-011278 modifying the grant reporting dates.
35. Recommend approval to enter into the Certified Nursing assistant contracted service agreement with UTB/TSC to provide training and certification for 95 students district-wide enrolled in Health Science Technology III for the amount of \$76,226.00 from budgeted Career and Technical Education Funds. Services to be rendered subject to the District's needs and funding.
36. Recommend approval for the Brownsville Independent School District Police Department to enter into a Memorandum of Understanding with the Texas Department of Public Safety.

37. Recommend approval to enter into an agreement with the Brownsville Public Utilities Board, Brownsville, Texas, to grant an Easement and Right of Way on the New Raquel Pena Elementary School as described on the utility easement document.
38. Recommend approval to contract with Region 1 Education Service Center, Edinburg, Texas, in the amount of \$38,000.00 for substitute training for the 2009-2010 school year.

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

39. Recommend approval to accept the negotiated fee for RFQ #09-056 Air Conditioning Systems Test & Air Balance (TAB) Services from PHI Service Agency, Inc., Alamo, Texas, for Edward Manzano Middle School (#12), in the amount not to exceed \$46,493.00 to be paid from Capital Project Fund 632.
40. Recommend approval to accept the negotiated fee for RFQ #09-056 Air Conditioning Systems Test & Air Balance (TAB) Services from PHI Service Agency, Inc., Alamo, Texas, for Keller Elementary School (#143), in the amount not to exceed \$33,205.00 to be paid from Capital Project Fund 631.
41. Recommend awarding Bid #09-036 Re-Roofing Services District-wide (Re-Bid) to several vendors. (Annual Bid)
42. Recommend awarding RFP #09-153 for Water Supply and Related Services for Veterans Memorial high School, to the Brownsville Public Utilities Board, Brownsville, Texas, in the amount not to exceed \$467,562.30 to be paid from Local Maintenance Fund 199.

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

**A. PERSONNEL MATTERS:**

43. Presentation of **Retirements/Resignations.**
44. Recommend approval of **Probationary Contractual Personnel** for the 2009-2010 school year – **Teachers.** Subject to receipt of all outstanding documentation.
45. Recommend approval of **Probationary Contractual Personnel** for the 2009-2010 school year – **Counselor.** Subject to receipt of all outstanding documentation.
46. Recommend approval of **Probationary Contractual Personnel** for the 2009-2010 school year – **Occupational Therapist.** Subject to receipt of all outstanding documentation.
47. Recommend approval of Probationary Contractual Personnel for the 2009-2010 school year - **Assistant Band Director.** Subject to receipt of all outstanding documentation.
48. Recommend approval of **Probationary Contractual Personnel** for the 2009-2010 school year – **Assistant Principals.** Subject to receipt of all outstanding documentation.
49. Recommend approval of **Term – Chapter 21 Contractual Personnel** for the 2009-2010 school year – **Assistant Principal.** Subject to receipt of all outstanding documentation.

50. Recommend approval of **Term Chapter 21 Contractual Personnel** for the 2009-2010 school year – **Principal**. Subject to receipt of all outstanding documentation.
51. Recommend to approve the proposed termination of a term contract (2009-2010) and discharge a teacher for good cause. (O.B.)

**B. Consultation with Attorney:**

52. Consultation with attorney regarding pending or threatened litigation matters.
  - a. Discussion, consideration and possible action – EEOC Charge No.: 451-2009-00118; Micaela Guzman.
  - b. Discussion, consideration and possible action – Due Process Hearing – M.D. b/n/f Susana D. vs. Brownsville ISD; Docket No.: 190-SE-0409.
  - c. Discussion, consideration and possible action – EEOC Charge No.: 451-2008-01909; Maria J. Davila.

**C. Real Property:**

53. Discussion, consideration and possible action on acquisition or sale of Real Property. Beginning 19.289 Acres of Land, Out of a 308.92 Acre Tract described in Deed of Pablo Kisel Date, July 31, 1980, from Tenneco Realty, Inc. (Cameron County Deed Records Volume 1203, Page 11) out of a 407.92 Acre Tract. Described in Deed to Palmetto Corporation, Dated November 9, 1964, from Douglas W. Risinger and wife Eva Loraine Risinger (CCDR Volume 776, Page 385) Being Private Survey No. 642 (Cameron County Surveyor Records, Volume A-1, page 307), and being known as the M.H. Cross 406.2 Acre Tract (Cameron County Supplementary Deed Records, Volume “2”, Page 265), and Part of a 100.0 Ft. Strip of Abandoned Railroad right of way conveyed to Pablo Kisel on August 12, 1981, from Missouri Pacific Railroad Company (CCDR Volume 1245, Page 308), in share 22, Espiritu Santo Grant, City of Brownsville, Cameron County, Texas.

**(BOARD RECONVENES AFTER CLOSED MEETING)**

- A44–51. Recommend approval on personnel matters discussed in Closed Meeting.
- B52a-c. Recommend approval on litigation matters discussed in Closed Meeting.
- C53. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

**XV. Announcement(s):**

54. **Next scheduled Board Meeting** of the Board of Trustees is on **August 4, 2009**, at the Administration Building at 5:30 p.m.

**XVI. Adjournment:**