



# Brownsville Independent School District

## Board Of Trustees

### Regular Board Meeting

### May 3, 2016

### 3:30 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 3, 2016**, with any corrections/deletions.
- VI. Recommend approving the **Consent Agenda**. The Board has agreed to discuss the following items. All of the items below that are not called out will be approved by consent.

**(All presentations limited to five (5) minutes)**

- VII. **CLOSED MEETING:** as pursuant to the Texas Government Code Section: 551.071, 551.072, 551.074, 551.082, and 551.084.
  - A. **Level III Board Review and Grievance:**
    1. Discussion and consideration regarding **Level III Grievance No. 016/15-16** on Enrique Garcia.

**Please note Trustee Catalina Presas-Garcia will be excluded from Executive Session, 2. a., due to conflict.**

- B. **Consultation with Attorney:**

2. Consultation with Attorney regarding pending or threatened litigation matters: “status of lawsuit(s).”
  - a. Discussion and consideration in Lucila B. Longoria and Catalina Presas-Garcia vs. Brownsville Independent School District, et. al, Civil Action Number 1:14-CV-00010 pending in the United States District Court for the Southern District of Texas Brownsville Division.

**C. PERSONNEL MATTER(S):**

3. Presentation of **Retirement(s)/Resignation(s)**.
4. Recommend approval of **probationary contractual personnel** for the **2015-2016 school year – Counselor**. Subject to receipt of all outstanding documentation.
5. Recommend approval of **probationary contractual personnel** for the **2015-2016 school year – Teacher**. Subject to receipt of all outstanding documentation.
6. Recommend approval of campus professional employees (E.M.P., S.L., G.R., S.R., N.G.C., V.Z., O.M., A.D.L., N.G., C.E.V., R.M.I., J.A.G., C.H., M.D.L.L.R., P.S., L.L.M., M.E.G., V.O., R.V., M.E.H.Z., L.G., C.E.F., A.L.W., C.C., T.S.P., N.M., L.E.C., E.A.G., M.G., M.A.A.F., M.C.M.S., E.A.M., J.J.G., D.M., L.M.H., N.V.G., N.T.R., R.E.D.L., J.C.) employees for change in contract for the 2016-2017 fiscal school year.
7. Recommend approval of Campus Professional Employee (E.U.) for change in contract for the 2016-2017 fiscal school year.
8. Recommend approval of Campus Professional Employee (N.G.) for change in contract for the 2016-2017 fiscal school year.
9. Recommend approval of Campus Professional Employee (O.V.) for change in contract for the 2016-2017 fiscal school year.
10. Recommend approval of Campus Professional Employee (R.R.A.) for change in contract for the 2016-2017 fiscal school year.
11. Recommend approval of Department Professional Employee (L.S.) for change in contract for the 2016-2017 fiscal school year.
12. Recommend approval of Department Professional Employee (O.R.) for change in contract for the 2016-2017 fiscal school year.
13. Recommend to approve compensation for professional employee (M.E.) on interim assignment to be commensurate with the administrator salary until such time that a permanent administrator is selected for the 2015-2016 fiscal school year.
14. Recommend approval to compensate professional employee (E.M.P.) for one (1) year of creditable salary experience earned but not paid in the following fiscal school years: 2012-2013, 2013-2014 and 2014-2015.

15. Recommend approval of Campus Professional Employee (M.H.) for Term-Chapter 21 contract for the 2016-2017 fiscal school year.
16. Recommend approval of Department Professional Staff for Probationary Contracts for the 2016-2017 school year.
17. Recommend approval of Department Professional Staff for Term-Chapter 21 Contracts for the 2016-2017 school year.
18. Recommend approval of Department Professional Staff for Term-Non Chapter 21 Contracts for the 2016-2017 school year.
19. Recommend approval of campus professional employee (E.C.) and (M.A.S.) for Term-Chapter 21 contracts for the 2016-2017 school year.
20. Recommend approval of the termination of the probationary contract of teacher (E.L.L.) at the end of the 2015-2016 school year. §21.103 (a) TEC.
21. Recommend approval of the termination of the probationary contract of teacher (L.L.) at the end of the 2015-2016 school year. §21.103 (a) TEC.
22. Recommend to approve the proposed termination of a continuing contract and discharge a teacher (N.W.) for good cause.
23. Recommend approval for the proposed non-renewal of a term contract teacher (A.J.) at the end of the 2015-2016 school year.
24. Recommend approval for the proposed non-renewal of a term contract teacher (J.G.) at the end of the 2015-2016 school year.
25. Recommend approval of the proposed non-renewal of a term contract for teacher (L.L.) at the end of the 2015-2016 school year.
26. Recommend approval for the proposed non-renewal of a term contract teacher (L.R.S.) at the end of the 2015-2016 school year.
27. Recommend approval to accept the resignation of a teacher (C.G.) and rescind the proposed non-renewal of his Term Chapter 21 contract for the 2015-2016 school year.
28. Recommend approval to accept the resignation of teacher (J.S.) and rescind the proposed non-renewal of his Term Chapter 21 contract for the 2015-2016 school year.
29. Board Self Evaluation.
30. Discussion and consideration regarding the appointment, employment, evaluation, and duties of the Superintendent.

**D. Consultation with Attorney:**

31. Consultation with Attorney regarding pending or threatened litigation matters: “status of lawsuits”.
  - a. Discussion and consideration regarding Civil Action No. B-14-CV-179; Petra Ramirez vs. BISD, in the United States District Court for the Southern District of Texas-Brownsville Division.
  - b. Discussion and consideration regarding Blanca Arizmendi vs. BISD Sgt. Gabbert individually & his official capacity as Criminal Investigator.
  - c. Discussion and consideration regarding Teresita de Saro vs. BISD.
  - d. Discussion and consideration regarding Francisco Galvan vs. BISD.
  - e. Discussion and consideration regarding Edward Ude vs. BISD.
  - f. Pursuant to Texas Government Code section 551.071, consultation with legal counsel regarding legal issues and report on investigation into personnel and procurement issues at the District’s Food & Nutrition Service Department.
  - g. Pursuant to Texas Government Code section 551.071, consultation with legal counsel regarding legal issues and status of demand letter sent to Valco Foods, LLC.

**E. Real Estate:**

32. Discussion and consideration regarding the purchase, exchange, lease, or value of real estate property for the possible purchase of land on W. Alton Gloor Boulevard.

**(BOARD RECONVENES AFTER CLOSED MEETING)**

1. Discussion, consideration and possible action regarding **Level III Grievance No. 016/15-16** on Enrique Garcia.
  - 2a. Discussion, consideration and possible action in Lucila B. Longoria and Catalina Presas-Garcia vs. Brownsville Independent School District, et. al, Civil Action Number 1:14-CV-00010 pending in the United States District Court for the Southern District of Texas Brownsville Division.
  3. Presentation of **Retirement(s)/Resignation(s)**.
- C4-28. Recommend approval on personnel matters discussed in Closed Meeting.
29. Board Self Evaluation.
  30. Discussion, consideration and possible action regarding the appointment, employment, evaluation, and duties of the Superintendent.
- D31. Recommend approval regarding pending or threatened litigation matters: “status of lawsuit(s)”.

- a. Discussion, consideration and possible action regarding Civil Action No. B-14-CV-179; Petra Ramirez vs. BISD, in the United States District Court for the Southern District of Texas-Brownsville Division.
  - b. Discussion, consideration and possible action regarding Blanca Arizmendi vs. BISD Sgt. Gabbert individually & his official capacity as Criminal Investigator.
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  - f. Pursuant to Texas Government Code section 551.071, consultation with legal counsel regarding legal issues and report on investigation into personnel and procurement issues at the District's Food & Nutrition Service Department.
  - g. Pursuant to Texas Government Code section 551.071, consultation with legal counsel regarding legal issues and status of demand letter sent to Valco Foods, LLC.
32. Discussion, consideration and possible action regarding the purchase, exchange, lease, or value of real estate property for the possible purchase of land on W. Alton Gloor Boulevard.

**VIII. Superintendent's Report**

**A. Conference Presentations:**

- 33. Brownsville Independent School District Financial Report for the period ended March 31, 2016.
- 34. Brownsville Independent School District Quarterly Investment Report for the period ended March 31, 2016. (Booklet)
- 35. Presentation of proposed vehicle purchases for the Warehouse and Food Service Departments for fiscal school year 2015-2016.

**B. Standing Board Agenda Item:**

- 36. 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.

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

**Board policy BE (Local) and Robert's Rules limits debate to two opportunities. A Trustee may debate a motion for two minutes on the first speaking opportunity and one minute on the second opportunity.**

**X. Consent Agenda:**

**A. Recommend approval of the following General Function Item(s):**

37. Recommend approval to accept the donation of \$10,000.00 for use as student incentives and funding for trips and competitions in which the Oliveira Middle School Band participates.
38. Recommend to approve reimbursable expenditures to DG Convergent Technologies for the repair of the fire alarm systems district-wide.
39. Recommend approval of Resolution #020/15-16 for the reselling of foreclosed properties to the highest responsible bidder in the amount of \$12,035.12.
40. Recommend approval to purchase an Ambulance Simulator for students enrolled in a CTE-Emergency Medical Services (EMS) and Fire Fighter pathway of study, not to exceed \$60,000.00 from Rescue Simulation Products. Purchase is subject to the District's needs and funding.
41. Recommend approval to select the Competitive Sealed Proposal delivery method as authorized by the Texas Education Code in accordance with Subchapter B. Purchases, Contracts, 44.035, of the Texas Education Code for the Margaret M. Clark Aquatic Center Facility Repairs and the Veterans Memorial ECHS Visitors Restroom Facility.
42. Recommend approval of Change Order #001 to reduce the Owner/Contractor Agreement with Paragon Sports Constructors, LLC, Fort Worth, Texas, for the Installation of the Artificial Turf at Lopez ECHS by \$51,090.00 credit to the District.
43. Recommend approval to authorize administration to accept the installation of the Artificial Turf for the Lopez ECHS as substantially complete.
44. Recommend approval for the 2016-2017 Elementary, Middle School, and High School Grading Procedures that include TEA annual program updates and a decrease of test and daily grades required per six weeks marking period.
45. Recommend closing the position of STEM Coordinator and Teacher on Special Assignment for Ambassador Program for the 2016-2017 school year due to the declining enrollment.
46. Approve \$100,000.00 for 2016-2017 capacity building training and support for BISD Operation Code Academy Learn-Create-Innovate.

**B. Recommend approval of the following Payment(s):**

47. Recommend approval for payment in the amount of \$305.00 to Thompson & Horton, L.L.P.
48. Recommend approval for payment in the amount of \$28,834.03 to Walsh, Gallegos, Trevino, Russo & Kyle, P.C.
49. Recommend approval for payment in the amount of \$13,604.96 to Colvin, Chaney, Saenz & Rodriguez, L.L.P.
50. Discussion, consideration and possible action to pay annual membership dues to the Brownsville Chamber of Commerce in the amount not to exceed \$5,000.00 from budgeted Local Maintenance Funds.
51. Recommend approval for payment of annual renewal and software maintenance fees not to exceed \$885,000.00 for Sungard K-12 Education, Sungard Business PLUS, and Sungard Public Sector for the 2016-2017 school year.
52. Recommend approval of Payment #2 for \$146,097.65 as partial payment to ZIWA Corporation for Construction Services for work completed on the Rivera ECHS Athletic Facility to be paid from Local Fund 197.
53. Recommend approval of Payment #2 for \$4,700.00 as partial payment to Ambiotec Civil Engineering Group, Inc. for Engineering Services for work completed on the installation of Artificial Turf at Lopez ECHS to be paid from Fund 197.
54. Recommend approval of Payment #1 for \$45,500.00 as partial payment to Ethos Engineering for Engineering Services for work completed on the Pace and Porter ECHS Chiller Replacement Projects to be paid from Fund 197.
55. Recommend approval of Payments #2 and #3 for \$2,538.13 as partial payment to Gomez Mendez, Saenz, Inc. for Architectural Services for work completed on the Rivera ECHS Athletic Facility to be paid from Fund 197.
56. Recommend approval of \$379,743.02 as partial payment to Paragon Sports Constructors, LLC, Inc. for work completed on the installation of Artificial Turf for Lopez ECHS to be paid from Local Fund 197.
57. Recommend approval of Payment #2 for \$3,269.90 as partial payment to Amtech Building Sciences, Inc. for Architectural Services for work completed on the Roof Replacement at Burns Elementary School to be paid from Local Fund 192.

**C. Recommend approval of the following Budget Amendment(s):**

58. Recommend approval of Budget Amendment #032 in the amount of \$1,058,262.00 for – Local Maintenance. (Reallocation of \$1,006,781.00 as requested by campuses/departments and \$51,481.00 to recognize additional revenue for the sale of land)

59. Recommend approval of Budget Amendment #033 in the amount of \$202,000.00 for Fund 163 – State Bilingual. (Reallocation)
60. Recommend approval of Budget Amendment #034 in the amount of \$1,000,000.00 for Fund 164 – State Career and Technical Education. (Categorical Fund Balance of \$844,000.00 and Reallocation of \$156,000.00)
61. Recommend approval of Budget Amendment #035 in the amount of \$6,370,000.00 for Capital Project Funds to reduce the Debt Service principal and interest as required by bond covenant. (Fund Balance)
62. Recommend approval of Budget Amendment #036 in the amount of \$7,381,205.00 for Fund 511 – Debt Service. (Transfer In from Capital Projects of \$6,370,000.00 and Fund Balance of \$1,011,205.00)

**D. Recommend approval of the following Contract(s)/Agreement(s):**

63. Recommend approving Competitive Sealed Proposal #16-114 Roof Replacement at Burns Elementary School contract for Rio Roofing, Inc., McAllen, Texas, in the amount not to exceed \$1,139,900.00 to be paid from Local Fund 192.

**E. Recommend approval of the following Bid(s)/Proposal(s)/Purchase(s)**

64. Recommend awarding Bid #16-023 Student Uniforms for Career/Technology and Instructional Programs District-wide to several vendors. (Annual Bid)
65. Recommend awarding Bid #16-050 Curriculum and Instruction Supplies, Materials and Software District-wide to several vendors. (Annual Bid)
66. Recommend awarding Bid #16-051 Audio Visual Equipment District-wide to several vendors. (Annual Bid)
67. Recommend awarding Bid #16-052 Office Supplies, Equipment and Accessories District-wide to several vendors. (Annual Bid)
68. Recommend awarding Bid #16-053 Repair Parts for Kitchen Equipment and Walk-In Freezer for FNS District-wide to several vendors. (Annual Bid)
69. Recommend awarding Bid #16-054 Chess Materials, Supplies, Software, and Training Services District-wide to several vendors. (Annual Bid)
70. Recommend awarding Bid #16-056 Police/Security Uniforms, Supplies, Materials and Equipment District-wide to several vendors. (Annual Bid)
71. Recommend awarding Bid #16-091 Disposal of Hazardous and Non-Hazardous Waste District-wide to several vendors. (Annual Bid)
72. Recommend awarding Bid #16-095 Fencing Services, Supplies and Materials District-wide to several vendors. (Annual Bid)



73. Recommend awarding Bid #16-096 Preventive Maintenance for Generators District-wide to several vendors. (Annual Bid)
74. Recommend awarding Bid #16-099 Construction Supplies and Materials District-wide to several vendors. (Annual Bid)
75. Recommend awarding Bid #16-100 Portable Building Relocation and Related Services District-wide to several vendors. (Annual Bid)
76. Recommend awarding Competitive Sealed Proposal #16-020 Cross Country, Soccer and Track Supplies District-wide to several vendors and cast lots for items #16, #21, #40, #70 and #97 of said proposal. (Annual Proposal)
77. Recommend awarding Competitive Sealed Proposal #16-021 Baseball and Softball Supplies District-wide to several vendors and cast lots for items #22, #23, #27, #38, #39, #57 and #92 of said proposal. (Annual Proposal)
78. Recommend awarding Competitive Sealed Proposal #16-022 Golf, Swimming and Tennis Supplies District-wide to several vendors and cast lots for items #9, #13, #32, #35, #65, #96, #104, #111, #138, #142 and #155 of said proposal. (Annual Proposal)
79. Recommend awarding Competitive Sealed Proposal #16-024 High School Marching Band Show Writing Services District-wide to several vendors. (Annual Proposal)

**XI. Announcement(s):**

80. **Next scheduled Board Meeting** of the Board of Trustees is on **Tuesday, June 21, 2016**, at the Administration Building at 5:30 p.m.

**XII. Adjournment.**