



Brownsville Independent School District

Board of Trustees

Rescheduled Regular Board Meeting

June 18, 2019

5:30 PM

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 **Rescheduled Regular Board Meeting of June, 18, 2019** 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. Superintendent's Report: * SB1566

A. Conference Presentations:

1. National History Day winners.
2. Brownsville Independent School District Health Care Plan Cash Flow for the period ending May 31, 2019.
3. Brownsville Independent School District Financial Report for the period ended May 31, 2019.
4. Report regarding Delinquent Tax Collections for the period of July 1, 2018 through May 20, 2019.
5. Region One Project Rise Porter ECHS and Faulk MS Teacher Incentive Fund Program. (2 Years) *

6. Ben Brite Elementary School - Chiller Replacement Project.

B. Standing Board Agenda Items:

1. Board Calendars: Board Activity Calendar and District Calendar.

VIII. PUBLIC AUDIENCE:

Persons who want to address the Board of Trustees during the Public Audience portion of today's meeting shall print their names on the form provided. According to BISD Policy BED (Local), only those persons on the form who request to address the Board shall be heard. The speaker shall limit comments to five minutes or the allotted time. The Board shall allot no more than 30 minutes for Public Audience. Complaints or grievances on the following subjects; employee complaints, termination of employment, student complaints, removal to alternative education program, and expulsion, shall be directed to the appropriate policy for attempted resolution before bringing the matter to the Board as authorized by the Texas Government Code Title 5-Section: 551.074 (1) and (2). The Board President shall determine if the topic shall be redirected to the appropriate policy or redirected to Administration. Public comments on issues shall be constructive and courteous.

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.

IX. Board Member Request(s)

A. Action Item(s)

1. Discussion, consideration and possible action to restructure leadership on the Board of Trustees. (Board Member Request - EC)
2. Discussion, consideration, and possible action to establish a Strategic Facility Planning Ad Hoc Committee to review and provide input on 2019-2020 new facility recommendations to the Board of Trustees; to include our desire for a Performing Arts Center and at least one new campus in the Southmost area. (Board Member Request - SPA)
3. Discussion, consideration, and possible action to direct administration to submit a feasibility plan to build a District Performing Arts Center; to include a projected budget and timelines for planning, design, and construction. (Board Member Request - SPA)
4. Discussion, consideration, and possible action to nominate Philip Cowen as Brownsville Independent School District Board representative for TASB Region 1, Place B. (Board Member Request - PC)
5. Discussion, consideration, and possible action to have TASB and its legal counsel, or other legal counsel should the Board choose someone else, to review the superintendent contract being prepared by current Board counsel, so that the Board can hear second opinions about the contract. (Board Member Request - PC)
6. Discussion, consideration, and possible action to hire the Kevin O'Hanlon, and law firm O'Hanlon, Demarath and Castillo to assist the Board and Policy Committee in policy

review of our current policies and to assist in drafting changes to our current grievance procedures. Mr. O'Hanlon has extensive experience in this area and has worked with school systems to work to insure that there is true process in the grievance process. The Policy Committee needs assistance in this area, and especially needs an independent opinion about policies currently in place which have been written by various board counsel over time. (Board Member Request - PC)

7. Discussion, consideration, and possible action to request guidance from TEA, TASB, or the Attorney General's office regarding appropriate usage of social media by school district officials and employees; i.e. to eliminate and/or limit district liability for individual actions. (Board Member Request - SPA)
8. Discussion, consideration, and possible action regarding Board travel procedures to limit and/or eliminate unnecessary fees to the District. (Please provide a cost analysis by trip for each Board Member from November 2016 to present. (Board Member Request - SPA)

X. Consent Agenda:

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

1. Recommend the one-time pay for BISD former employees who submitted their letter of retirement for the 2018-2019 school year between December 1, 2018 and March 18, 2019.
2. Recommend approval to select the Competitive Sealed Proposal delivery method as authorized by the Texas Education Code in accordance with Chapter 2269 of the Government Code for Construction Services for the Food Nutrition Services roof repairs.
3. Recommend approval to select the Competitive Sealed Proposal delivery method as authorized by the Texas Education Code in accordance with Chapter 2269 of the Government Code for Construction Services for the Margaret M. Clark Aquatic Center roof replacement.
4. Recommend approval to select the Competitive Sealed Proposal delivery method as authorized by the Texas Education Code in accordance with Chapter 2269 of the Government Code for Construction Services for the Maintenance Department Warehouse Receiving Area project.
5. Recommend approval to proceed with Maintenance Department Emergency Operations Command Center to enable the Maintenance Department to provide fuel and emergency services district-wide, should a disaster hit our area in the approximate amount of \$250,000.00 to be paid from Local Maintenance Funds.
6. Recommend approval to explore option of SECO program and bring a specialist to provide options available for Energy & Water efficiency and assist with identification and implementation of a wide range of energy and water related facility and infrastructure upgrade and retrofit initiatives; including the free Preliminary Energy Assessments (PEA) district-wide. This will be at no cost to the district.
7. Recommend approval to authorize the Administration to accept the Lopez ECHS Front Parking Lot Replacement project as substantially complete.
8. Recommend approval to authorize the Administration to accept the Lucio Middle School Four Lane Track project as substantially complete.
9. Recommend approval to authorize the Administration to accept the Porter ECHS New Fine

Arts Building project as substantially complete.

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

1. Recommend approval for payment in the amount of \$4,217.50 to Esparza & Garza, L.L.P. for ongoing Board approved legal services.
2. Recommend approval for payment in the amount of \$1,162.50 to R.E. Lopez, Jr. P.C. in the matter of Brownsville ISD v. Gomez, Docket No. 086-LH-04-2019.
3. Recommend approval for payment of annual renewal and software maintenance fees not to exceed \$871,147.32 for eSchools K-12 Education, Bethlehem, PA, and Business PLUS, Chico, CA Public Sector through parent company PowerSchool Group LLC Folsom, CA for the 2019-2020 school year.
4. Recommend approval of Payment #1 for \$490,044.05 as partial payment to Schneider Electric for Construction Services work completed on the Design-Build HVAC/Controls Replacement, Phase II to be paid from Maintenance Tax Note Fund 189.
5. Recommend approval of Payment #4 for \$3,825.10 as partial payment to Armko Industries, Inc. for Architectural Services work completed on the Multi-Campus Roof Replacement Phase I project to be paid from Maintenance Tax Note Fund 189.
6. Recommend approval of Payment #4 for \$37,797.85 as partial payment to Montenegro's Paving & Hauling for Construction Services work completed on the Lopez ECHS Front Parking Lot Paving project to be paid from Maintenance Tax Note Fund 189.
7. Recommend approval of Payment #4 for \$645,289.49 as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build HVAC (CHW), Phase III to be paid from Maintenance Tax Note Fund 189.
8. Recommend approval of Payment #5 for \$11,402.58 as partial payment to Armko Industries, Inc. for Architectural Services work completed on the Multi-Campus Roof Replacement Phase II project to be paid from Maintenance Tax Note Fund 189.
9. Recommend approval of Payment #5 for \$15,190.26 as final payment to Montenegro's Paving & Hauling for Construction Services work completed on the Lopez ECHS Front Parking Lot Paving project to be paid from Maintenance Tax Note Fund 189.
10. Recommend approval of Payment #7 for \$43,555.55 as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build HVAC DX Replacement, Phase II to be paid from Maintenance Tax Note Fund 189.
11. Recommend approval of Payment #10 for \$630,385.49 as partial payment to Wil-Con for Construction Services work completed on the Hanna ECHS HVAC and Lighting Upgrades to be paid from Maintenance Tax Note Fund 189.
12. Recommend approval of Payment #7 for \$64,847.38 as partial payment to G & T Paving, LLC for Construction Services work completed on the Lucio MS Four Lane Track project to be paid from Tax Ratification Election Fund 197.
13. Recommend approval of Payment #11 for \$203,493.80 as partial payment to ZIWA Corporation for Construction Services work completed on the Porter ECHS Fine Arts Building to be paid from Tax Ratification Election Fund 197.

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

1. Recommend approval of Budget Amendment #023 in the amount of \$20,052.00 for Local Funds. (Reallocation as requested by campuses and departments)

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

1. Recommend approval to enter into Agreement with Cameron County Community Service Centers and School Districts to provide Adult Basic Education/Adult Secondary Education, High School Equivalency and English as Second Language classes for the 2019-2020 school year at no cost to the district. *
2. Recommend approval to continue program efforts for (2019-2020) by Good Samaritan Community Services-Youth Development Services at no cost to the BISD. *
3. Recommend approval of contract between the LIBRO grant and Library Interiors of Texas for consultant fees, renovations and furniture in the amount of \$1,641,201.00. These renovations are required to meet grant goals and objectives on a timely basis as set forth by the grant application for 17 BISD libraries. Approval from the U.S. Education Department has been granted. Not to exceed \$2,000,000.00. *
4. Recommend approval to enter into contractual agreement with Community Development Corporation of Brownsville Youth Build, Texas Southmost College and Texas State Technical College to begin providing Adult Basic Education/Adult Secondary Education and High School Equivalency instructional services along with Career Pathways and certification to adults in the Cameron county area in the amount not to exceed \$139,224.00. *
5. Recommend approval to continue the Memorandum of Understanding with Texas State Technical College (TSTC) for Dual Enrollment/Dual Credit opportunities. This annual agreement takes effect upon school Board approval and shall continue through the 2019-2020 school year for the amount of \$20,000.00. *
6. Recommend approval of the Memorandum of Understanding between Rio Grande Valley Communications Group (RGVCG) and the Brownsville Independent School District Police & Security Dept. for the use of 800 MHz Public Safety Radio System. Not to exceed the annual amount of \$43,200.00.
7. Recommend approval to enter into an Agreement between Project Lead the Way and Brownsville ISD to establish a PLTW Computer Science program beginning in the 2019-2020 school year in the amount not to exceed \$200,000.00 from State Categorical Funds. *
8. Recommend approval to accept the contract with Linebarger Goggan Blair & Sampson, LLP for an audit of the property value findings as conducted by the Comptroller's Office as of January 1, 2015 for the school year 2016-2017. There will be no cost to the District.
9. Recommend approval to accept the contract with Linebarger Goggan Blair & Sampson, LLP for an audit of the property value findings as conducted by the Comptroller's Office as of January 1, 2016 for the school year 2017-2018, January 1, 2017 for the school year 2018-2019, January 1, 2018 for the school year 2019-2020. There will be no cost to the District.
10. Recommend approval to accept the contract with Perdue Brandon Fielder Collins & Mott, LLP to conduct Property Wealth Audit #1, year 2015, in the amount not to exceed \$24,500.00.

11. Recommend to enter into the third year of the current contract for the CSP #17-123 Professional Educators and School Board Legal Liability Insurance to Illinois National Company/Montalvo Insurance Agency of Weslaco, Texas for an additional one (1) year period based on the approved contract of May 2, 2017. Not to exceed approved budgeted Local Maintenance and Categorical Funds of \$119,320.00.
12. Recommend approval to enter into agreement with Texas Association of School Boards (TASB) to continue Policy Service Subscription Agreements at an approximate amount of \$7,000.00 per year.

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

1. Recommend awarding Competitive Sealed Proposal #19-006 Secondary Level Certification Instruction for EMT Program, for the 2019-2020 school year, to International Academy of Emergency Medical Technology, Brownsville, Texas, in the amount not to exceed \$133,652.00. Services will be rendered based on the needs of the District. *
2. Recommend approval of CSP #19-107 Cummings CTE New Parking Lot Improvement projects to ZIWA, Corporation, Inc. Brownsville, Texas in the amount not to exceed \$80,934.13 and to authorize the Administration to enter into negotiations and execute the contract. To be paid from Maintenance Tax Note Fund 189.
3. Recommend approval of CSP #19-108 Vela Middle School Four Lane Track project to G & T Paving, LLC of Brownsville, Texas in the amount not to exceed \$596,144.19 and to authorize the Administration to enter into negotiations and execute the contract. This project funded from Tax Ratification Election Fund 197..
4. Recommend approval of CSP #19-109 Multi-Campus Roof Replacement Phase II projects to American Contracting USA of Rio Hondo, Texas in the amount not to exceed \$886,000.00 and to authorize the Administration to enter into negotiations and execute the contract. Elementary Campuses included: El Jardin (Units I & New Building), Russell (Unit F), Sharp (Unit E), and Cummings CTE (Unit D & Vocations Unit F) to be paid from Maintenance Tax Note fund 189.
5. Recommend awarding RFP #19-117 for Depository bank for a two-year term from July 1, 2019 to June 30, 2021 with the option to extend for three (3) additional two-year terms.
6. Recommend approval for RFP #19-118 Public Relations Services to RGVision Publications, LLC, Mission, TX. This project funded from Local and Categorical Funds not to exceed \$117,600.00.
7. Recommend awarding RFP #19-119 Insurance Consultant to Valley Risk Consulting, Inc. of McAllen, Texas and authorize administration to initiate contract to commence services. The services are funded from Local Maintenance Funds not to exceed \$62,600.00.
8. Recommend approval to exercise the option to renew RFQ #17-128 Civil Engineering Services District-Wide for an additional one-year term to expire in June of 2020 to Plagar Engineering, LLC, Brownsville, Texas, M. Garcia Engineering, LLC, McAllen, Texas and Gonzalez Engineering & Surveying, Brownsville, Texas to provide engineering services and to authorize administration to negotiate a fee for said services on a project by project basis. The estimated amount of \$89,092.00 from Local and Categorical Funds.
9. Recommend approval to exercise the option to renew RFQ #17-129 Texas Department of

Insurance (TDI) Windstorm Inspection and Structural Engineering Services District-Wide for an additional one-year term to expire in June of 2020 to AGH Engineering & Surveying, Brownsville, Texas, Green Rubiano & Associates, Harlingen, Texas and Chanin Engineering, LLC, McAllen, Texas, to provide engineering services and to authorize administration to negotiate a fee for said services on a project by project basis. The estimated amount of \$49,014.00 from Local and Categorical Funds.

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

A. **Level III Grievance(s)**

1. Discussion, consideration, and possible action regarding Level III Grievance No. 008/18-19 on Rita Gracia.
2. Discussion, consideration, and possible action regarding Level III Grievance No. 009/18-19 on Acacia Ameel.
3. Discussion, consideration, and possible action regarding Level III Grievance No. 010/18-19 on Felisa Van Cise.

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

1. Presentation, acceptance and approval of Retirements. (6)
2. Presentation, acceptance and approval of Resignations. (23)
3. Recommend approval of probationary contractual professional personnel for the 2018-2019, 2019-2020 school year (s) – **Curriculum Specialist English Language Arts & Reading**. Subject to receipt of all outstanding documentation. (1)
4. Recommend approval of probationary contractual personnel for the 2018-2019 school year – **High School Athletic Offense Coordinator**. Subject to receipt of all outstanding documentation. (1)
5. Recommend approval of probationary contractual professional personnel for the 2019-2020 school year – **Assistant Band Directors**. Subject to receipt of all outstanding documentation. (2)
6. Recommend approval of probationary contractual professional personnel for the 2019-2020 school year – **Assistant Choir Director**. Subject to receipt of all outstanding documentation. (1)
7. Recommend approval of probationary contractual personnel for the 2019-2020 school year - **Teachers**. Subject to receipt of all outstanding documentation. (4)
8. Recommend approval of non-chapter 21 contractual professional personnel for the 2018-2019, 2019-2020 school year (s) – **Administrator for Food & Nutrition Services (Laura Villarreal)**. (1)
9. Recommend approval of term-chapter 21 contractual professional for the 2018-2019 school year – **Administrator for Fine Arts (Kathleen Jimenez)**. Subject to receipt of all outstanding documentation. (1)
10. Recommend approval of term-chapter 21 contractual professional for the 2018-2019 school year – **Administrator for Special Services (Adriana Lippa)**. Subject to receipt of all outstanding documentation. (1)

11. Recommend approval of term-chapter 21 contractual professional personnel for the 2019-2020 school year – **Assistant Band Director**. Subject to receipt of all outstanding documentation. (1)
12. Recommend approval of term-chapter 21 contractual professional personnel for the 2019-2020 school year – **Choir Director**. Subject to receipt of all outstanding documentation. (1)
13. Recommend approval of term-chapter 21 contractual professional personnel for the 2018-2019, 2019-2020 school year (s) – **Curriculum Specialist English Language Arts & Reading**. Subject to receipt of all outstanding documentation. (1)
14. Recommend approval of term-chapter 21 contractual personnel for the 2018-2019, 2019-2020 school year (s) – **Curriculum Specialists Math**. Subject to receipt of all outstanding documentation. (2)
15. Recommend approval of term-chapter 21 contractual personnel for the 2019-2020 school year – **High School Athletic Defense Coordinator**. Subject to receipt of all outstanding documentation. (1)
16. Recommend approval of term-chapter 21 contractual personnel for the 2018-2019 school year – **Principal Burns Elementary School (Leticia Rodriguez-Bohn)**. Subject to receipt of all outstanding documentation. (1)
17. Recommend approval of term-chapter 21 contractual professional personnel for the 2018-2019 school year – **Principal Garcia Middle School (Luis Segura)**. Subject to receipt of all outstanding documentation. (1)
18. Recommend approval to compensate professional employee (A.G.) for two (2) years experience earned but not paid in the following fiscal school years: 2014-2015, 2015-2016, 2016-2017 and 2017-2018.
19. Recommend to approve compensation for professional employee (W.R.G.) on interim assignment to be commensurate with the Principal salary.
20. Recommend approval to compensate professional employee (C.A.M.) for the Master's Degree Salary Credit earned but not paid in the following fiscal school years: 2014-2015, 2015-2016, 2016-2017 and 2017-2018.
21. Recommend approval to compensate classified employee (L.R.P.) for the percentage increase earned but not paid in the following fiscal school years: 2014-2015, 2015-2016, 2016-2017 and 2017-2018.
22. Recommend approval to accept the rescinding agreement of resignation effective May 8, 2019 from professional employee(L.S.)
23. Recommend approval to accept the rescinding agreement of resignation effective March 6, 2019 from professional employee (W.D.).
24. Recommend approval for the non-renewal of a term contract teacher (J.N.) at the end of the 2018-2019 School Year.
25. Recommend approval of department professional staff for Term-Chapter 21 contracts for the 2019-2020 School Year.
26. Board Self-Evaluation.
27. Discussion, consideration and possible action regarding the appointment, employment,

evaluation, and duties of the Superintendent.

C. ATTORNEY CONSULTATION

1. Staff Attorney

- a. Discussion, consideration, and possible action regarding Elena Lozano vs Brownsville Independent School District.

2. Board Attorney

- a. Discussion, consideration, and possible action on pending matter in the Arthur Rendon matter pending in State District Court, Cameron Cameron County, Cause No. 2016-DCL-08823-H.
- b. Discussion, consideration, and possible action on Elia C. Lopez, et al, vs BISD matter pending in Cause No. 1:17-CV-240 in the United States District Court, Southern District of Texas, Brownsville Division.

D. Board Member Request(s):

- 1. Report from Board attorney on work performed. (Board Member Request - PC)

E. INTERNAL AUDITOR CONSULTATION

- 1. Consultation with Co-Lead Internal Auditor (Status of past, ongoing and completed Board approved audits).

XII. BOARD RECONVENES - Board action on agenda items discussed in Executive Session.

XIII. Announcement(s):

- A. **Special Called Board Meetings** of the Board of Trustees is on **Monday, June 24, 2019** at **5:30 p.m.** and **Thursday, June 27, 2019** at **5:30 p.m.**

XIV. Adjournment.