



Brownsville Independent School District

Board of Trustees

Rescheduled Regular Board Meeting

March 10, 2020

4:30 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 Tuesday, March 10, 2020** with any corrections/deletions.
- VI. Recommend approval of the following **minutes** with any corrections.
 - A. Regular Board Meeting held Tuesday, October 1, 2019
 - B. Special Called Board Meeting held Monday, October 7, 2019
 - C. Special Called Board Meeting held Monday, October 21, 2019
 - D. Special Called Board Meeting held Tuesday, October 29, 2019
 - E. Rescheduled Regular Board Meeting held Wednesday, November 6, 2019
 - F. Special Called Board Meeting held Monday, November 18, 2019
 - G. Rescheduled Regular Board Meeting held Tuesday, December 10, 2019
 - H. Rescheduled Regular Board Meeting held Tuesday, January 14, 2020
- VII. **CLOSED MEETING: as pursuant to the Texas Government code Sections: 551.071, 551.072, 551.074, 551.082, and 551.084.**
 - A. **Level III Greivance(s):**
 1. Discussion, consideration and possible action regarding Level III Parent Grievance No. 001/19-20 on Mrs. Maria E. Salinas on behalf of Student C.S.

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

IX. Superintendent's Report: * SB1566

A. Conference Presentations:

1. Recognition of Texas Music Educators Association (TMEA) All-State Musicians for 2020.
2. Recognition of 2019-2020 BISD Spelling Bee Winner and Finalists.
3. Recognition of Mr. Gilbert Leal for being selected as the Region 7 Athletic Director of the Year for 2019-2020.
4. Presentation on Tax Attorney Services.
5. Abbreviated Summer Administration work schedule and closing of Administrative offices for the week of June 29, 2020 to July 3, 2020.
6. Presentation regarding the naming of the library facility at Oliveira Middle School in Memory of Army Specialist Miguel A. Villalon.
7. Brownsville Independent School District Financial Report for the period ended February 29, 2020.

B. Standing Board Agenda Items:

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

X. PUBLIC COMMENT:

Persons wanting to address the Board during Public Comment shall before the beginning of the meeting print their names and the subject matter on the sign-in sheet provided at the entrance of the Board Room. The Board allots 30 minutes for Public Comment. Speakers are allowed a maximum of 3 minutes and a minimum of 1 minute, depending on the number of speakers. Complaints or grievances on the following subjects; employee complaints, personnel matters, student complaints, removal of alternative education program, complaints against individual board members, and expulsions, shall be directed to the appropriate policy for attempted resolution before bringing the matter before the Board. The Board President shall determine if the topic shall be redirected to the appropriate policy or redirected to Administration. 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.

- XI. 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)

XII. Consent Agenda:

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

1. Recommend approval of Resolution #019/2019-2020 for the reselling of (5) foreclosed

properties to the highest responsible bidder in the amount of \$35,072.55, as recommended by Delinquent Tax Attorney.

2. Discussion, consideration and possible action to recommend approval to allow Board of Trustees to attend the 2020 HEB Excellence in Education Awards to be held on May 2 & 3, 2020 in La Cantera Resort & Spa in San Antonio, Texas and NCUST (National Center for Urban School Transformation) to be held May 11-13, 2020 in San Diego Marriott La Jolla in La Jolla, CA.
3. Recommend approval for the 2019-2020 State Adoption of Instructional Materials from Houghton Mifflin Harcourt to be implemented during the 2020-2021 school year in the areas of English Language Arts, Grades 9-12 (I, II, III and IV)
4. Discussion, consideration, and possible action regarding the hiring of a Law Firm for Legal Services for the 2019-2020 school year.
5. Recommend approval to increase the hourly rate for the GearUp tutors from \$8.50 to \$12.00 an hour.
6. Recommend approval to increase the hourly rate for summer school teachers teaching SSI (3rd & 5th), Regaining Credit, End Of Course, and the Summer School Administrator from \$30 to \$35.
7. Recommend approval to move forward with the Hanna ECHS CTE Construction Technology (Paint Booth) Project and to authorize Administration to negotiate cost proposals and execute the contracts. Funding to be from Maintenance Tax Note Fund 189.
8. Recommend approval to authorize Administration to move forward with the Mini-Gyms HVAC and Addition Projects for thirty-four elementary schools, to secure engineering services not exceeding seven percent of construction cost, and to select the Competitive Sealed Proposal as a delivery method as authorized by the Texas Education Code in accordance with Chapter 2269 of the Government Code for Construction Services. Funding to be from Tax Rate Increase Fund 188.
9. Recommend approval to authorize Administration to move forward with the Shredder Dust Collection System for the Records Management Department and to select the Competitive Sealed Proposal as a delivery method as authorized by the Texas Education Code in accordance with Chapter 2269 of the Government Code for Construction Services. Funding to be from Maintenance Tax Note Fund 189.
10. Recommend approval of Change Order #001 to the Owner/Contractor Agreement with NM Contracting, LLC for Cummings CTE Canopy Improvements Project representing unused allowances in the amount of \$22,000.00. (Credit back to the District)
11. Recommend approval for the Administration to commit to the 5-year sponsorship of the Holiday Village Cottage with the Dean Porter Park Renovation, Inc. in the amount not to exceed \$3,000.00 from budgeted Local Maintenance Funds.
12. Recommend approval to continue the procurement and acquisition process for the purchase of a digital tablet/software package for the Transportation Department in the amount not to exceed \$480,000.00.
13. Recommend approval to select the Competitive Sealed Proposal delivery method in accordance with Section 2269.056 of the Government Code, for Intercom

Replacement/Upgrades District-wide.

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

1. Recommend approval for payment in the amount of \$4,988.00 to O'Hanlon, Demerath & Castillo for legal services.
2. Recommend approval of Payment #2 for \$3,000.00, as partial payment to Sigma HN Engineers, PLLC for Engineering Services work completed on the Ben Brite Elementary and Stell Middle School Chiller Replacement Projects to be paid from Tax Rate Increase Fund 188.
3. Recommend approval of Payment #2 for \$61,500.35, as final payment to Fox Mechanical for Construction Services work completed on the Ben Brite Elementary School HVAC & Chiller Replacement Project to be paid from Tax Rate Increase Fund 188.
4. Recommend approval of Payment #3 for \$192,357.90, as partial payment to Central Air & Heating Service, Inc. (CAHS, Inc.) for Construction Services work completed on the Keller, Ortiz Elem. & Stell M.S.-HVAC Equipment Replacement Improvement project to be paid from Tax Rate Increase 188.
5. Recommend approval of Payment #4 for \$575,066.35, as partial payment to Central Air & Heating Service, Inc. (CAHS, Inc.) for Construction Services work completed on the Keller, Ortiz Elem. & Stell M.S.-HVAC Equipment Replacement Improvement project to be paid from Tax Rate Increase 188.
6. Recommend approval of Payment #5 for \$522,515.27 as partial payment to Gerlach Builders, LLC dba WIL-CON for Construction Services work completed on the Hanna ECHS New Gymnasium Facility Project to be paid from Tax Rate Increase Fund 188.
7. Recommend approval of Payment #1 for a total of \$13,750.00 as partial payment to Green, Rubiano & Associates for Structural Engineering Services work completed on the BISD Food Nutrition Services Building Roof Repair Project to be paid from Maintenance Tax Note Fund 189.
8. Recommend approval of Payment #2 for \$10,165.00 as partial payment to Central Air & Heating Services, Inc. (CAHS, Inc.) for Construction Services work completed on the Margaret M. Clark Aquatic Center – HVAC & Controls Replacement Project to be paid from Maintenance Tax Note Fund 189.
9. Recommend approval of Payment #2 for a total of \$2,500.00, as partial payment to Green, Rubiano & Associates, Inc. for Structural Engineering Services work completed on the BISD Food Nutrition Services Building Roof Repair Project to be paid from Maintenance Tax Note Fund 189.
10. Recommend approval of Payment #2 for \$93,085.75 as partial payment to American Contracting USA, Inc. for Construction Services work completed on the Multi-Campus Roof Replacement Phase II Project to be paid from Maintenance Tax Note Fund 189.
11. Recommend approval of Payment #2 for \$1,800.00, as final payment to Chanin Engineering for Engineering Services work completed on the CTE Cummings Metal Canopy Design Project to be paid from Maintenance Tax Note Fund 189.
12. Recommend approval of Payment #2 for \$2,190.00, as final payment to Sigma HN Engineers, LLC for Engineering Services work completed on the CTE Cummings Pipe

- Fitting Shop, Phase I Project to be paid from Maintenance Tax Note Fund 189.
13. Recommend approval of Payment #2 for \$8,942.49 as final payment to Sigma HN Engineers, LLC for Engineering Services work completed on the CTE Cummings Pipe Fitting Shop, Phase II Project to be paid from Maintenance Tax Note Fund 189.
 14. Recommend approval of Payment #3 for \$15,200.00, as partial payment to Central Air & Heating Services, Inc. (CAHS, Inc.) for Construction Services work completed on the Margaret M. Clark Aquatic Center – HVAC & Controls Replacement Project to be paid from Maintenance Tax Note Fund 189.
 15. Recommend approval of Payment #3 for a total of \$3,750.00, as partial payment Green, Rubiano & Associates for Structural Engineering Services work completed on the BISD Food Nutrition Services Building Roof Repair Project to be paid from Maintenance Tax Note Fund 189.
 16. Recommend approval of Payment #4 for \$41,543.50, as partial payment to Central Air & Heating Services, Inc. (CAHS, Inc.) for Construction Services work completed on the Margaret M. Clark Aquatic Center – HVAC & Controls Replacement Project to be paid from Maintenance Tax Note Fund 189.
 17. Recommend approval of Payment #4 for a total of \$4,962.50, as partial payment to Ethos Engineering, Inc. for Construction Services work completed on the Margaret M. Clark Aquatic Center-HVAC Upgrades Project to be paid from Maintenance Tax Note Fund 189.
 18. Recommend approval of Payment #5 for \$14,575.00 as final payment to NM Contracting, LLC for Construction Services work completed on the Cummings CTE CV1 Canopy Improvements Project to be paid from Maintenance Tax Note Fund 189.
 19. Recommend approval of Payment #8 for \$208,959.65 as partial payment to Schneider Electric for Construction Services work completed on the Design-Build HVAC/Controls Replacement, Phase II Project to be paid from Maintenance Tax Note Fund 189.
 20. Recommend approval of Payment #9 for \$860.88 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.
 21. Recommend approval of Payment #10 for \$65,559.50, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build-HVAC (CHW)-Phase III Project to be paid from Tax Ratification Election Fund 189.
 22. Recommend approval of Payment #11 for \$64,980.00, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build-HVAC (CHW)-Phase III Project to be paid from Maintenance Tax Note Fund 189.
 23. Recommend approval of Payment #12 for \$111,309.88, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build-HVAC (CHW)-Phase III Project to be paid from Maintenance Tax Note Fund 189.
 24. Recommend approval of Payment #13 for \$23,907.28, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build–HVAC (DX) Replacement Phase II Project to be paid from Maintenance Tax Note Fund 189.
 25. Recommend approval of Payment #14 for \$50,016.93, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build – HVAC

(DX) Replacement Phase II Project to be paid from Maintenance Tax Note Fund 189.

26. Recommend approval of Payment #15 for \$25,297.02, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build – HVAC (DX) Replacement Phase II Project to be paid from Maintenance Tax Note Fund 189.
27. Recommend approval of Payment #16 for \$13,661.29, as partial payment to E3 Entegral Solutions, Inc. for Construction Services work completed on the Design Build – HVAC (DX) Replacement Phase II Project to be paid from Maintenance Tax Note Fund 189.
28. Recommend approval of the Final Payment for a total of \$2,700.00, to Sigma HN Engineers, PLLC for Engineering Services work completed on the Lopez ECHS Boiler Replacement Project to be paid from Maintenance Tax Note Fund 189

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

1. Recommend approval of Budget Amendment #021 for \$4,594,387.00 for Local Funds. Reallocation of \$2,746,653.00 as requested by campuses and departments, Carryover Budget of \$1,637,734.00 and Designated Fund Balance of \$210,000.00.

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

1. 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, 2019 for the school year 2020-2021. There will be no cost to the District.
2. Recommend approval to enter into an agreement between Powerschool and Brownsville I.S.D for the purpose of the Enterprise Management Service (EMS) and 19.12 Version Implementation Services yearly update to be effective upon Contract Execution not to exceed \$36,266.60 from Local Maintenance and Categorical funding.
3. Recommend approval to update information to current agreement with Texas Department of Public Safety for release of applicant and/or employee driving records at no cost to the District.
4. Recommend approval of UTRGV GEARUP Subaward Amendment #3 in the amount of \$90,000.00. This provides \$30,000.00 to each high school (Lopez ECHS, Porter ECHS, and Rivera ECHS) under the current Memorandum of Understanding that runs from September 25, 2019 to September 25, 2020.

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

1. Recommend approval of CSP #20-131 Cummings CTE–CV4 Construction Technology MEP Upgrade Project to NM Contracting, LLC of McAllen, Texas in the amount not to exceed \$139,000.00 and to authorize the Administration to enter into negotiations and execute the contract. Funding to be paid from Maintenance Tax Note Fund 189.
2. Recommend awarding RFQ #R20-128 Real Estate Services District-wide to RE/MAX Sun Valley Realtors, Joe de la Fuente/Broker, of Brownsville, Texas, for a 12-month period, and to authorize administration to initiate contract to commence services. These services are funded from Local Maintenance Funds not to exceed \$50,000.00. Services to be provided on an as needed basis.
3. Request approval to solicit Request for Qualifications for Energy Management Consulting Services.

4. Recommend approval of the proposal for Intercom Replacement/Upgrades District-wide to Ethos Engineering of Harlingen, TX in the amount not to exceed \$208,000.00 and to authorize Administration to execute the proposal and agreement. This construction project is to be paid from Tax Rate Increase Fund 188.

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

A. PERSONNEL MATTER(S):

1. Presentation, acceptance and approval of Retirements. (44)
2. Presentation, acceptance and approval of Resignations. (5)
3. Recommend approval of probationary contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Assistant Choir Director. Subject to receipt of all outstanding documentation. (1)
4. Recommend approval of probationary contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Assistant Principal at Hanna Early College High School. Subject to receipt of all outstanding documentation. (1)
5. Recommend approval of probationary contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Curriculum Specialist-Science. Subject to receipt of all outstanding documentation. (1)
6. Recommend approval of probationary contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Educational Diagnostician. Subject to receipt of all outstanding documentation. (1)
7. Recommend approval of probationary contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Gear Up Counselor. Subject to receipt of all outstanding documentation. (1)
8. Recommend approval of probationary contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Teachers. Subject to receipt of all outstanding documentation. (9)
9. Recommend approval of non-chapter 21 contractual personnel for the 2019-2020 and 2020-2021 school year(s) – Speech Language Pathologist. Subject to receipt of all outstanding documentation. (1)
10. Recommend approval of campus professional probationary contracts for the 2020-2021 School Year.
11. Recommend approval of campus professional staff for term – chapter 21 contracts for the 2020-2021 School Year.
12. Board Self-Evaluation.
 - a. Discussion regarding petition to remove Dr. Sylvia P. Atkinson from the Brownsville Independent School District Board of Trustees.
13. Personnel Update with Superintendent (Dr. Rene Gutierrez).
14. Legal Update with Board Counsel (Baltazar Salazar).

B. ATTORNEY CONSULTATION

1. **Staff Attorney**

- a. Discussion, consideration, and possible action regarding Humana Inc. vs. Brownsville Independent School District.

2. Board Attorney

- a. Discussion, consideration, and possible action to disengage and terminate the Law office of Martie Vela Garcia and Daniel Garcia.
- b. Discussion, consideration, and possible action to amend, supplement, and authorize litigation.

C. INTERNAL AUDITOR CONSULTATION

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

D. REAL ESTATE:

1. Discussion, consideration, and possible action on the potential sale, rental, lease, or purchase of real estate.
2. Discussion, consideration and possible action regarding the request to use Resaca Elementary Facilities from (Region One Education Service Center, PALMS Behavioral Health, Investor) and Longoria Elementary Facilities from (NINOS Head Start/Early Head Start Program and Investor).
3. Discussion, consideration and possible action to enter into an Inter-local Easement Agreement between City of Brownsville, Texas and Brownsville Independent School District authorizing Construction, Operation and Maintenance of Hike and Bike Trail on Land Adjacent to Garza Elementary School.
4. Discussion and possible action on the Easement Request from Magic Valley Corp., Inc.

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

XV. Announcement(s):

- A. **Next scheduled Board Meeting** of the Board of Trustees is on Tuesday, April 7, 2020.

XVI. Adjournment.