

**Minutes of Meeting of Board of Trustees
El Paso Independent School District
January 9, 2001
5:00 p.m.
Education Center-Boeing**

Present: Dr. Charles Roark, President
Mrs. Ada Gonzalez-Peterson, Vice President¹
Mr. Richard Telles, Secretary²
Dr. Gene Finke³
Miss Leonor Garcia
Mr. Joe Rosales
Mr. Dan Weaver
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:10 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Michael Devine, an Educational Diagnostician with the El Paso ISD, who was a member of the audience.

School Board Recognition Month Proclamation (Item #2)

Dr. Anzaldua read a proclamation designating January 2001 as School Board Recognition Month to increase awareness of the vital role of school boards (copy of proclamation attached to the permanent file of these minutes).

2000 Superintendent's Honor Roll Recognition (Item #3)

Forty-four EPISD schools were recognized for having gained 100 percent membership from their teachers, administrators, and staff during the Parent-Teacher Association (PTA) annual membership drive. The principals of each school were presented a Lucite® district logo award. (A list of recipients is attached to the permanent file of these minutes.)

Awards to December Employees of the Month (Item #4)

Ms. Dianna "Dee" Singh, Instruction Technology Support Specialist, Technology and Information Systems, was recognized by the Board of Trustees as December's Certified Employee of the Month; and Mr. Charles W. Shedrick, bus driver, Northeast Transportation, was recognized as December's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

¹ Mrs. Gonzalez-Peterson arrived at 6:52 p.m., during discussion on Item #9.

² Mr. Telles departed at 9:38 p.m., during the closed meeting on Item #16, A.

³ Dr. Finke departed at 6:15 p.m., during discussion on Item #17 and returned at 7:07 p.m., during discussion on Item #9.

Comments Regarding 2000 Bond Election and Report and Possible Action on Analysis of Bond Election Results (Item #1) and Update on Status of Blue Ribbon Committee and Efficiency Study Regarding Education Center-Downtown (Blue Flame Building) (Item #17)

Mr. Rosales, Miss Garcia, Mr. Wever, and Mr. Telles commented on the failed bond election held on December 12, 2000. They addressed the attempt by the Board of Trustees to provide a vision for the EPISD; the failure of the bond election being attributed to the taxpayers' perception of money management; the District vacating the Blue Flame Building (Education Center-Downtown); the community meetings held throughout the District; and the appointment of a Blue Ribbon Committee to assist with the District's transition out of the Education Center-Downtown.

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that at the January 23, 2001, Board meeting the Superintendent present a plan to exit the Education Center-Downtown (Blue Flame Building) and that vacating the building will take place within a four-month period from the time the plan is approved.

It was moved by Mr. Rosales and seconded by Miss Garcia that Board members submit recommendations to the Superintendent on a plan to continue the efforts to streamline the administration and that the Superintendent provide a report to the Board on January 23, 2001.

Dr. Roark recommended that rather than the Board taking this action that a formative evaluation conference be held with the Superintendent at which time the Board could provide some direction to the Superintendent on matters involving the District.

Mr. Rosales withdrew his motion.

Discussion followed on a review of the budget; communicating with the public on the designation of the bond funds; and the low attendance by parents at the various community meetings held regarding the bond election.

Departure of Board Member

Dr. Finke departed the meeting at 6:15 p.m.

Dr. Anzaldua commented on the failed bond election and issues related to the election that were discussed at a meeting held with the Chairs of the 2000 Bond Subcommittees. He reviewed the recommendations made at the meeting and suggested that they be considered when the Board and Superintendent meet to develop a plan for another bond election.

It was the consensus of the Board that a formative conference be scheduled with the Superintendent as soon as possible as part of the normal evaluation process of the Superintendent.

Public Forum (Item #5)

The following people requested to speak on Open Forum:

1. Ms. Shelly Crowley was not present when called to speak.

2. Dr. Lawrence Nickey spoke about the EPA (Environmental Protection Agency) Children's Health Study on Respiratory Health of El Paso Children (item no. 13 on the agenda) and recommended the continuation of the study.

Consent Agenda (Item #6)

The following items were pulled from the Consent Agenda for discussion as follows:

- Mr. Wever - Item 6, E., Approval of Option to Extend Contract for Asbestos Abatement, Phase 10.0, #97.719
Item 6, H., 6., RFPs and Bids Requiring Board Approval – Apple Computers for Zach White Elementary School, Purchase Order No. 202506 (\$12,003.00)

Questions on Approval of Option to Extend Contract for Asbestos Abatement, Phase 10.0, #97.719 (Item #6, E.)

Mr. Wever inquired about whether a dollar amount was being requested on the extension of this contract. Mr. Nicholas Corona, Executive Director, Facilities, Maintenance and Construction, advised that the request was for a time extension only and the dollar amount of the contract will remain unchanged. A time extension will allow the expenditure of the remaining contract amount of \$27,911.00.

Questions on RFPs and Bids Requiring Board Approval – Apple Computers for Zach White Elementary School, Purchase Order No. 202506 (\$12,003.00) (Item #6, H., 6.)

Mr. Wever stated that the cost of the computers with the additional memory indicates that the AirPort card is included in the price, but the AirPort is not listed on Purchase Order No. 202506. He recommended that the AirPort card be included in the description to ensure its installation by the vendor.

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated.

A. Approval of Payment of 2001 TASB Annual Membership Dues (\$11,000.00)

The Board approved the District's continued membership with the Texas Association of School Boards (TASB) and payment of the 2001 TASB annual membership dues in the amount of \$11,000.00.

B. Approval of Contract Between EPISD and the Upper Rio Grande Tech-Prep Youth Consortium for Tech-Prep School-to-Careers Grant Funding – Canyon Hills, Cordova, Guillen, Richardson, Ross, and Wiggs Middle Schools (\$36,000.00)

The Board approved the contract between the EPISD and the Upper Rio Grande Tech-Prep Youth Consortium for Tech-Prep School-to-Careers Grant funding in the amount of \$6,000.00 each for Canyon Hills, Cordova, Guillen, Richardson, Ross, and Wiggs Middle Schools for a total amount of \$36,000.00.

- C. Approval of Subrecipient Agreements with UTEP for Continued Funding from the UTEP/Department of Education Technology Challenge Grant for Job-Embedded Staff Development with Aoy, Coldwell, Moreno, Roosevelt, Rusk, and Zavala Elementary Schools; Bassett Middle School; and Austin and Bowie High Schools (\$135,000.00)

The Board approved the Subrecipient Agreements with UTEP and continued funding from the UTEP/U. S. Department of Education Technology Challenge Grant for job embedded staff development at Aoy, Coldwell, Moreno, Roosevelt, Rusk, and Zavala Elementary School; Bassett Middle School; and Austin and Bowie High Schools for the period ending September 30, 2001, for an amount not to exceed \$135,000.00.

- D. Approval of Subcontract Agreement and Amended Subcontract Agreement Between EPISD and Reading is Fundamental, Inc. (\$45,000.00)

The Board approved the subcontract agreement and amended subcontract agreement between the EPISD and Reading is Fundamental, Inc. for the purchase of books at 25 percent of the actual cost and for the purchase of additional books at discounted prices, for an approximate total amount of \$45,000.00.

- E. Approval of Option to Extend Contract for Asbestos Abatement, Phase 10.0, #97.719

The Board authorized the administration to extend the contract with Keers Environmental, Inc. for Asbestos Abatement, Phase 10.0, #97.719, for the period through August 31, 2001, or until the value of the contract is reached.

- F. Construction Contract Awards

The Board approved the award of the following construction contracts, subject to the review and approval of the District's attorney, to the recommended construction contracting firms for the construction/installation of the projects described for the amounts indicated:

1. Districtwide Security System Upgrades – Beall, Bliss, Clardy, Crockett, Crosby, and Vilas Elementary Schools, #93.755.03 (\$108,566.00) was awarded to Kendrick Electric, Inc. in the amount of \$108,566.00.
2. Districtwide Security System Upgrades – Dowell, Fannin, Hughey, Lee, and Logan Elementary Schools; and MacArthur Middle School, #93.755.04 (\$114,060.00) was awarded to Pyrocom Systems, Inc. in the amount of \$114,060.00.
3. Districtwide Fire Alarm Systems, Phase 7 – Cooley Elementary School; Canyon Hills, Lincoln, MacArthur, and Morehead Middle Schools; and Bowie High School, #97.399.01 (\$741,318.00) was awarded to Pyrocom Systems, Inc. in the amount of \$741,318.00.
4. Classroom Remodeling – Highland Modular Campus, #00.019 (\$180,000.00) was awarded to Dantex Construction Co., Inc. in the amount of \$180,000.00.

G. Approval of Budget Amendment – External Funding State Compensatory Education (SCE) Budget Transfer (\$6,500.00)

The Board approved the budget amendment to the 2000-01 fiscal year to amend the External Funding State Compensatory Education (SCE) budget in the amount of \$6,500.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated December 5, 2000. The amendment transfers funds from Instructional Miscellaneous Operating Cost to Professional Social Work Services. These funds will pay for additional costs associated with the YWCA on the Project Redirection program and School-Age Parent Center.

H. RFPs and Bids Requiring Board Approval

The Board approved the following bids to the recommended vendors for the amounts indicated:

1. Option to Extend Existing Bid – Annual Floor Care Products Bid #65-98 (approx. \$56,402.50). The Board approved the final option to extend Annual Floor Care Products Bid #65-98 to Baron Chemical Co., Inc. for an additional 12 months beginning January 26, 2001, and ending January 25, 2002, for an estimated annual amount of \$56,402.50 (copy of bid tabulation attached to the permanent file of these minutes).
2. Cleaning Supplies and Dispensing Services on Region 19's RFP #01-5113 (approx. \$140,000.00) was awarded to Diversey Lever Inc. d/b/a Diversey Lever on Region 19's RFP #01-5113 in the estimated annual amount of \$140,000.00, with an option to extend for two additional years, one year at a time, if renewed annually by Region 19.
3. Paper Towel and Toilet Tissue Bid #95-00 (approx. \$152,210.00) was awarded to Baron Chemical, Items 3 and 4, \$39,960.00, 1 percent/10; Southwestern Mill, Item 2, \$6,250.00, net; and Unisource, Item 1, \$106,000.00, net, for a total amount of \$152,210.00 (copy of bid tabulation attached to the permanent file of these minutes).
4. Bowie High School Technology Lab Furniture Bid #105-00 (\$34,071.25) was awarded to Brodhead Garrett in the amount of \$14,415.25 and Highsmith, Inc. in the amount of \$19,656.00, for a total amount of \$34,071.25 (copy of bid tabulation attached to the permanent file of these minutes).
5. Engine Analyzer for the Center for Career & Technology Education, Purchase Order No. 196967 (\$24,796.00) was approved for purchase from Snap-On Tools, the lowest quote, in the amount of \$24,796.00 (copy of purchase order attached to the permanent file of these minutes).
6. Apple Computers for Zach White Elementary School, Purchase Order No. 202506 (\$12,003.00) were approved for purchase from Apple Computer, the sole source, in the amount of \$12,003.00 (copy of purchase order attached to the permanent file of these minutes).

I. December Personnel Report

The December Personnel Report was approved (copy attached to the permanent file of these minutes).

Discussion and Possible Action on Revisions to Board Policy CR (Local), Insurance and Annuities Management (Item #7)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that revisions to Board Policy CR (Local), Insurance and Annuities Management, be approved as presented (copy attached to the permanent file of these minutes).

Approval of Interlocal Agreement with Region 19 Education Service Center for the Provision of Internet Services as the District's Internet Service Provider from the Texas General Services Commission for Fiscal Year 2000-01 (\$38,400.00) (Item #8)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve the Interlocal Agreement between the EPISD and Region 19 Education Service Center for the provision of Internet services by Region 19 ESC through the Texas General Services Commission for fiscal year 2000-01 in the amount of \$3,200.00 per month or a total annual amount of \$38,400.00.

Award of RFP for Districtwide Exclusive Beverage Services Contract #10-00 and Discussion and Possible Action on Designation of Uses of Funds to be Derived Therefrom, Including for Schools, Programs, and to EPISD Fund for Scholarship Endowment (Item #9)

Mr. Joe Loya, Associate Superintendent of Finance, provided historical information on vending machines in the EPISD and the trends on exclusive beverage contracts in the state of Texas. He reviewed the process followed to develop the RFP (request for proposal); the responses provided by Magnolia Coca-Cola® Bottling Company and Pepsi® Bottling Company of El Paso; and the possibility of \$20 million being generated by Pepsi® to the District over a ten-year period with an exclusive beverage contract.

Arrival of Board Member

Mrs. Gonzalez-Peterson arrived at 6:52 p.m. and was present to vote in any subsequent action taken by the Board of Trustees.

The following people requested to speak to this item:

1. Mr. John Chavarria, Magnolia Coca-Cola® Bottling Company, spoke about his company's proposal and the possibility of Coke® and Pepsi® entering into a shared vending arrangement with the District.
2. Ms. Muriel Hall, Executive Director, El Paso Diabetes Association, introduced Karen Coleman, Ph.D., CATCH Program, who spoke about the nutritional value of vending machine products.
3. Mr. Dave Depoy, Pepsi® Bottling Company, acknowledged that representatives from his company were present to respond to any questions from the Board.

Arrival of Board Member

Dr. Finke returned at 7:07 p.m. and was present to vote in any subsequent action taken by the Board of Trustees.

Discussion followed on the equal payment of \$15.00 per student and the exclusive proposal providing approximately \$2 million in additional funds for the District; the minimum guarantees regardless of the quantity of product sold; the marketing strategy of exclusive contracts; providing only fruit juice drinks and prohibiting the sale of soft drinks in grades kindergarten through 12; soft drinks only being available in teachers' lounges for adults 18 years old and over; exclusive contracts denying students the freedom of choice; and withdrawing this item until the administration can come back with additional information.

It was moved by Mr. Telles and seconded by Mr. Rosales that item no. 9, Award of RFP for Districtwide Exclusive Beverage Services Contract #10-00 and Discussion and Possible Action on Designation of Uses of Funds to be Derived Therefrom, Including for Schools, Programs, and to EPISD Fund for Scholarship Endowment, be withdrawn from the agenda.

Discussion continued on the result of continuing "business as usual" with soft drink vending machines; the administration bringing back a proposal that focuses on "healthy" items in vending machines; and involving the Board Finance Committee in the development of the RFP.

Upon the vote, the motion carried unanimously.

Approval of RFPs and Bid Requiring Board Approval (Item #10)

It was moved by Mr. Wever and seconded by Mr. Rosales that the following RFPs and bid be approved as listed:

- A. Internet Access Service Provider RFP #99-00 (for Fiscal Year 2001-02)
- B. Telecommunications Cabling Moves, Adds, and Changes Demand Services RFP #100-00
- C. Strategic Technology Solution Provider RFP #101-00
- D. Network Electronics Maintenance RFP #103-00
- E. Videos, Videodiscs, CD-ROMs, DVDs, Software Bid #92-00 (approx. \$91,995.48)

Discussion followed on item no. 10, C., Strategic Technology Solution Provider RFP #101-00, and the fee to be paid to the recommended consultant, IBM Global Services; fees being negotiated and brought back to the Board for approval; District staff lacking the expertise to identify projects that may qualify for E-rate reimbursement and the need for experienced professionals to identify potential projects eligible for E-rate funding; all projects being brought back to the Board for final approval; and developing in-house expertise.

Mr. Charles Sentry and Mr. Hugh Manning, IBM Global Services, reviewed the process used to identify projects that qualify for E-rate funding and provided information on the resources and personnel the firm will provide to the District.

The following people requested to speak to this item:

1. Mr. Ralph Adame, Rio Grande Computerland, and Mr. Gilbert Moreno, Diversified Technology Services, Inc. (DTSI), voiced concerns about E-rate funding presentations being made after the award of the RFP was recommended.

Discussion followed on calling for presentations when a decision had already been made to recommend IBM Global Services; including local vendors; the specifications in the RFP including the need for E-rate expertise and knowledge and experience in dealing with E-rate funded projects; and the Board possibly taking action separately on item no. 10, C.

Mr. Wever withdrew his motion to approve the RFPs and bid as listed, and Mr. Rosales accepted the withdrawal.

It was moved by Mr. Wever, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the following items be approved as follows:

- A. Internet Access Service Provider RFP #99-00 (for Fiscal Year 2001-02). The Board authorized the Superintendent to submit for E-rate funding on Internet access service projects for the period of July 1, 2001, through June 30, 2002, with any proposed contract award to be brought back to the Board for approval at a future meeting.
- B. Telecommunications Cabling Moves, Adds, and Changes Demand Services RFP #100-00 was awarded to Texas Business Systems in the amount of \$52,320.00, contingent on the award of E-rate funding.
- D. Network Electronics Maintenance RFP #103-00 was awarded under Option 1 to Amherst Corporate Computer Sales and Solutions in the amount of \$146,373.00 for the period of July 1, 2001, through June 30, 2002, contingent on the award of E-rate funding.
- E. Videos, Videodiscs, CD-ROMs, DVDs, Software Bid #92-00 (approx. \$91,995.48) was awarded to School Media Associates for the estimated annual amount of \$91,995.48, based on last year's expenditures, with an option to extend for an additional 24 months, 12 months at a time.

Discussion continued on RFP #101-00 and the number of days (nine) remaining to identify projects and submit for E-rate funding; the proposal evaluation resulting in IBM Global Services being the recommended award; the RFP stipulating a partnership of five years, which includes a contract for the first year and four one-year renewal options; and the Board having the flexibility to select vendors on a project-by-project basis.

It was moved by Mrs. Gonzalez-Peterson and seconded by Miss Garcia that Strategic Technology Solution Provider RFP #101-00 be awarded to IBM Global Services, contingent on the award of E-rate funding; that the administration be instructed to negotiate a one-year contract with IBM Global Services detailing the commitments, guarantees, methodology for measuring results, termination procedures, fee structure, and any other legal requirements necessary to support the intended purpose of the contract; and that the negotiated contract, including fee structure and total costs, be brought back to the Board for final approval. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Meeting Recessed

The meeting was recessed at 8:45 p.m. The meeting was reconvened at 9:00 p.m.

Districtwide Voice Over Internet Protocol (IP) Solution, Project No. 01.512 (\$760,960.75) (Item #11)

The following people requested to speak to this item:

1. Mr. Rob Eason, Regional Sales Manager, Southwestern Bell, spoke in support of awarding this contract to Southwestern Bell.
2. Ms. Jerri Acosta, Verizon Services, spoke in support of awarding this contract to Verizon Services.

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board approve the award of Districtwide Voice Over Internet Protocol (IP) Solution, #01.512, subject to the review and approval of the District's attorney, to Southwestern Bell Telephone Company for an estimated amount of \$760,960.75, contingent on the award of E-rate funding.

Texas Department of Information Resources (DIR) Proposal on a Districtwide Wireless Solution for Data and Internet Transmission to Portable Classroom Buildings (Item #12)

The following people requested to speak to this item:

1. Mr. Andrew Hare and Mr. Mark Taylor, representatives from Kent DataCom, spoke about their firm being a service provider for the Texas Department of Information Resources and their availability to answer any questions that the Board may have regarding this item.

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the Board approve the award of the proposal submitted by the Texas Department of Information Resources (DIR) for the provision of a districtwide wireless solution for data and Internet transmissions to portable buildings in the amount of \$2,329,272.16, subject to the review and approval of the District's attorney and contingent on the award of E-rate funding.

Approval of Continuation of United States EPA (Environmental Protection Agency) Children's Health Study on Respiratory Health of El Paso Children (Item #13)

It was moved by Mr. Wever, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board authorize the United States Environmental Protection Agency (EPA) to continue the next phase of the children's health study on the respiratory health of El Paso children, which includes outdoor air pollution data collection, questionnaire solicitations from parents of fourth- and fifth-grade students, and conducting breathing capacity examinations on children for whom parental permission has been secured, subject to the review and approval of the District's attorney.

Approval of Change Orders (Item #14)

It was moved by Mrs. Gonzalez-Peterson and seconded by Miss Garcia that the change orders to the following firms be approved for the amounts indicated. Upon the vote, the motion carried with Mr. Wever voting against the motion.

- A. Change Order No. 5 to Northeast High School (Chapin High School), #93.735 (\$64,091.00) was approved to Banes General Contractors, Inc., subject to the review and approval of the District's attorney, for the construction modifications/revisions requested by the administration and the architect/engineer in the amount of \$64,091.00.
- B. Change Order No. 12 to Moreno Elementary School, #93.734 (\$17,423.00) was approved to SamCorp General Contractors, Inc., subject to the review and approval of the District's attorney, for the construction modifications/revisions requested by the administration and the architect/engineer in the amount of \$17,423.00.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00 (Item #15)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Wever, and carried unanimously that the Board approve the procurement/delivery methods recommended for solicitation of the following construction projects, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

- A. The competitive bid process was approved for Tennis Court Improvements – Burges High School, #00.978.
- B. The competitive bid process was approved for TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 1 – Beall, Burleson, Cielo Vista, Douglass, Lamar, Houston, and Roosevelt Elementary Schools; Bassett and MacArthur Middle Schools; and Irvin High School, #01.059.
- C. The competitive bid process was approved for TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 2 – Clardy, Dowell, Hawkins, Lee, Logan, Polk, and Western Hills Elementary Schools; and Magoffin and Terrace Hills Middle Schools, #01.060.
- D. The competitive bid process was approved for TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 3 – Hillside, Kohlberg, Roberts, and Western Hills Elementary Schools; MacArthur Middle School; and Austin and Burges High Schools, #01.061.
- E. The competitive bid process was approved for TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 4 – Clendenin, Crosby, Fannin, and Hughey Elementary Schools; Henderson and Richardson Middle Schools; Jefferson High School; and James L. Gamble Facility, #01.062.
- F. The competitive bid process was approved for Districtwide Evaporative Cooler Installations, Phase 2, #01.301.

Meeting Closed (Item #16)

The meeting was recessed at 9:34 p.m. to a closed meeting by Dr. Roark under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Grievance Hearing – Sergio Renteria and Sean May, Athletic Trainers at Franklin High School; and Maria Tuck, Athletic Trainer at Jefferson High School
- B. Consultation with School District Attorney Regarding Contemplated or Pending Litigation
 - 1. Board of Regents at the University of Texas System v. County of El Paso; Cause No. 2000-3335; In the County Court at Law No. Seven, El Paso County, Texas (Sun Bowl Condemnation Suite)
 - 2. Roshern J. Amie vs. El Paso Independent School District; EEOC Charge No. 361 97 1064
 - 3. Leonard Amburn, Plaintiff v. EPISD, Defendant; In the United States District Court, Western District of Texas; Cause No. EP00CA0162

The closed meeting was opened at 9:36 p.m. The closed meeting ended at 10:41 p.m.

Departure of Board Member

Mr. Telles departed the meeting at 9:38 p.m. and was not present to vote in any subsequent action taken by the Board of Trustees.

Meeting Opened

The meeting was reassembled in Open Session at 10:41 p.m.

Grievance Hearing – Sergio Renteria and Sean May, Athletic Trainers at Franklin High School; and Maria Tuck, Athletic Trainer at Jefferson High School (Item #16, A.)

It was moved by Dr. Finke and seconded by Mrs. Gonzalez-Peterson that the Board uphold the Superintendent's response in this grievance, as supplemented. Upon the vote, the motion carried with Mr. Wever voting against the motion.

Meeting Closed

The meeting was again recessed at 10:45 p.m. to a closed meeting under Section 551.071 of the Texas Government Code for consultation with the school district attorney as previously cited. The closed meeting was opened at 10:46 p.m. The closed meeting ended at 10:51 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:51 p.m.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Leonard Amburn, Plaintiff v. EPISD, Defendant; In the United States District Court, Western District of Texas; Cause No. EP00CA0162 (Item #16, B., 3.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C. to enter into an agreed judgement that Leonard Amburn receive \$16,768.96 and that court costs and attorney fees be determined by the court.

Award of RFP for Districtwide Exclusive Beverage Services Contract #10-00 and Discussion and Possible Action on Designation of Uses of Funds to be Derived Therefrom, Including for Schools, Programs, and to EPISD Fund for Scholarship Endowment (Item #9 continued)

Responding to Board members' questions, Dr. Anzaldua advised that this item will be brought back to the Board at the regularly scheduled Board meeting on January 23 or February 13, 2001.

Meeting Adjourned

The meeting was adjourned at 10:55 p.m.

Date Approved: February 27, 2001