

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
February 8, 2005  
5:00 p.m.  
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President  
Dr. Lorraine O'Donnell, Vice President  
Mr. Carlos Cordova, Secretary  
Ms. Lisa Colquitt-Muñoz<sup>1</sup>  
Miss Leonor Garcia  
Dr. Charles Roark  
Mr. Charles L. Tafoya, Superintendent  
Mr. Anthony Safi, School District Attorney

Absent: Mr. David Dodge

The meeting was called to order at 5:15 p.m. by Mr. Mena. The Pledge of Allegiance was led by Amanda Marcus, student at Coronado High School. Mr. Kenneth Parker, Chief Business Officer, gave the Thought for the Day.

Items Withdrawn

It was announced that item no. 1, Recognition of 2004 EPISD Holiday Greeting Card Designer; item no. 6, E., 2., Purchases Requiring Board Approval – Software for Technology and Information Systems Help Desk (\$78,972.50); and item no. 16, A., Grievance Hearing – Chris Peden, Physical Education Teacher/Football Coach, Coronado High School, had been withdrawn from the agenda.

2. Recognition of February 2005 Partner of the Month

Jostens David Celani was recognized.

3. Recognition of February 2005 Volunteer of the Month and Youth Volunteer of the Month

Mr. Chris Dokken, a volunteer at Collins Elementary School, and Gabriela Gaytan, a student at Bowie High School, were recognized.

4. Awards to January 2005 Employees of the Month

Mr. Jesus Gonzalez, Art teacher, Wiggs Middle School, was recognized as the Certified Employee and Ms. Maria Gurrola, Custodian, Center for Career and Technology, was recognized as the Non-Certified Employee.

Arrival of Board Member

Ms. Colquitt-Muñoz arrived at 5:27 p.m. and was present for any subsequent action by the Board of Trustees.

5. Public Forum

There were no speakers on Public Forum.

---

<sup>1</sup> Ms. Colquitt-Muñoz arrived at 5:27 p.m., during the recognition on Item #4.

7. Investigation of District's Insurance Selection/RFP Process by EPISD Investigative Services Auditors Marcus, Fairall, Bristol, & Co. LLP/Edge, Ciavarella & Co.

Mr. David Marcus, Marcus, Fairall, Bristol & Co., L.L.P., provided information on the investigation and reviewed some of the findings and recommendations. He advised that no evidence was found of any violation of Board policy, laws, or regulations regarding the District's procurement of these products.

It was moved by Dr. Roark, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept the report from Marcus/Edge and that the administration be directed to look at the issues that have been raised and come back to the Board with a process and procedure to carry out the recommendations.

6. Consent Agenda

It was moved by Mr. Cordova, seconded by Dr. Roark, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated, with the exception of item no. 6, E., 2., Purchases Requiring Board Approval – Software for Technology and Information Systems Help Desk (\$78,972.50).

A. Minutes

1. December 2004

- a. December 14, 2004, Board's Employee Health/Insurance Committee Meeting and December 14, 2004, Board Finance Committee Meeting
- b. December 14, 2004, Meeting of the Board of Trustees

2. January 18, 2005, Board Policy Committee Meeting

B. Revisions to Board Policies (copies attached to the permanent file of these minutes).

1. BED (Local), Board Meetings: Public Participation
2. FM (Local), Student Activities

C. El Paso Convention and Performing Arts Center Authorized User Agreement and General Rules and Regulations Contract #4478 for Sunset High School Graduation Exercises (approx. \$1,804.00)

D. Budget Amendment – Barron Elementary School (\$2,500.00). This item is to allow the purchase of content area materials.

E. Purchases Requiring Board Approval

1. School Furniture Bid #116-04 (\$84,721.70) was awarded as follows: Business Interiors, Items 2-4, 13, and 17, \$28,283.84, net 30; Indeco Sales, Inc., Items 1, 7-11, and 14-16, \$42,757.60, net 30; and Virco Mfg., Items 5, 6, 12, and 18, \$13,680.26, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
3. Anti-Virus Software for District Computers, Purchase Order No. 313211 (\$43,900.00), was approved for purchase from Zones, Inc., the lowest quote (copy of purchase order attached to the permanent file of these minutes).

F. El Paso Water Utilities Public Service Board Easement – Tracts 1A (or a portion thereof), 1G1, and 7, H.G. Foster Survey #259, City of El Paso, El Paso County, Texas (Western Hills Elementary School), #04.833, subject to the review and approval of the District's attorney, as shown on the documentation presented, for a cost of \$31,698.08 for the sewer relocation.

8. Annual Financial Report with Independent Auditors' Report Thereon for 2003-04 Fiscal Year

It was moved by Dr. Roark, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the Annual Financial Report with the Independent Auditors' Report thereon as prepared by Dunbar, Broadus, Gibson, LLP, Certified Public Accountants, and as presented to the Board Finance Committee, for the year ending August 31, 2004, with the understanding that administration will provide follow up reports to the Board on its corrective actions in response to the auditors findings and recommendations.

9. Paperless Board Meetings

Dr. O'Donnell inquired about the proposed implementation date for an electronic Board packet with TASB Board Book. Ms. Terri Jordan, Executive Director, Technology and Information Systems, provided an update on the status of a paperless Board meeting. There was a lengthy discussion on TASB Board Book versus the process being developed in house by TIS. It was determined that Dr. O'Donnell and Mr. Cordova would look at both programs and present their views to the Board in two weeks.

10. Texas Education Agency Request for Maximum Class Size Waiver and District Spring 2005 Compliance Plan – Bradley, Clendenin, and Dowell Elementary Schools

Mr. Kenneth Parker, Chief Business Officer, provided the rationale for a maximum class size waiver request from the state for the remainder of the spring semester.

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the Board approve the submission of this request for the 2004-05 spring semester.

11. Intensive Reading Instruction Initiative Grant Award – Part II Amendment Under Rider 51(a) of the 2004-05 Legislative Appropriations Act (House Bill 1) for Grades 4-5 in 18 EPISD Elementary Schools and the Provision of Intensive Reading Intervention Program by Voyager Expanded Learning (\$21,829.50)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the grant award from this sole source vendor.

12. E-Rate Funding Year 2005-2006 (Year 8) from USAC (Universal Service Administrative Company) Schools and Libraries Division

A. Award of CSP #119-04 Telecommunication Services for E-Rate Year 2005-2006 (\$2,083,200.00)

It was moved by Mr. Cordova and seconded by Ms. Colquitt-Muñoz that the RFCSP #119-04 be awarded to SBC (Southwestern Bell Co.) for local telephone service for the estimated annual amount of \$1,200,000.00 and to Time-Warner for high speed data circuits for the estimated annual amount of \$883,200.00, contingent on the selected vendors signing the contract forms approved by administration and legal counsel on a timely basis, and if the contracts have not been finalized and signed by the selected vendors by close of business on February 14, 2005, then the administration shall be authorized to make an award and sign a contract with an alternate proposer, to the extent necessary to make a timely E-Rate filing.

Dr. O'Donnell expressed a concern with the quick turn-around on the finalization date and requested a legal opinion on the possibility that the Board might abrogate its responsibilities if the appropriate paperwork is not completed. Mr. Safi stated that the Board could schedule a special Board meeting one week from this date, and if any of the selected vendors do not sign off on the contract forms, the Board could consider making an alternate award at that time.

There was discussion on the short timeframe afforded to the Board to provide approval on items so close to the due date; the administration's exhibition of due diligence in confirming that the recommendations on the contracts meet all the requirements from the Schools and Libraries Division (SLD) and Universal Service Administrative Company (USAC); the status of E-Rate funding from the federal government; and the requested E-Rate funds to be reimbursement for money that would be expended in any case.

It was moved by Dr. Roark, seconded by Dr. O'Donnell, and carried unanimously that the motion to approve the Telecommunications Service for E-Rate Year 8 RFCSP #119-04 be tabled.

Ms. Jordan advised that CSP #119-04 would provide the local telephone service and high-speed data service to provide access to the Internet.

B. Award of CSP #120-04 Internal Connections for E-Rate Year 2005-2006 (\$1,627,427.80)

Ms. Jordan stated that this item would provide maintenance of the network, Cisco SMARTnet and cabling, Novell school license agreement, and network electronics. There was discussion on how long the pricing will hold on multi-year projects. Ms. Jessica Herrera, Director, Network Services, advised that the pricing would remain the same as was bid for those projects.

There was further discussion on providing equity at the schools for cabling and Internet access and the various issues that must be addressed in order to provide these services to all the District's schools. Dr. O'Donnell inquired about the Board's Technology Committee becoming more involved in an advisory capacity on the requested E-Rate projects.

C. Authorization to File FCC Form 471 for Year 2005-2006 E-Rate Funding

Dr. Roark inquired about the 10-22 percent and, historically, the District having been asked to pay only 10 percent. Ms. Jessica Herrera, Director, Network Services, advised that the SLD provides E-Rate funds according to free-and-reduced lunch figures. She stated that schools in the 90 percent free-and-reduced lunch would provide the District with a share of 10 percent, but the District's rating of 78 percent would be used on new schools that have no figures available, which accounts for the range of percentages.

Responding to an inquiry from Dr. Roark regarding the District's matching portion, Ms. Terri Jordan, Executive Director, Technology and Information Systems, advised that the amount would be included in the TIS operating budget because the projects would be accomplished whether or not the District is awarded the requested E-Rate funds.

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously to take from the table the motion to approve the award of Telecommunication Services for E-Rate Year 8 RFCSP #119-04.

Upon the vote on the main motion, the motion carried unanimously.

It was moved by Dr. Roark, seconded by Mr. Cordova, and carried unanimously that Internal Connections for E-Rate Year 8 RFCSP #120-04 be awarded to Currey Adkins, Cook & Co. for technical support and maintenance of the network in the estimated amount of \$62,500.00; Desert Communications, Inc. for Cisco SMARTnet maintenance in the estimated amount of \$456,631.80 and cabling in the estimated amount of \$563,696.00; Diversified Technical Services, Inc. for Novel school license agreement in the estimated amount of \$189,000.00; and AVNET for network electronics in the estimated amount of \$355,600.00, contingent on the selected

vendors signing the contract forms approved by administration and legal counsel on a timely basis, and if the contracts have not been finalized and signed by the selected vendors by close of business on February 14, 2005, then the administration shall be authorized to make an award and sign a contract with an alternate proposer, to the extent necessary to make a timely E-Rate filing, with the pricing accorded for RFCSP #120-04 to be restricted solely to the services provided under E-Rate Year 8; that the Board authorize the EPISD administration to file FCC Form 471 for Year 8 E-Rate funding from the USAC (Universal Service Administrative Company) Schools and Libraries Division for the projects and vendors as listed in the estimated amounts indicated, with the EPISD's estimated matching portion being \$816,614.00; and that the Board commit to the District's matching portion of approximately \$816,614.00 from the District's Operating Budget in support of Year 8 (2005-2006) E-Rate funding.

It was moved by Dr. Roark, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the administration establish a committee to work with Dr. O'Donnell as Chair of the Board's Technology Committee to look globally at technology alternatives that are categorized by schools that are either not served or underserved and that a formal proposal on equitable funding at the campuses relative to E-Rate issues be brought back to the Board in two weeks.

13. Employee Conflict of Interest Report and Approval of Employee Disclosure of Interest in a Business Entity Affidavits

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board approve the affidavits as presented. Ms. Colquitt-Muñoz was not present for the vote.

14. Revision to Award of Audio Visual Equipment Bid #112-04 Approved by the Board on January 11, 2005 (\$1,836.00)

It was moved by Mr. Cordova, seconded by Mr. Mena, and carried unanimously that the Board approve a revision to the award of Bid #112-04, which was previously approved by the Board on January 11, 2005, with the award of Item #10 being made to AFP Industries rather than Troxell Communications, Inc., for the additional amount of \$1,836.00 and a total bid award of \$175,733.50, with a reference to the February 8, 2005, minutes being added to the margin of the minutes of January 11, 2005, Board meeting as a cross reference of this revision.

15. Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board approve the competitive bid process for the 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. Irvin High School – Stadium Heating System Piping Upgrades, #05.574
- B. Districtwide Boiler Replacement 2005 (Roberts Elementary School; Canyon Hills and Guillen Middle Schools; and Jefferson High School), #05.569

Meeting Closed

The following person requested to speak to item no. 16, B., 2., Proposed Acquisition of Property – Mesita Elementary School Reconstruction, #04.829.09:

- 1. Mr. Phillip Cortez was not present when called to speak.

The meeting was recessed at 7:10 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, 551.074, and 551.082 of the Texas Government Code as follows:

16. Closed Meeting

B. Proposed Acquisition of Property

1. New Aoy Elementary School
2. Mesita Elementary School Reconstruction, #04.829.09

The closed meeting started at 7:20 p.m. The closed meeting ended at 8:16 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:18 p.m.

16. The action was as follows:

B. Proposed Acquisition of Property

1. New Aoy Elementary School

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the Superintendent to finalize the purchase of Ninth Avenue between Kansas and Campbell Streets, and the alley in Block 49, Campbell Addition, El Paso, Texas, for a combined purchase price up to a maximum amount that would be supported by appraisal(s) performed under proper standards and taking into account the actual estate to be purchased by the District, plus applicable closing costs, subject to the review and approval of the District's attorney.

2. Mesita Elementary School Reconstruction, #04.829.09

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to accept the counter offer from Mr. Phillip D. Cortez, the owner of the property at 3301 N. Stanton.

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to make a counter offer on the property at 3305 N. Stanton that would consist of the average of the District's appraisal and the owner's appraisal.

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to accept the counter offer from Ms. Rhonda L. Butler, the owner of the property at 3311 N. Stanton.

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to accept the counter offer from Andrea and Sean M. Sweetnam, the owners of the property at 3317 N. Stanton.

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to make a counter offer on the property at 3319 N. Stanton that would consist of the average of the District's appraisal and the owners' appraisal. Dr. Roark was not present for the vote.

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to proceed to a contract on the property at 3325 N. Stanton and to closing and funding in that transaction. Dr. Roark not present for the vote.

17. Authorization for Filing of Eminent Domain Proceedings for Acquisition of Properties for Mesita Elementary School Reconstruction, #04.829.09

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Mena, and carried unanimously that (1) the Board find and determine that a necessity exists for the demolition of the existing, and reconstruction of a new, Mesita Elementary School to serve the students now served by the current Mesita Elementary School; (2) that the Board find and determine that, all things considered, the area encompassed by the current Mesita Elementary School site is too small, and that the District should acquire additional adjacent properties for the site of the reconstructed elementary school, consisting of Block 54, Kern Place Addition, Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, City of El Paso; (3) the District should proceed with the design and construction of the new elementary school and related facilities ("the Project"), at the site described hereinabove; (4) the District be authorized to acquire by purchase, or through eminent domain proceedings, all necessary real property rights, consisting of fee title, easements, vacations, permits, and other interests in all real estate within said designated site that have not previously been acquired by the District; (5) the Board find and determine that there is a necessity to acquire such real property rights for public use in connection with the Project, for the purpose of securing a site on which to construct the new elementary school and related facilities in order to fulfill the District's mission of educating its school-age children, pursuant to Section 11.151, and other pertinent provisions, of the Texas Education Code; (6) the Board find and determine that the location and extent of the Project, and the acquisition of such rights, are reasonable and necessary; (7) the Board authorize the District, through legal counsel, to file eminent domain proceedings, if necessary, to acquire all such property rights within the site area designated hereinabove; (8) the Board ratify any actions heretofore taken to acquire any and all property rights within the site area designated hereinabove; and (9) the Board reserve the right to dismiss any eminent domain proceeding that may be filed if the District can acquire the property from the affected property owner by mutual agreement.

Meeting Adjourned

The meeting was adjourned at 8:27 p.m.

Date Approved: April 12, 2005