

Minutes of Meeting of Board of Trustees
El Paso Independent School District
December 14, 2004
5:00 p.m.
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President
Dr. Lorraine O'Donnell, Vice President
Mr. Carlos Cordova, Secretary
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Ms. Lisa Colquitt-Muñoz

The meeting was called to order at 5:12 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Carlos Martinez, Director, VIPs and Partners in Education. Mr. Robert Ortega, Associate Superintendent, High Schools Supervision and Instruction, gave the Thought for the Day.

Item Withdrawn

It was announced that item no. 19, Award of Educational Benchmark Software RFP #105-04 (\$279,000.00), had been withdrawn from the agenda.

1. Holiday Performance by Burges High School Choir

In anticipation of the holiday season, a musical performance was provided by the Burges High School choir, under the direction of Ms. Gina Valverde.

8. Recognition of 2004 Texas Association for the Gifted and Talented (TAGT) Regional Award Recipients

Mrs. Cyd Goldfarb, parent of a gifted and talented student, was recognized as the Parent of the Year for Region 19; Ms. Lorri Vallone, Humanities teacher at Richardson Middle School, was recognized as the "Rising Star"; and Ms. Karen Hairston, Facilitator, Gifted and Talented, was recognized as the "Regional Advocate" of the Gifted.

2. Recognition of David Dodge for Completing Requirements and Earning the TASB Institute for School Trustee Development (TASB ISD) Boardmanship Basics Certificate

The TASB certificate and a TASB ISD pin were presented to Mr. Dodge.

10. 2004-05 Superintendent's Honor Roll Recognition

Twenty-four EPISD schools were recognized for having attained 100 percent membership from their teachers, administrators, and staff during the Parent-Teacher Association (PTA) annual membership drive. (A list of recipients is attached to the permanent file of these minutes.)

3. Recognition of Men of Company E, Second Battalion, 141st Infantry Regiment, 36th Infantry Division

It was announced that 43 members of the original Company E who trained with Capt. John L. Chapin's unit but who did not serve with the unit in Europe during World War II would be recognized at a future special ceremony to be held at Chapin High School.

4. Recognition of November 2004 Volunteer of the Month and Youth Volunteer of the Month

Ms. Luz Rodriguez, a volunteer at Travis Elementary School, and Jose Motta, a student at Kohlberg Elementary School, were recognized.

5. Recognition of December 2004 Partner of the Month

Village Oaks at Cielo Vista retirement community was recognized.

6. Awards to November 2004 Employees of the Month

Ms. Nuri Perez, an English teacher at Jefferson High School, was recognized as the Certified Employee and Ms. Eva Torres, the receptionist at Education Center, was recognized as the Non-Certified Employee.

7. Recognition of Center for Career and Technology Education (CCTE) for Achieving National Recognized Level in Construction Programs through the National Center for Construction Education and Research (NCCER) and Associated General Contractors (AGC) of El Paso, the local sponsor.

9. Recognition of Sandra Stone for Being Named District 19 Principal of the Year by the Texas Elementary Principals and Supervisor Association (TEPSA)

11. Public Forum

The following people requested to speak on Public Forum:

1. Mr. Bernard Semon requested the reinstatement of Lisa Kepple at MacArthur Middle School.
2. Ms. Ninette Fernandez spoke in support of the amendment to the medical plan for classes on diabetes (item no. 17).

12. Consent Agenda

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

Mr. Dodge - Items K., 1. and 2.
Dr. O'Donnell - Item C.

Questions on Items K., Construction Contract Awards - 1., Asbestos Abatement Residential - Aoy Elementary School, #04.861.14 and 2., Multi-Purpose Classrooms #2 (Bond, Crosby, Fannin, and Lamar Elementary Schools), #04.835.03 (\$1,920,300.00)

Mr. Dodge inquired whether an amount had been budgeted for the work on these two projects. Mr. Hector Martinez, Associate Superintendent, Operations, advised that the bid on the multi-purpose classroom is approximately \$200,000.00 over the budgeted amount and that approximately \$500,000.00 had been budgeted for the asbestos abatement. Responding to Dr. Roark, Mr. Martinez advised that increased construction costs are responsible for the budget overrides.

Questions on Item C., Revision to Board Policy BJA (Local), Superintendent: Qualifications and Duties

Dr. O'Donnell commented on the recommendation from TASB (Texas Association of School Boards) that the job description for the superintendent address risk management, especially fraud, in order to maintain safeguards. Dr. O'Donnell recommended that language be added to the policy to address that aspect of the position.

Mr. Safi reviewed specific language in BJA (Local) that he believed spoke to some of those issues and stated that the language could be more detailed if the Board wished further elaboration. Dr. Roark suggested that the revised policy be approved as presented, that Mr. Safi work with the Superintendent on the issue, and that the policy be brought back to the Board at a future meeting.

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

- A. Minutes – November 16, 2004, Board Policy Committee Meeting
- B. Payment of 2005 TASB Annual Membership Dues (\$11,200.00)
- C. Revision to Board Policy BJA (Local), Superintendent: Qualifications and Duties (copy attached to the permanent file of these minutes).
- D. Revisions to and Renaming of Board Policies (copies attached to the permanent file of these minutes).
 1. EIAA (Local) to Grading/Progress Reports to Parents: Examinations
 2. FD (Local) to Admissions
- E. Revision to and Recoding and Renaming of Board Policy FDD (Local) to FEC (Local), Attendance: Attendance for Credit (copy attached to the permanent file of these minutes).
- F. Interlocal Agreement with the County of El Paso for the Security Guard Operation of El Paso County Juvenile Justice Alternative Education (JJAEP) Programs Pursuant to Chapter 37 of the Texas Education Code, with the County of El Paso to reimburse the District in an amount not to exceed \$10,000.00.
- G. Affiliation Agreement with El Paso County Hospital District d/b/a R. E. Thomason General Hospital for EPISD Health Science Technology Students at the Center for Career and Technology Education and Silva Health Magnet High School to participate in clinical rotations.
- H. Budget Amendments
 1. Alta Vista Elementary School (\$7,381.00). This item is to provide the required 25 percent local salary match for the Family Support Worker serving the El Paso Families “Together and Safe Project.”
 2. Coldwell Elementary School (\$2,400.00). This item is to allow for additional instructional supplies.
 3. Cooley Elementary School (\$2,000.00). This item is to provide student awards and acknowledgements for improved attendance and academic achievement.
 4. Roberts Elementary School (\$400.00). This is to allow the school nurse to purchase medical supplies needed to complete the school year.
 5. Wainwright Elementary School (\$600.00). This item is to provide opportunities for teachers to participate in staff development activities related to “Success for All” reading programs.
 6. Canyon Hills Middle School (\$1,500.00). This item is to allow the allocation of funds for educational field trips and to reward students for perfect attendance.

7. Richardson Middle School (\$7,000.00). This item is to provide opportunities for administration and staff to attend middle school conferences as well as local workshops.
 8. Career and Technology Education (\$3,600.00). This item is to allow for the reimbursement of in-city travel to CATE facilitators.
 9. State Compensatory Education (SCE) – Cooley Elementary School (\$5,625.00). This item is to allow staff development opportunities for faculty to support the programs for struggling students.
- I. Extension of Maintenance and Support Agreement with Dynix Corporation for Horizon Software License and Maintenance of EPISD Library Management Database System and Web-Based Catalog (\$71,981.69) (a sole source).
- J. Purchases Requiring Board Approval
1. Cooperative Dishmachine Supplies on Region 19 Bid #03-5581 (approx. \$145,000.00) was approved for purchase from Eco Lab, Inc., with the option to extend for 12 additional months, subject to Region 19 extending the bid (copy of bid tabulation attached to the permanent file of these minutes).
 2. Cooperative Janitorial Supplies & Equipment on Region 19 RFP #04-5734 (approx. \$25,000.00) was approved for purchase from Sepco Inc. for Lot #6 and from Sunwest, with the option to extend for 12 additional months, 12 months at a time, subject to Region 19 extending the RFP (copy of bid tabulation attached to the permanent file of these minutes).
 3. Truck & Van Vehicle Bid #106-04 (\$136,365.00) was awarded to Casa Ford in the amount of \$59,500.00 and Mack Massey Automotive in the amount of \$76,865.00 (copy of bid tabulation attached to the permanent file of these minutes).
 4. Bond Paper Bid #107-04 (\$46,224.00) was awarded to Spectrum Paper, the low bid based on an all-or-none basis, with net 30 terms (copy of bid tabulation attached to the permanent file of these minutes).
- K. Construction Contract Awards (subject to the review and approval of the District's attorney).
1. Asbestos Abatement Residential – Aoy Elementary School, #04.861.14, to Border Demolition and Environmental, Inc. in the amount of \$177,647.00.
 2. Multi-Purpose Classrooms #2 (Bond, Crosby, Fannin, and Lamar Elementary Schools), #04.835.03 (\$1,920,300.00), to Blair-Hall Co., Inc.
- L. October – November 2004 Report of JJAEP Placements not Appealed to the Board of Trustees. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.
- M. November 2004 Personnel Report (copy attached to the permanent file of these minutes).

13. 2004-05 EPISD Emergency Management and Recovery Guide

Mr. Luis Villalobos, Executive Director, Accountability and Administrative Relations, introduced the Preparedness Committee members who assisted in the development of the guide. He stated that the guide is in compliance with the National Incident Command System to protect students, staff, and facilities. He provided information on the award and implementation of the grant from the Office of Safe and Drug Free Schools and Communities and reviewed the developmental process and key principles of the preparedness plan.

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the 2004-05 EPISD Emergency Management and Recovery Guide be approved as presented by the administration.

14. 2004-05 Student Code of Conduct

It was moved by Dr. O'Donnell, seconded by Dr. Roark, and carried unanimously that the 2004-05 Student Code of Conduct be approved as presented by the administration.

15. Texas High School Completion and Success Grant from the Texas Education Agency for Andress, Austin, Bowie, Chapin, El Paso, Irvin, and Jefferson High Schools and Delta Academy and Purchase of Goods and Services Thereunder (\$599,481.00)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve this grant award and the following purchases from the sole source vendors in the amounts indicated: Cognitive Math, Algebra I and II, and Geometry licenses and books from Carnegie Learning®, Inc. in the amount of \$226,650.00; Virtual Learning licenses from Education 2020™ in the amount of \$160,000.00; and PSAT/NMSQT® test materials from the College Board in the amount of \$43,585.00.

16. Memorandum of Agreement with the Paso del Norte Health Foundation and Grant Award for Que Sabrosa Vida Cycle 5 2005: Healthy Gente (\$16,200.00)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve this memorandum of agreement and grant award.

17. Amendment #12 to EPISD Health Care Trust Medical Plan – Diabetes Management Program

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the Board approve this amendment, effective January 1, 2005.

18. Sole Source Purchase Requiring Board Approval – Equipment for Special Needs Students from Dynavox Systems, Inc. and Purchase Order No. 306937 (approx. \$100,000.00)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve this purchase order from this sole source vendor in the amount of \$21,408.00 and future purchases not to exceed \$100,000.00 for the 2004-05 school year (copy of purchase order attached to the permanent file of these minutes).

20. Award of Network Assessment and Audit Services RFCSP #93-04 (\$67,500.00)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the award of RFCSP #93-04 to Network Architects (copy of bid tabulation attached to the permanent file of these minutes).

21. Results of Mini Prevailing Wage Rate Survey and Approval of Recommended Prevailing Wage Rates

It was moved by Dr. O'Donnell, seconded by Miss Garcia, and carried unanimously that the Board approve the Prevailing Wage Rates for the trades cabinetmaker, drywall applicator, pipe fitter, and protective-signal installer, as recommended by the administration, for use on all public works construction projects administered by the EPISD, with the rates to be effective on all projects bid after December 14, 2004.

22. Final Payment for Construction Contract Exceeding \$100,000.00 – Mary N. Tippin Elementary School E-7, #02.602 (\$404,670.11, total cost \$7,099,287.91)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve this final payment to Banes General Contractor, Inc., subject to the review and approval of the District's attorney.

Reference action
taken at meeting
of 01/11/2005,
Item #17

Meeting Closed

The meeting was recessed at 6:43 p.m. to a closed meeting by Mr. Mena under Sections 551.071 and 551.072 of the Texas Government Code as follows:

23. Closed Meeting

- A. Acquisition of Property for Reconstruction of Mesita Elementary School – Lots 14 through 23, Block 54, Kern Place, El Paso County, El Paso, Texas
- B. Consultation with School District Attorney
 - 1. Patricia M., as next friend of A. R., Plaintiff v. El Paso Independent School District, Defendant; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP04CA0433
 - 2. Jacqueline A., as next friend of S. L., Plaintiff v. El Paso Independent School District, Defendant; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP04CA0434
 - 3. Maggie Moody, Charging Party v. El Paso Independent School District, Respondent; EEOC Charge No. 361 96 0088
 - 4. Contemplated Litigation Regarding San Juan Project – Hawkins Elementary School, #02.532
- C. Acquisition of Property – Lot 1 and Portion of Lots 2 and 3, Block 2, Plexxar South Unit 2, and a Portion of Tract 6E, W. H. Lenox Survey No. 432, City of El Paso, El Paso County, Texas (Northwest Middle School MS-5)

The closed meeting started at 6:50 p.m. The closed meeting ended at 7:40 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:43 p.m.

23. The action was as follows:

A. Acquisition of Property for Reconstruction of Mesita Elementary School – Lots 14 through 23, Block 54, Kern Place, El Paso County, El Paso, Texas

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board authorize the Superintendent to finalize the purchase of the properties as described for the appraised values as determined by Dempsey Appraisal Service, Inc., and the payment of eligible moving costs which shall not exceed \$2,500.00 per household, subject to the review and approval of the District's attorney.

B. Consultation with School District Attorney

1. Patricia M., as next friend of A. R., Plaintiff v. El Paso Independent School District, Defendant; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP04CA0433
2. Jacqueline A., as next friend of S. L., Plaintiff v. El Paso Independent School District, Defendant; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP04CA0434

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that the Board authorize the law firm Mounce, Green, Myers, Safi & Galatzan, PC to represent the District in the cases as listed.

C. Acquisition of Property – Lot 1 and Portion of Lots 2 and 3, Block 2, Plexxar South Unit 2, and a Portion of Tract 6E, W. H. Lenox Survey No. 432, City of El Paso, El Paso County, Texas (Northwest Middle School MS-5)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board authorize the Superintendent to finalize the purchase of a 23.29 acre parcel as described for a total purchase price of \$3,065,467.08, including closing and other applicable costs, subject to the review and approval of the District's attorney.

24. Change Order, Withholding for Liquidated Damages, and Final Payment for Construction Contract Exceeding \$100,000.00 – San Juan Park Project – Hawkins Elementary School, #02.532 (\$115,250.89, total cost \$688,348.30)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board authorize the administration to execute a final change order for a 66-day time extension to Dantex Construction Co. for this construction contract and to withhold \$31,500.00 as a measure of liquidated damages for failure to complete the project within the contract time, and further authorize the payment of final amounts due after settlement as part of an overall compromise settlement; and if Dantex refuses the offer of settlement, that the Board authorize a final payment of \$25,250.89, with the amount of \$121,500.00 to be retained as liquidated damages, all subject to the review and approval of the District's attorney.

Meeting Adjourned

The meeting was adjourned at 7:47 p.m.

Date Approved: February 8, 2005