

Minutes of Meeting of Board of Trustees
El Paso Independent School District
November 23, 2004
5:00 p.m.
Education Center-Boeing

Present: Dr. Lorraine O'Donnell, Vice President
Mr. Carlos Cordova, Secretary
Ms. Lisa Colquitt-Muñoz
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Mr. Sal Mena, Jr., President

In the absence of the Board President, the meeting was called to order at 5:07 p.m. by Dr. O'Donnell, Vice President. The Pledge of Allegiance was led by Mr. Juan Sandoval, Executive Director, Auxiliary Services. Mr. Art Peralta, Director, Pupil Services, gave the Thought for the Day.

1. Presentation of "Community Leadership Awards" to Charles L. Tafoya and Myrtle Fykes by the Federal Bureau of Investigation

The awards were presented by Brian Buckley, Assistant Special Agent in Charge, and Art Werge, Special Agent, Media/Applicant Coordinator.

Item Withdrawn

It was announced that item no. 2, Consideration of Amending Board's Action on November 9, 2004, in Naming the Irvin High School Gymnasium and Naming the Multi-Purpose Facility at Crosby Elementary School the Gerald Cheek Multi-Purpose Facility, had been withdrawn from the agenda.

3. Public Forum

The following people requested to speak on Public Forum:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about the administration's alleged delay in responding to grievances and alleged intimidations and threats received by employees that filed grievances, and about membership dues not having been deducted for employees who are new members.
2. Mr. Rex Hendrick requested information on BRAC (Base Realignment and Closure) and the influx of military families and contingencies that will be afforded to the schools, particularly MacArthur Middle School; expressed concerns that parents will not be included in the process; and requested that an item to address this issue be placed on an agenda before the end of the calendar year.
3. Ms. Teri French, parent at Cielo Vista Elementary School, spoke about the proposed BRAC changes to the structure of Cielo Vista and voiced opposition on behalf of parents at Cielo Vista.
4. Ms. Karen Egan spoke about the removal of Mrs. Lisa Kepple, teacher at MacArthur Middle School, and the disruption to classes in her absence.

5. Ms. Debra Hendrick spoke about the removal of Mrs. Lisa Kepple from MacArthur Middle School and requested that she be returned to finish out the school year.

4. Consent Agenda

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

Mr. Dodge - Item B.
Item D.
Item E.

Questions on Item B., Amendment No. 3, Subagreement No. 01/02-262-01 with UTEP, Subject to National Science Foundation Cooperative Agreement No. EHR-0227124, for El Paso "Math & Science Partnership (MSP), Amendment Nos. 001, 003, 004, and 006 (approx. \$797,555.00)

Mr. Dodge stated that this grant appears to have had no positive impact on the high school math and science scores and requested that the TAKS scores be reviewed in the spring to determine if any progress is made this year. Mr. Tafoya stated that the 2003-04 school year was the first year of the math and science program at the high school level and that data would show some substantial gains. He advised that the administration had requested that the UTEP staff make a presentation on the initiative to the Board.

Miss Garcia suggested that the District develop its own math program instead of going through UTEP or using outside sources.

Questions on Item D., Award of Medical Stop Loss Insurance RFP #07-04

Mr. Dodge commented on the increased premiums for the stop loss insurance over the last four years versus the stop loss coverage level, the premiums paid in far exceeding the claims paid out by the carrier, and the amount of risk the District is willing to take on its self-insured medical plan. Mr. Randy McGraw, G. P. Graham & Associates, advised that the rate of increase in the stop loss market is consistent across the board.

Mr. Dodge requested that the administration monitor the losses and the claims paid and next year look at taking a bigger risk and hold or reduce the premiums. Ms. Elizabeth Bulos, Director, Employee Benefits, advised that the healthcare fund balance has built up to the point that next year the District can consider accepting more risk. Mr. Dodge requested that next year the Board be given additional time to review the pros and cons of the risk involved.

Questions on Item E., Award of Medical Plan Utilization Management/Utilization Review Services RFP #98-04

Mr. Dodge commented on the on-site medical clinic, the disease management program, and the health risk assessments that have been included in the utilization management/utilization review services and the additional cost for these services. He questioned the need for the clinic, its anticipated use by District employees, and the clinic's benefit to the District.

Ms. Elizabeth Bulos, Director, Employee Benefits, provided information on the costs and services that the additional programs will provide to the employees. She reviewed a proposed locale for the clinic, how the clinic will be staffed, and the anticipated benefits for the District and employees.

Dr. Roark requested information on the development of the clinic idea and the procedure to be followed if a physician is needed, whether participation in the disease management program will be mandatory or voluntary, and if Wainwright Elementary School was ever considered for the on-site medical clinic.

Mr. Randy McGraw, G. P. Graham & Associates, reviewed the RFP process and the proposer finalists being invited to offer plans to incorporate the use of an on-site clinic in support of their disease management program. Ms. Bulos advised that the clinic's nurse practitioner would assist an employee in scheduling an appointment if a physician's care was needed and that the disease management program would be strictly voluntary. She stated that Education Center-Boeing or the Professional Development Center would be a more central location for the on-site clinic to physicians.

Dr. Roark expressed concerns regarding some of the recommendations, that while the clinic has potential it needs fine-tuning, and that the Board's expertise was not accessed when it could have been effective. Ms. Colquitt-Muñoz inquired if any research had been done on the type of use the clinic would get in order to determine if the clinic would be cost effective. Mr. Cordova spoke in support of the clinic and recommended trying it to see how it works. Mr. Dodge suggested contracting with private walk-in clinics to provide EPISD employees preferential access.

Mr. Tafoya commented on the on-site clinic providing a location for the first exam on a Workers' Compensation claim and for an affordable professional health alternative for part-time employees that have reduced benefits. Dr. Roark requested that the Board be provided additional information on the development of the on-site clinic.

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that action on item no. 4, E., Award of Medical Plan Utilization management/Utilization Review Services RFP #98-04, be taken separately from the Consent Agenda.

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, 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. E., Award of Medical Plan Utilization Management/Utilization Review Services RFP #98-04.

- A. October 2004 Minutes – October 12, 2004, and October 26, 2004, Meetings of the Board of Trustees
- B. Amendment No. 3, Subagreement No. 01/02-262-01 with UTEP, Subject to National Science Foundation Cooperative Agreement No. EHR-0227124, for El Paso “Math & Science Partnership (MSP), Amendment Nos. 001, 003, 004, and 006 (approx. \$797,555.00) from the National Science Foundation (NSF), through the University of Texas at El Paso/El Paso Collaborative for Academic Excellence (EPCAE), with cost reimbursements being paid to the EPISD up to the amount of \$797,555.00 for the current budget period of October 1, 2004, through September 30, 2005, and with UTEP expected to fund the El Paso Independent School District for a five-year grant total of \$3,226,881.00, subject to receiving additional funding from the NSF.
- C. Investigation of District's Insurance Selection Processes and Police Services by EPISD Investigative Services Auditors Marcus, Fairall, Bristol, Co. LLP/Edge, Ciavarella & Co. and Budget for Annual Costs for Investigations Conducted in 2004-05 Fiscal Year (\$50,000.00) of the District's student accident insurance selection process and claims involving Police Services, and that the costs for investigations conducted by Marcus/Edge during the 2004-05 fiscal year not exceed the amount of \$50,000.00.
- D. Award of Medical Stop Loss Insurance RFP #97-04 to ING/ReliaStar for Individual Stop Loss Coverage for the period of January 1, 2005, through December 31, 2005, for an annual estimated average premium of \$1,324,350.00, which is no increase from the previous plan year, with the option for a one-year renewal subject to calculation of loss ratio; and that the Board authorize the administration to finalize the contracts with ING/ReliaStar and implement the programs.

- F. Continuation of Commodity Food Processing through West Texas Food Service Cooperative for Processing of Carry Over of Nonfat Dry Milk (approx. \$53,204.20) on the 2003-04 fiscal year contract, from Schreiber Foods, Inc.
- G. Purchases Requiring Board Approval
1. Option to Extend Existing CSP – Instructional Materials Request for Catalog Discount CSP #109-02 (approx. \$190,000.00), the final option to extend, to the vendors as listed for future purchases on an as-needed basis for the discounts indicated (copy of bid tabulation attached to the permanent file of these minutes).
 2. Band Uniform Bid #101-04 – Burges High School (\$78,999.00) was awarded to Fruhauf Uniforms, Inc., the low bidder (copy of bid tabulation attached to the permanent file of these minutes).
 3. Band Uniform Bid #102-04 – Jefferson High School (\$79,348.50) was awarded to Fruhauf Uniforms, Inc., the low bidder (copy of bid tabulation attached to the permanent file of these minutes).
 4. Grounds Equipment Bid #103-04 (\$34,108.00) was awarded to El Paso Tractor Kubota in the amount of \$32,522.00 and South Plains Implement in the amount of \$1,496.00 (copy of bid tabulation attached to the permanent file of these minutes).
- H. Professional Services Contract Awards were made as follows, subject to the review and approval of the District's attorney, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services the owner cannot provide.
1. Building Addition Project #9 (Morehead Middle School Classroom and Library Addition), #04.838 (approx. \$188,370.00), to SMS Architects, Inc.
 2. AHERA (Asbestos Hazard Emergency Response Act) Winter 2004/Summer 2005 Six-Month Periodic Surveillance Asbestos Training and Consultation Services, #05.584 (approx. \$28,500.00), to R & A Consultants Corp. dba Border Environmental Services.
- I. Revision to Budget for Fine Arts Theatres
1. Building Addition Project #1 (Bowie High School), #04.860 (approx. \$5,880,000.00)
 2. Building Addition Project #3 (Coronado High School), #04.841 (approx. \$8,878,00.00)
- The Board approved the reallocation of \$3 million of bond funds, originally slated for technology/security and safety, to the Bowie and Coronado High Schools fine arts facilities projects, subject to the review and approval of the District's attorney, for the preparation of plans, specifications, bid documents, and other additional program elements as may be required for the construction of projects as listed.
- J. October 2004 Personnel Report (copy attached to the permanent file of these minutes).

4. Consent Agenda (item considered separately)

E. Award of Medical Plan Utilization Management/Utilization Review Services RFP #98-04

It was moved by Mr. Dodge and seconded by Mr. Cordova that Medical Plan Utilization Management/Utilization Review Services RFP #98-04 be awarded to Avidyn Health for the basic utilization management/utilization review in the amount of \$276,480.00, with the option to renew for 24 months, 12 months at a time; and that the Board authorize the administration to finalize the contract with Avidyn Health and implement the program.

Responding to Dr. O'Donnell, Mr. Dodge explained the substance of his motion. Mr. Cordova withdrew his second.

The motion was seconded by Dr. Roark. Upon the vote, the motion failed with Mr. Dodge voting in favor of the motion and Ms. Colquitt-Muñoz, Mr. Cordova, Dr. O'Donnell, Dr. Roark, and Miss Garcia voting against the motion.

It was moved by Mr. Cordova and seconded by Miss Garcia that Medical Plan Utilization Management/Utilization Review Service RFP #98-04 be awarded to Access Administrators to include the On-site Medical Clinic Level 2, Disease Management Basic, and Health Risk Assessments, for the period of January 1, 2005, through December 31, 2005, in the amount of \$469,800.00, with the option to renew for 24 months, 12 months at a time; and that the Board authorize the administration to finalize the contracts with Access Administrators and implement the programs. Upon the vote, the motion carried with Mr. Dodge voting against the motion.

5. Guaranteed Maximum Price (GMP) Proposals for Construction Projects Approved Under the Construction Management At Risk Procurement/Delivery Method

- A. H. R. Moye Elementary School, #04.826 (\$8,126,118.00), from Urban Associates, L.P.
- B. Magoffin Middle School Reconstruction, #04.831 (\$13,541,226.00), from Vistacon General Contractors, Inc.

It was moved by Mr. Cordova, and seconded by Miss Garcia that the Guaranteed Maximum Price (GMP) proposals for the construction projects as listed be approved in the amounts indicated for the recommended firms for the projects described and approved under the Construction Management At Risk procurement/delivery method, subject to the review and approval of the District's attorney.

Mr. Dodge commented on how impressed he was with the Construction Management At Risk (CMA) process and inquired if this is a feasible option on future construction projects. Mr. Hector Martinez, Associate Superintendent, Operations, advised that the process was a very viable procurement delivery method.

Dr. O'Donnell suggested that the administration solicit feedback from the participating architectural firms, program managers, sub-trade vendors, etc., to determine what they think of the CMA process versus the traditional competitive bid.

Upon the vote, the motion carried unanimously.

6. Procurement/Delivery Method of Construction Contract Exceeding \$25,000.00 – Aoy Elementary School Residential Abatement/Demolition, #04.861

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the competitive bid process be utilized for the solicitation of this construction project, subject to the review and approval of the District's attorney, and that the advertisement and issuance of relevant documents be authorized to qualified vendors.

Meeting Closed

The meeting was recessed at 6:39 p.m. to a closed meeting by Dr. O'Donnell under Sections 551.071 and 551.074 of the Texas Government Code as follows:

7. Closed Meeting

- A. Personnel Appointment – Director of Budget, Business Services
- B. Consultation with School District Attorney Regarding Pending Litigation – Angelica Portillo v. Jeff McDowell and Jim McDowell; In the County Court at Law No. 5; Cause No. 2002-4700; TWCC No. 01175068

The closed meeting started at 6:50 p.m. The closed meeting ended at 6:58 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:00 p.m.

7. The action was as follows:

- A. Personnel Appointment – Director of Budget, Business Services

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Esther Jacobo, Campus Financial Analyst/Interim Budget Director, to the position of Director of Budget, Business Services.

- B. Consultation with School District Attorney Regarding Pending Litigation – Angelica Portillo v. Jeff McDowell and Jim McDowell; In the County Court at Law No. 5; Cause No. 2002-4700; TWCC No. 01175068

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept settlement of its subrogation interest in the amount of \$18,427.62 and that a check in that amount be requested from the insurance company, payable to EPISD.

Meeting Adjourned

The meeting was adjourned at 7:02 p.m.

Date Approved: January 25, 2005