

Minutes of Meeting of Board of Trustees
El Paso Independent School District
January 25, 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
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:33 p.m. by Mr. Mena. The Pledge of Allegiance was led by Luis Gonzalez, EPISD student. Mr. Juan Sandoval, Executive Director, Auxiliary Services, gave the Thought for the Day.

1. Update on Impact of Juvenile Drug Court Program by El Paso County Juvenile Drug Court

The Honorable Sam Medrano, Jr., Judge of the 409th District Court, provided information on the progress and success of the Juvenile Drug Court Program for adolescent females between the ages of 14 and 16 and their families, which was established in 2004. He thanked the EPISD for its monetary support of the program.

Ms. Andrea Figueroa and Mr. Paul Clingan, parents of two girls in the drug court program, spoke about their daughters' success and expressed gratitude to the Board for approving the implementation of the program in the District.

Judge Medrano introduced Ms. Rosie Medina, Drug Court Director, and Chief Alberto Alvarez, Juvenile Probation Department, and recognized their commitment to the program.

7. Public Forum

There were no speakers on Public Forum.

8. Consent Agenda

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

Mr. Dodge - Item D., 2.
Items E., 1. and 2.

Dr. O'Donnell - Item E., 1.
Item G.
Item H.

Miss Garcia - Item A., 2.

Questions on Item D., 2., Budget Amendments – Fine Arts (\$9,000.00)

Mr. Dodge requested information on how employees are reimbursed for in-city travel. Mr. Tafoya stated that department budgets contain funds to reimburse itinerant personnel for travel from one District site to another as part of their job and that additional funds are needed for the additional itinerant teachers in Fine Arts.

Questions on Item E., 1., Purchases Requiring Board Approval – Option to Extend Existing Bid – Reconditioning and Recertification of Helmets Bid #126-02 (approx. \$42,000.00)

Dr. O'Donnell requested that vendor addresses be included in the background information provided for the purchase items.

Mr. Dodge inquired about the number of helmets that are reconditioned and recertified each year. Mr. Kenneth Owen, Director, Athletics, advised that the District has over 3,000 football helmets and that half are serviced each year.

Questions on Item E., 2., Purchases Requiring Board Approval – Continuation of Cleaning Supplies and Dispensing Services on Region 19 RFP #04-5630 (approx. \$160,000.00)

Mr. Dodge requested information on whether cleaning supplies are monitored. Mr. Kenneth Parker, Chief Business Officer, advised that cleaning supplies must be requested from stock at central locations in order to determine what is flowing out to the campuses and that costs are budgeted specifically for Custodial Services so that they can control their costs throughout the year.

Questions on Item A., 2., November 2004 Minutes – November 9, 2004, and November 23, 2004, Meetings of the Board of Trustees

Miss Garcia stated that the November 9, 2004, minutes of the regular Board meeting incorrectly indicates her vote on item no. 8, Renewal of Letter of Agreement with Paul Colbert for Legislative Services (approx. \$91,000.00). She advised that she had abstained from the vote.

Questions on Item G., Extension of Lease Agreement – Skypark International Business Plaza (approx. \$25,000.00)

Dr. O'Donnell requested information on the anticipated duration of this lease. Mr. Hector Martinez, Associate Superintendent, Operations, stated that the lease was tied to the current renovations at Education Center-Boeing and that the lease period provided adequate time to complete the area to be occupied by staff from Special Populations.

Questions on Item H., Professional Services Contract Award – Magoffin Middle School Reconstruction – Asbestos Abatement, #04.831.12 (\$28,403.00)

Dr. O'Donnell inquired about the proposals submitted for this project. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that only one proposal was submitted for this abatement project. Mr. Hector Martinez, Associate Superintendent, Operations, reviewed the process for the RFQ (request for qualifications) process for the 2003 bond projects and stated that in December 2003 the Board approved the project assignment listing.

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 correction to the minutes of November 9, 2004, meeting of the Board of Trustees (item no. A., 2.).

- A. November 2004 Minutes
 - 1. November 9, 2004, Board Finance Committee Meeting; November 16, 2004, Board Construction Committee meeting; and November 16, 2004, Board's Investigative Services Committee Meeting
 - 2. November 9, 2004, and November 23, 2004, Meetings of the Board of Trustees as corrected.
- B. Revisions to Board Policies CFD (Local), Accounting: Activity Funds Management, and FJ (Local), Gifts and Solicitations (copies attached to the permanent file of these minutes).
- C. Memorandum of Understanding with El Paso County Juvenile Board for Juvenile Processing Facility at EPISD Police Services
- D. Budget Amendments
 - 1. Terrace Hills Middle School (\$800.00). This item is to allow the purchase of instructional supplies.
 - 2. Fine Arts (\$9,000.00). This item is to allow for the reimbursement of Fine Arts staff for in-city travel.
- E. Purchases Requiring Board Approval
 - 1. Option to Extend Existing Bid – Reconditioning and Recertification of Helmets Bid #126-02 (approx. \$42,000.00), final option to extend, to Riddell/All American (copy of bid tabulation attached to the permanent file of these minutes).
 - 2. Continuation of Cleaning Supplies and Dispensing Services on Region 19 RFP #04-5630 (approx. \$160,000.00) from Eco Lab, Inc., with the option to extend for two additional years, one year at a time, subject to Region 19 extending the RFP (copy of bid tabulation attached to the permanent file of these minutes).
 - 3. Delivery Truck Bid #115-04 (\$45,462.00) was awarded to Rush Truck Center El Paso, the low bidder, with net terms (copy of bid tabulation attached to the permanent file of these minutes).
- F. Electric Company Easement – Portion of Block 31, Campbell Addition, El Paso County, Texas (New Aoy Elementary School), #03.616, as shown on the documentation presented.
- G. Extension of Lease Agreement – Skypark International Business Plaza (approx. \$25,000.00), located at 6501 Boeing Drive, for a period not to exceed six months, subject to the review and approval of the District's attorney.
- H. Professional Services Contract Award – Magoffin Middle School Reconstruction – Asbestos Abatement, #04.831.13 (\$28,403.00), to Raba-Kistner Consultants, Inc., 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.
- I. December 2004 Personnel Report (copy attached to the permanent file of these minutes).

10. Revision to EPISD Fund Bylaws

Mr. Tafoya reviewed some changes to the EPISD Fund bylaws. He stated that a revised version of the bylaws and a recommendation on the Board of Trustees' participation on the Fund Board would be brought back to the Board of Trustees.

12. Year One Status Report on Connecting Worlds/Mundos Unidos Jacob K. Javits Grant Program

Ms. Fara Green, Director, Gifted and Talented, provided information on the federally funded grant for this dual-language gifted program which was one of only two awarded in the country. She reviewed the purpose and goals of the program. Parents and students addressed the Board regarding the program and the benefits that have been achieved.

Dr. Elena Isquirdo, Curriculum and Second-Language Acquisition Advisor and Chair of Education, University of Texas at El Paso, provided information on the program at Mesita Elementary School, Wiggs Middle School, and El Paso High School. Dr. Ernesto Bernal, outside evaluator and Director, San Antonio Foundation for the Gifted, reviewed his work with the program at Mesita School.

Meeting Recessed

The meeting was recessed at 6:55 p.m. The meeting was reconvened at 7:05 p.m.

15. Grievance Hearing – Consolidated Compensation Package #0405011

Mr. Safi reviewed the guidelines for the grievance hearing. He advised that the grievants would be represented by Ms. Frances Wever, El Paso Federation of Teachers and Support Personnel, and Mr. Danny Martinez, Director, Employee Relations, would represent the administration. Mr. Safi stated that per Board policy any charge or complaint of wrongdoing against a specific individual could be heard in Closed Session, otherwise, the grievance would be heard in Open Session. He stated that the grievants requested Open Session and that one employee, represented by Mr. Rick Arnett as legal counsel, requested Closed. Mr. Safi advised that Ms. Wever had agreed to not personalize any allegations, so the grievance would be heard in Open Session, and if the need arose, the Board could go into Closed. Mr. Arnett agreed to the terms. Mr. Safi verified the grievance record with Ms. Wever.

Ms. Wever stated that the compensation package is perplexing and reviewed perceived misinformation provided to the Board such as cost differences in local and external funding estimates for teachers in 2003-04 and 2004-05. She referred to the District's data disk and the absence of any funding information and stated that there was a difference in excess of \$9 million. Ms. Wever provided information on the District's presentation on teacher pay and stated that longevity stipends were not being given. She provided examples of percentages between steps and pay discrepancies and stated that the compensation package was not equitable for everybody.

Mr. Martinez advised that the alleged \$9 million could not be found. He stated that Ms. Wever used a snapshot of figures and that the information on the disk she requested was already changing. Mr. Martinez stated that funds were not available to compress teacher schedules and that teachers above the 28th step receive supplements. He reviewed the total increase for teacher salaries, not including federal funds, and the cost for teachers in 2003-04 to the current year. He stated that the current year appears less because there was a decrease in federal funds. Mr. Martinez advised that the administration is attempting to address inequities over a period of years and that specific instances of inappropriate pay should be brought to the attention of Human Resources. He recommended that the grievance be denied.

Ms. Wever rebutted the administration's comments and stated that the compensation package needs fixing, that administration did not follow its own regulation on how to apply pay, and that the raises cost \$2 million less than what administration stated. She suggested that to resolve the grievance that the teachers on Levels 2 and 3 who did not receive the specified raise be singled out and given the increase and that administration's compensation committee meet with the El Paso Consultation Association (EPCA) and develop rules to ensure every employee is treated fairly.

Mr. Martinez stated that the cost of the 2004-05 compensation package was under estimated. He acquiesced to meeting with EPCA but stated that would not obligate the Board or the Superintendent and individual employees should contact the administration if there is a problem with pay.

Dr. William Wachtel, Senior Resource Analyst, Business Services, stated a major reason for the apparent discrepancy is the difficulty of separating externally funded personnel from locally funded personnel. He advised that there was a large carryover of Title II for 2003-04 and that those funds were not available in 2004-05.

In response to Dr. Roark, Mr. Martinez reviewed the timelines and incidents that occurred during the administration's response to the grievance. Dr. O'Donnell inquired about the grievance process and whether appropriate steps were followed by each individual grievant. Mr. Safi advised that no language exists in Board policy that addresses group or class action grievances.

It was moved by Dr. Roark and seconded by Dr. O'Donnell that the Board Policy Committee consider the issue of policy, regulation, and procedure; that the Board's Compensation Committee look at the issue of promotion and reclassification; that the budget issues be looked at by the Board Finance Committee; and that administration be requested to meet with the El Paso Consultation Association (EPCA) to work towards solving these issues over the long term.

There was discussion on the grievance process, the motion proposing an alternative solution to the problem posed by the grievants, providing compensation packages that are fair and equitable, considering an equal number of steps for all employees, working out a structure for the varying responsibilities associated with different leveled positions, and developing a compensation package that is uncomplicated and easily understood by all employees.

Upon the vote, the motion carried unanimously.

4. Certification of Required Hours of Continuing Education for Board Members

Mr. Mena announced that Board members completing or exceeding the continuing education required by 19 Texas Administrative Code 61.1 are Ms. Colquitt-Muñoz, Mr. Cordova, Mr. Dodge, Miss Garcia, Mr. Mena, Dr. O'Donnell, and Dr. Roark.

5. Order Calling Election of Trustees for May 7, 2005

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board adopt the "Order Calling Election of Trustees for May 7, 2005," as presented by Mr. Anthony Safi, the District's attorney (copy attached to the permanent file of these minutes). Mr. Cordova was not present for the vote.

6. Interlocal Governmental Agreement with City of El Paso Regarding Joint Election on May 7, 2005

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the Interlocal Governmental Agreement between the City of El Paso and the EPISD for the May 7, 2005, Board of Trustees election which includes early voting on a consolidated basis and the sharing of expenses (copy attached to the permanent file of these minutes). Mr. Cordova was not present for the vote.

7. Approval of Contract for Election Services with the El Paso County Elections Department

It was moved by Dr. O'Donnell, seconded by Miss Garcia, and carried unanimously that the Board approve the Contract for Election Services with the City of El Paso Elections Department for the May 7, 2005, election for the estimated amount of \$34,501.50 (copy attached to the permanent file of these minutes). Mr. Cordova was not present for the vote.

8. Superintendent's Evaluation Calendar

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously that the Board adopt the Superintendent's Evaluation Calendar as presented. Mr. Cordova was not present for the vote.

9. Rescheduling of March 22, 2005, Regular Meeting of the Board of Trustees

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the March 22, 2005, regular meeting of the Board of Trustees be rescheduled for March 29, 2005.

11. 2004-05 District Improvement Plan

Responding to Dr. O'Donnell, Ms. Elizabeth Montes, Executive Director, K-12 Curriculum, reviewed the process to develop the District Improvement Plan (DIP) and the reasons for the delay in completing it and bringing it to the Board. Comments and recommendations were provided on information to be included in the DIP.

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board approve the 2004-05 District Improvement Plan as presented and developed by the Districtwide Educational Improvement Council (DEIC), with the corrections as suggested.

13. Sole Source Instructional Materials Requiring Board Approval – Custom Science Modules from Sundance/Newbridge Publishing, LLC (\$91,465.70)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that these instructional materials be approved from this sole source vendor.

14. Procurement/Delivery Methods for Construction Contract Exceeding \$15,000.00 – Districtwide Gas Piping Pressure Testing/Replacement, Phase 5, #05.594 (\$200,000.00)

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the job order contract 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 following people requested to speak to item no. 16, B., Acquisition of Property for Reconstruction of Mesita Elementary School:

1. Sean and Andrea Sweetnam spoke about having obtained an appraisal for their property that they believe reflects a more realistic value for their home.

The meeting was recessed at 8:43 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. Acquisition of Property for Reconstruction of Mesita Elementary School

1. Lot 14, Block 54, Kern Place, El Paso County, El Paso, Texas (3301 N. Stanton)
2. Lot 16, Block 54, Kern Place, El Paso County, El Paso, Texas (3311 N. Stanton)
3. Lot 18, Block 54, Kern Place, El Paso County, El Paso, Texas (3317 N. Stanton)

The closed meeting started at 8:53 p.m. The closed meeting ended at 9:15 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:17 p.m.

16. The action was as follows:

B. Acquisition of Property for Reconstruction of Mesita Elementary School

1. Lot 14, Block 54, Kern Place, El Paso County, El Paso, Texas (3301 N. Stanton)

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that the Board reject the owner's offer and that the administration be authorized to make a counter offer between the two appraisals plus moving expenses.

2. Lot 16, Block 54, Kern Place, El Paso County, El Paso, Texas (3311 N. Stanton)

It was moved by Mr. Dodge and seconded by Mr. Mena that the Board reject the owner's offer, that the administration be authorized to make a counter offer between the District's appraisal and the owner's analysis plus moving expenses, and that all owners pay the normal closing costs. Upon the vote, the motion carried, with Dr. Roark voting against the motion.

3. Lot 18, Block 54, Kern Place, El Paso County, El Paso, Texas (3317 N. Stanton)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board reject the owner's offer, that the administration be authorized to make a counter offer between the two appraisals plus moving expenses, and that all owners pay the normal closing costs.

Meeting Adjourned

The meeting was adjourned at 9:20 p.m.

Date Approved: February 22, 2005