

Minutes of Meeting of Board of Trustees
El Paso Independent School District
February 22, 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
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Miss Leonor Garcia

The meeting was called to order at 5:33 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Kenneth Parker, Chief Business Officer. Mr. Luis Villalobos, Executive Director, Accountability and Administrative Relations, gave the Thought for the Day.

Items Withdrawn

It was announced that item no. 10, Possible Waiver and/or Amendment of Board Policy DEC (Local), Compensation and Benefits: Leaves and Absences Related to Catastrophic Sick Leave Bank; item no. 15, A., Grievance Hearings – Speech Language Pathologists; and item no. 15, B., Grievance Hearings – Chris Peden, Physical Education Teacher/Football Coach, Coronado High School, had been withdrawn from the agenda.

1. Public Forum

There were no speakers on Public Forum.

2. Consent Agenda

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

Dr. Roark - Item D., 1.
Item E., 2.

Questions on Item D., 1., Purchase Requiring Board Approval – Option to Extend Existing Bid – Periodical Bid #09-03 (approx. \$98,000.00)

Dr. Roark inquired about the possibility of reducing the number of periodical subscriptions as a cost savings method and whether this would adversely affect the instructional program. Ms. Sharon Carr, Administrator, Library Learning Resources, provided information on the requests from the campus librarians and the review and ordering procedure that is followed by her department.

Questions on Item E., 2., Professional Services Contract Awards – Paving Project #2 (Newman, Stanton, and Whitaker Elementary Schools; and Bassett Middle School), #04.854 (\$49,269.73)

Dr. Roark commented on whether the paving project at Whitaker Elementary School could be reviewed to determine what the current need is at the school rather than

continuing with the project as designed. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the design had not yet begun due to a change in the engineering company that was previously approved by the Board. Mr. Corona advised that staff had met with the principal at Whitaker and provided her with a copy of the process that is to be followed for consideration of a change in scope on the project.

It was moved by Dr. Roark and seconded by Mr. Mena that item no. 2, E., 2., Professional Services Contract Awards – Paving Project #2 (Newman, Stanton, and Whitaker Elementary Schools; and Bassett Middle School), #04.854 (\$49,269.73), be tabled in order to take action on rescinding the previous contract. Dr. Roark withdrew the motion to table item no. 2., E., 2.

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that action on item no. 2., E., 2., Professional Services Contract Awards – Paving Project #2 (Newman, Stanton, and Whitaker Elementary Schools; and Bassett Middle School), #04.854 (\$49,269.73), be taken separately from the Consent Agenda.

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, 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., 2., Professional Services Contract Awards – Paving Project #2 (Newman, Stanton, and Whitaker Elementary Schools; and Bassett Middle School), #04.854 (\$49,269.73),

A. January 2005 Minutes

1. January 25, 2005, Board Finance Committee Meeting
2. January 11, 2005; January 18, 2005; and January 25, 2005, Meetings of the Board of Trustees

B. Request to Implement Mandatory Uniform Dress Code – Henderson Middle School with an effective date to be 90 days from the date of approval by the Board.

C. Budget Amendments

1. State Compensatory Education (SCE) – Lincoln Middle School (\$7,875.00). This item will provide funding for a math-combo position to fully serve the students.
2. Communications (\$1,250.00). This item will provide funds to compensate eight substitutes who will cover for teachers judging the Teacher of the Year entry forms.

D. Purchases Requiring Board Approval

1. Option to Extend Existing Bid – Periodical Bid #09-03 (approx. \$98,000.00), final option to extend, to W. T. Cox Subscriptions, Inc. (copy of bid tabulation attached to the permanent file of these minutes).
2. Calculator Bid #05-05 (\$206,148.02) was awarded as follows: AFP Distributing, Items 2 and 6, \$11,209.52, net 30; D & H Distributing, Items 1, 3-5, and 8, \$120,144.90, net 30; and Scantex Business Systems, Items 7 and 9, \$74,793.60, net 30 (copy of bid tabulation attached to the permanent file of these minutes).

3. Hearing Impaired Communication Equipment Bid #09-05 (\$88,430.00) was awarded to Phonic Ear in the amount of \$13,930.00 and Phonak, Inc. in the amount of \$74,500.00 (copy of bid tabulation attached to the permanent file of these minutes).

E. Professional Services Contract Awards

1. Quality Assurance Testing – H. R. Moye Elementary School, #04.826.07 (\$35,550.00), was awarded to ENCON International, Inc., 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.

- F. January 2005 Personnel Report (copy attached to the permanent file of these minutes).

2. Consent Agenda (item considered separately)

- E., 2. Professional Services Contract Awards – Paving Project #2 (Newman, Stanton, and Whitaker Elementary Schools; and Bassett Middle School), #04.854 (\$49,269.73)

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board rescind the previous award of Project No. 04.854 to Villaverde Engineering and approve the award to SLI Engineering, Inc., 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, with a reference to the February 22, 2005, minutes being added to the margin of the minutes of August 24, 2004, Board meeting as a cross reference of this action.

3. Approve Method for Electronic Board Agendas

Dr. O'Donnell commented on the meeting that she and Mr. Cordova had with Ms. Terri Jordan, Executive Director, Technology and Information Systems, and Mr. Louis Mona, Director, Administrative Services, TIS; the demonstration that was provided on the in-house program developed by TIS; and the presentation provided by TASB on Board Book. Dr. O'Donnell indicated her preference for Board Book and reviewed the features available with that program. Mr. Cordova commented on his partiality for the in-house program, which could be further developed with additional features. Mr. Dodge spoke about the features already available with Board Book and stated that pursuing the development of an in-house program would not be the best use of the District's resources.

It was moved by Mr. Dodge and seconded by Ms. Colquitt-Muñoz that the Board adopt the TASB Board Book as the method for electronic Board agendas. Upon the vote, the motion carried with Mr. Cordova and Mr. Mena voting against the motion.

4. Academic Excellence Indicator System (AEIS) Report for 2003-04

Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, and Dr. Robert LaGrone, Evaluator, REP&A, provided a brief overview of the 2003-04 AEIS Report. They advised that in the Accountability Ratings for 2004 the District has 1 Exemplary school, 12 Recognized schools, and no schools rated as Academically Unacceptable.

5. Burges High School Student Trip to Washington, DC, to Participate in the Close Up® Foundation's Washington High School Program (\$8,348.00)

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve this student trip.

6. Instructional School Calendar for 2005-06

Ms. Elizabeth Montes, Executive Director, K-12 Curriculum, and Ms. Sharon Grindstaff, Co-Chairperson, DEIC (Districtwide Education Improvement Council) Calendar Committee, provided information on the development of the instructional calendar for 2005-06 and the rationale for the various holiday recommendations.

It was moved by Dr. Roark, seconded by Mr. Cordova, and carried unanimously that the Board approve the 2005-06 Instructional School Calendar, Option A, as presented.

7. Designation of Investment Officer Resolution and Authorized Representatives for the Texas Local Government Investment Pool (TexPool)

It was moved by Dr. Roark, seconded by Mr. Cordova, and carried unanimously that the Board approve the Resolution designating the Treasury Manager, the Executive Director of Financial Services, and the Chief Business Officer as investment officers of the EPISD; and the Resolution Amending Authorized Representatives for the Texas Local Government Investment Pool (TexPool) which designates the Treasury Manager, the Executive Director of Accounting Services, and the Chief Business Officer as authorized representatives of the District.

8. Sole Source Instructional Materials and Training Requiring Board Approval

It was moved by Mr. Cordova, seconded by Dr. Roark, and carried unanimously that the Board approve the following sole source purchases in the amounts indicated:

- A. Community Tutorial Software from Siboney Learning Group (approx. \$15,000.00)
- B. Advanced Placement Summer Institute Training by University of Texas at El Paso's (UTEP) Division of Professional and Continuing Education (approx. \$42,000.00)

9. Renewal of Excess Workers' Compensation and Employers' Liability Insurance RFP #20-04 (\$64,923.00)

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that RFP #20-04 be renewed to Safety National Casualty Corporation, through Rogers & Belding Insurance Agency, Inc., for coverage with an estimated premium of \$64,923.00, effective March 1, 2005, through March 1, 2006, with a specific excess retention in the amount of \$2,000,000.00.

11. Request for Waiver of Board Policy GKD (Local), Community Relations: Use of School Facilities for Non-School Purposes – N. E. Bible Fellowship

Mr. Hector Martinez, Associate Superintendent, Operations, provided information on a request that the District charge a flat fee in the amount of \$250.00 per month for use of the cafeteria at Dr. Nixon Elementary School for Sunday church services. Mr. Martinez advised that the calculated building-use fees, which cover the District's direct cost for non-school use, exceed the proposed flat fee amount. Pastor Eddie W. Sinegal, N. E. Bible Fellowship, requested that the Board consider amending Board policy on behalf of nonprofit organizations. Responding to a request from Dr. Roark, Mr. Safi provided information on a gift of public funds as it relates to the use of District facilities involving out-of-pocket expenses by the District for utilities, custodial, maintenance, security, etc.

It was moved by Mr. Dodge and seconded by Mr. Cordova that the Board deny the request by the N. E. Bible Fellowship to waive Board Policy GKD (Local) and to pay a flat fee of \$250.00 per month for use of the cafeteria at Dr. Nixon Elementary School to host Sunday services for a full year. Upon the vote, the motion carried with Dr. Roark voting against the motion.

12. Revision to Extension of Lease Agreement for Skypark International Business Plaza Approved by the Board on January 25, 2005 (approx. \$50,154.00)

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board approve a one-year extension of the lease for office space in Skypark International Business Plaza located at 6501 Boeing Drive, rather than a period of six months which was previously approved by the Board on January 25, 2005, for an amount not to exceed \$50,154.00, subject to the review and approval of the District's attorney, and that a reference to the February 22, 2005, minutes be added to the margin of the minutes of the January 25, 2005, Board meeting as a cross reference of this action.

13. Funding for City of El Paso Permit Fees, #05.586 (\$397,842.92)

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, provided information on the permit fees that are to be paid to the City of El Paso. There was discussion on the funding for the permits that are to be paid.

It was moved by Ms. Colquitt-Muñoz, seconded by Dr. O'Donnell, and carried unanimously that the Board approve funding for permit fees for the period of January 2001 through August 2002, and April 2004 through January 2005, Project No. 05.586, from the City of El Paso in the amount of \$56,842.92 incurred in the past, and the approximate amount of \$341,000.00 in City of El Paso building permits and fees to be incurred in the future in connection with the 2003 Bond program, subject to the review and approval of the District's attorney.

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

It was moved by Mr. Dodge, 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. Coronado High School – Cloudview Parking Lot, #04.560
- B. Districtwide Refrigerant Monitor Upgrades (White Elementary School; Charles, Hornedo, Lincoln, and Richardson Middle Schools; and Andress, Bowie, Franklin, and Silva Health Magnet High Schools), #05.568

14. Reconsideration of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00

- A. Mesita Elementary School Reconstruction, #04.829
- B. Building Addition Project #3 – Coronado High School, #04.841
- C. Building Addition Project #9 – Morehead Middle School, #04.838

Mr. Hector Martinez, Associate Superintendent, Operations, advised that a competitive bid process was previously approved by the Board on Mesita Elementary School Reconstruction, #04.829, and Building Addition Project #3 – Coronado High School, #04.841. He stated that Building Addition Project #9 – Morehead Middle School, #04.838, has not been presented to the Board as yet due to delays experienced during a revision to the project scope. Mr. Martinez advised that the administration recommends proceeding with the competitive bid procurement as previously approved by the Board for

the remaining bond project and that Construction Manager at Risk (CM-R), Competitive Sealed Proposals, and other permissible procurement methods be used on projects that are properly planned and accommodated into the overall project schedules.

Mr. Raymond Smith, Project Manager, C. F. Jordan, L.P., stated that their recommendation was that in order to gain the maximum benefit, it is vital to have a Construction Manager at Risk involved in the process as early as possible. He advised that to get a CM-R on board at this point, there would be some initial delays in moving the design process forward.

Mr. Dodge stated that nothing should be done to delay the Mesita Elementary School project. He recommended that the competitive bid process for the Mesita and Coronado projects remain as previously approved but that the CM-R procurement method be used for Morehead Middle School.

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Construction Manager at Risk process be utilized for the solicitation of Building Addition Project #9 – Morehead Middle School, #04.838, 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 7:45 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, 551.074, 551.082, and 551.0821 of the Texas Government Code as follows:

17. Closed Meeting

- A. Appeal for Coverage Under EPISD health Care Trust Medical Plan, Case #2005-1
- B. Consultation with School District Attorney Regarding Pending Litigation
 - 1. Jacqueline A. as next friend of S. L., Plaintiff vs. El Paso Independent School District, Defendant; U. S. District Court, Western District of Texas, El Paso Division; Cause No. EP-04-CA-0434
 - 2. Lynn E. as next friend of A. E., Plaintiff vs. El Paso Independent School District, Defendant; U. S. District Court, Western District of Texas, El Paso Division; Cause No. EP-04-CA-0393
 - 3. Patricia M. as next friend of A. R., Plaintiff vs. El Paso Independent School District, Defendant; U. S. District Court, Western District of Texas, El Paso Division; Cause No. EP-04-CA-0433
- C. Proposed Acquisition of Property – Mesita Elementary School Reconstruction, #04.829.09

The closed meeting started at 7:52 p.m. The closed meeting ended at 8:25 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:27 p.m.

17. The action was as follows:

- A. Appeal for Coverage Under EPISD health Care Trust Medical Plan, Case #2005-1

No action was taken by the Board of Trustees, which in effect upholds the administration's decision.

B. Consultation with School District Attorney Regarding Pending Litigation

1. Jacqueline A. as next friend of S. L., Plaintiff vs. El Paso Independent School District, Defendant; U. S. District Court, Western District of Texas, El Paso Division; Cause No. EP-04-CA-0434

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board authorize the payment of attorney fees in the amount of \$9,337.31.

2. Lynn E. as next friend of A. E., Plaintiff vs. El Paso Independent School District, Defendant; U. S. District Court, Western District of Texas, El Paso Division; Cause No. EP-04-CA-0393

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board authorize payment of attorney fees in the amount of \$11,475.23.

3. Patricia M. as next friend of A. R., Plaintiff vs. El Paso Independent School District, Defendant; U. S. District Court, Western District of Texas, El Paso Division; Cause No. EP-04-CA-0433

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize an offer of judgment in the amount of \$3,200.00.

C. Proposed Acquisition of Property – Mesita Elementary School Reconstruction, #04.829.09

It was moved by Mr. Dodge, seconded by Mr. Mena, and carried unanimously that the Board authorize a final offer in the amount of \$76,250.00 to Lilly V. and Lorraine Jabalie for the property at 3305 N. Stanton and authorize eminent domain proceedings per prior approval by the Board of Trustees, if this offer is not accepted by the owners of the property.

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board authorize the payment in the amount of \$93,500 to James L. and Hope V. Covert for the property at 3319 N. Stanton, that the District pay closing costs and not pay relocation costs, and authorize eminent domain proceedings per prior approval by the Board of Trustees, if this offer is not accepted by the owners of the property.

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Mena, and carried unanimously that the Board that the Board authorize the administration to make a counter offer to Maria Miramontes on the property at 3327 N. Stanton that would consist of the average of the District's appraisal and the owners' appraisal, plus relocation allowance up to \$2,500.00, with each party bearing the customary closing costs.

Meeting Adjourned

The meeting was adjourned at 8:36 p.m.

Date Approved: April 12, 2005