

Minutes of Meeting of Board of Trustees
El Paso Independent School District
March 9, 2004
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
Miss Leonor Garcia
Dr. Charles Roark¹
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Mr. David Dodge

The meeting was called to order at 5:01 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Carlos Martinez, Director, Community and Governmental Relations/Partners in Education. Ms. Elizabeth Montes, Executive Director, K-12 Instruction, gave the Thought for the Day.

1. Recognition of March 2004 Partner of the Month

Starbucks Coffee Company was recognized.

2. Recognition of March 2004 Volunteer and Youth Volunteer of the Month

Ms. Janice Garcia, a volunteer at Crosby Elementary School, and Miss Isabel Aragon, a student at Zavala Elementary School, were recognized.

3. Awards to February 2004 Employees of the Month

Ms. Sindia Flores, paraprofessional at Guerrero Elementary School, was recognized as the Non-Certified Employee. Due to the illness of Ms. Irma Hernandez, teacher at Coldwell Elementary School, her recognition as the Certified Employee was postponed

4. Recognition of Abundant Living Faith Center for Donation of Toys During Christmas 2003

Abundant Living Faith Center was recognized for its donation of toys for terminally ill children at Providence Memorial Hospital for Christmas 2003. An engraved plaque was presented to Pastor Charles Nieman from the Board of Trustees.

5. Presentation of "Arco de Oro" Award by United Way of El Paso to EPISD for Contributions Exceeding \$100,000.00

Ms. Deborah Zuloaga, Executive Director, United Way of El Paso, presented the award to the Board of Trustees and the District.

6. Child Nutrition Employee Appreciation Week Resolution

Dr. O'Donnell read the resolution into the record.

¹ Dr. Roark arrived at 5:20 p.m., during discussion on Item #7.

7. Resolution for EPISD Citizens Bond Accountability Committee

Dr. O'Donnell read the resolution into the record.

Mr. Tafoya recommended that language be added to Item #1 of the resolution to include Rick Schector as a member of the Ad Hoc Bond Committee. Dr. O'Donnell recommended modifying the language in Item #2 that the Board hereby "appoints" an Executive Committee.

It was moved by Dr. O'Donnell, seconded by Dr. Roark, and carried unanimously that the Board approve this resolution recommended by the Ad Hoc Board Committee, as amended.

8. Public Forum

The following person requested to speak on Open Forum:

1. Mr. Gerald Cheek, El Paso Council of PTAs, extended an invitation to the PTA installation on May 12, 2004, and thanked the Abundant Living Faith Center for its community work and the Burges High School administration and faculty for assisting a Burges student who was detained by the U. S. Immigration Service.

9. Consent Agenda

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

Miss Garcia - Items D., 3., 4., and 5.

Questions on Item D., 3., Purchases Requiring Board Approval – Award Jackets, Sweaters, and Letters Bid #11-04 (approx. \$41,732.00).

Miss Garcia inquired about the tied bid prices on Item 1 from Champion Fashions and Texas Chenille Embroidery. Mr. Terry Freiburg, Director, Purchasing, advised that Item 1 consisted of three size groups for award jackets. The bids for sizes SM-XL were tied, but the increases for XXL and XXXL were lower from Chenille Embroidery, which resulted in its lower extension amount.

Miss Garcia inquired about Item 4 and the low bid from Advertising Specialties of El Paso. Mr. Freiburg advised that Item 4 was awarded on an all-or-none basis in order to simplify the award, and the lowest extension amount was from Champion Fashions.

Questions on Item D., 4., Purchases Requiring Board Approval – School Bus Bid #12-04 (\$560,460.00)

Miss Garcia inquired about the rationale for the recommended award to Thomas Bus Gulf Coast G.P., Inc. Mr. Oscar Anchondo, Director, Transportation, explained that the lower alternate bid from One Stop Bus Stop, Inc. was not as specified and did not meet the District's specifications.

Questions on Item D., 5., Purchases Requiring Board Approval – School Furniture Bid #16-04 (\$87,627.65)

Miss Garcia inquired about the purchase of plastic chairs. Mr. Terry Freiburg, Director, Purchasing, advised that the District has not purchased wood chairs for over 15 years.

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.

A. Minutes

1. January 2004 Minutes
 - a. January 13, 2004, Board Finance Committee Meeting and January 20, 2004, Board Construction Committee Meeting
 - b. January 13, 2004, Meeting of the Board of Trustees
2. Minutes of February 17, 2004, Board Policy Committee Meeting

B. New Board Policy CRB (Local), Insurance and Annuities Management: Liability Insurance

C. Budget Amendments

1. Lee Elementary School (\$2,400.00). This item is to allow administration to attend the mandatory School Administrator Skills Assessment (SASA) training as well as to purchase additional instructional supplies.
2. Rivera Elementary School (\$500.00). This item is to allow reimbursement of in-city travel for administration and clerical staff to attend required trainings and meetings.
3. Roberts Elementary School (\$2,000.00). This item is to allow funds for in-city travel reimbursement for administrative meetings and to purchase instructional supplies.
4. Stanton Elementary School (\$500.00). This item is to pay hotel expenses for teachers who attend the International Reading Association (IRA) conference in Reno, Nevada, from May 2-6, 2004.
5. Hornedo Middle School (\$1,000.00). This item is to allow the allocation of funds to compensate support personnel in security and clerical positions to ensure student safety, bookroom audits, and year-end closing needs.
6. Lincoln Middle School (\$1,000.00). This item is to allow for additional security during extracurricular activities to ensure student safety.
7. Texas Reading First Initiative K-3 (\$174,500.00). This item is to correct function codes, provide parent training and childcare related to the Reading First Grant initiatives, and provide funds for activities approved in an amendment to the Reading First Grant.

D. Purchases Requiring Board Approval

1. District Printers CSP #17-04 (approx. \$500,000.00) was awarded to Apple Computer Products, Item 6; Panasonic Digital Document Co., Items 11 and 12; Software House International (SHI-GS), Items 1-4, and 7-10; and Spectrum Imaging Systems, Item 5 (copy of bid tabulation attached to the permanent file of these minutes).

2. School Groceries CSP #124-04 (approx. \$65,000.00) was awarded to Big 8 Foods, LTD and Food City Supermarkets for future purchases on an "as-needed" basis, with an option to extend 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).
 3. Award Jackets, Sweaters, and Letters Bid #11-04 (approx. \$41,732.00) was awarded as follows: Advertising Specialties of El Paso, Item 3, \$337.00, net 30; Champion Fashions, Item 4, \$1,806.00, net 30; Texas Chenille Embroidery, Items 1, 2, and 6, \$37,789.00, net 30; and Tejas Mfg. Co., Item 5, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
 4. School Bus Bid #12-04 (\$560,460.00) was awarded to Thomas Bus Gulf Coast G.P., Inc., the low bidder, with net terms (copy of bid tabulation attached to the permanent file of these minutes).
 5. School Furniture Bid #16-04 (\$87,627.65) was awarded as follows: Business Interiors, Items 2-4, 19-21, and 23, \$31,346.80, net; Corporate Express, Items 5 and 24, \$5,986.10, net; Indeco Sales, Inc., Items 1, 12, 17, and 22, \$14,249.30, net; and Virco Mfg., Items 6-11, 13-16, and 18, \$36,045.45, net (copy of bid tabulation attached to the permanent file of these minutes).
- E. Professional Services Contract Award – Reclaimed Water, Phase 3 – Burleson Elementary School and Bowie and Jefferson High Schools, #03.608 (\$20,000.00) was awarded to Moreno Cardenas, 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. Extension of Job Order Contract - Districtwide Gas Piping Pressure Testing/Replacement, Phase #, #02.709 (\$200,000.00) was approved with Matyear Construction Company, Inc. for the period of March 11, 2004, through March 10, 2005, or until the value of the contract is reached, subject, in part, on the approval of the 2004-05 preliminary budget.
 - G. December 2003 – January 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.
12. Virtual Education Software RFP #23-04 (\$450,000.00)

Mr. Tafoya advised that the purchase of this software would be funded with IDEA-B funds through a reverse inclusion model. The software would address the educational needs of at-risk students in grades 7 through 12, with special education students being the primary target.

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the award of this RFP to Education 2020 contingent, in part, on the approval of the 2004-05 preliminary budget, with the option to extend for an additional 24 months, 12 months at a time.
 14. Proposed Request for Proposal for Food Services Management

Mr. Tafoya commented on the administration reviewing options to address the deficit in the Food Services fund balance and the March 15, 2004, deadline to notify the Department of Agriculture of the District's intent to issue an RFP for proposals on a third-party solution to some of the Food Services concerns.

Mr. Juan Sandoval, Executive Director, Auxiliary Services, provided information on another option for Food Services, which would be to develop a plan to maintain the internal operation of Food Services for another year. He advised that the deficit in the Food Services fund balance was not as critical as initially believed and requested direction from the Board on the procedure to be taken by the administration.

It was moved by Mr. Cordova and seconded by Miss Garcia that the Food Services personnel be provided the opportunity to keep the services internal and to stimulate more revenue.

There was discussion on the Board providing the administration with clear direction; the fund balance deficit and the projected balanced budget with applied budget cuts; and issues that affected the fund balance. Ms. Nancy Nordell, Director, Food Services, provided information on the expenses funded by Food Services that cut into the fund balance. Mr. James Damm, EPISD Consultant for Finance, advised that if the goal for a balanced budget next year were not met, the funds for Food Services would come out of the Operating Budget. Discussion continued on Mr. Sandoval and Ms. Nordell developing a definite plan by April 15, 2004, on how to generate revenue in Food Services and bringing information back to the Board by the end of April.

Upon the vote, the motion carried unanimously.

Meeting Recessed

The meeting was recessed at 6:15 p.m. The meeting was reconvened at 6:28 p.m.

10. Evaluation Instrument and Procedure for Superintendent's Summative Conference

Dr. O'Donnell provided information on the rationale for developing the evaluation instrument and the process followed for its development, which included input from TASB and other Texas school districts. She reviewed the components of the evaluation, which incorporated goals for the Superintendent that were implemented by the previous Board. Dr. O'Donnell advised that the Board also must approve by April 2004 the Superintendent's goals for next year.

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the evaluation process and evaluation instrument for the Superintendent's summative conference to be conducted on March 23, 2004, be approved as presented.

11. Presentation Regarding Proposed Towne Center at Cielo Vista

Mr. Stuart Schwartz, attorney with the law firm of Scott, Hulse, Marshall, Feuille, Finger & Thurmond, P.C. representing the developer of the proposed Towne Center at Cielo Vista, provided information on the process and prospects of the lifestyle shopping center to be constructed at the site of the current Farah Manufacturing building. He stated that the tenants of the center would be of the highest caliber and that the completed \$112 million project would increase the ad valorem taxes by over \$3.3 million per year for 30 years. Mr. Schwartz reviewed the City's participation in the financing of the project, including the issuance of Tax Increment Financing (TIF) bonds, and the project review conducted by a citizens committee appointed by the Mayor, which indicated support of the project, with provisos. He requested that the Board endorse the project, which will generate additional revenue for the District.

The following person requested to speak to this item:

1. Mr. Mike Hutson, attorney with Ainsa Hutson LLP representing Las Palmas Marketplace, requested that the Board members read the report and review the provisos from the Mayor's citizens committee before endorsing the project.

Dr. Roark spoke in favor of endorsing the Towne Centre project, and Miss Garcia stated that the District would benefit from the project whether or not it issues an endorsement.

13. Attendance Zone Boundaries for Tippin and Kohlberg Elementary Schools

Dr. William Wachtel, Senior Researcher, provided information on the four plans offered for the boundaries for the Tippin Elementary School attendance zone and the reconfiguration of the Kohlberg Elementary School attendance zone. He reviewed the planning process, the current enrollments and capacities, students' transfers to other EPISD schools, input received from community meetings, and the criteria used for attendance zone determination. A detailed review was provided on Plans 1 through 4, with the estimated beginning enrollments for Tippin and the adjusted enrollments for Kohlberg. Dr. Wachtel advised that the administration's recommendation was for Plan 1, with the Kohlberg enrollment being left at 805 students and Tippin opening with 581 students, which would allow for growth at Tippin and still provide relief for Kohlberg.

There was discussion on the reconstruction of Western Hills Elementary School possibly providing additional relief, building another elementary school in the Tippin attendance zone area, and relieving overcrowding as opposed to eliminating overcrowding.

The following people requested to speak to this item:

1. Ms. Karen Beilsmith, parent in Tippin Elementary School attendance zone, spoke about concerns with the calculations, everyone's unease with the overcrowding situation, and the possibility that students moved from Kohlberg will need to go back to Kohlberg in two to three years because of overcrowding at Tippin.
2. Ms. Debbie Walters, parent and PTA president at Kohlberg Elementary School, spoke in support of Plan 4 and about 300 new families moving to West El Paso to work at a local company, which will impact both Tippin and Kohlberg Schools.

Discussion continued on portables not being included in the building capacities for Kohlberg or Tippin, available data on transfer students, and some residential lots close to the Canutillo ISD line being split between Canutillo and EPISD.

Mr. Tafoya commented on the early sale of bonds to relieve the overcrowding at Kohlberg Elementary School, the need to maximize the student enrollment at Tippin and minimize the enrollment at Kohlberg, anticipated growth in El Paso, and "grandfathering" students to the schools where they are currently enrolled.

It was moved by Dr. Roark, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the attendance zone boundaries for Kohlberg and Tippin Elementary Schools as presented by the administration in Plan 1.

15. Contracts for Beverage Vending Machines at EPISD Campuses

Mr. James Damm, EPISD Consultant for Finance, advised that discussions had been held with Coke® and Pepsi® on the vending machine issue and provided information on the goals of the plan.

Dr. Roark expressed concern that the vending machine contract was being presented to the Board before the Board Policy Committee had reviewed the policy issues and inquired about extending the current contract for 90 days. Mr. Damm stated that the current contract expires on May 31, 2004, and an RFP (request for proposals) process was being recommended with the vendors that want their vending machines in District schools. He advised that guidelines and policy issues would be developed through the Board Policy and Board Finance Committees, with recommended contract(s) being brought back to the Board for approval.

There was discussion on the rationale for modifying the campus vending machine procedure, the changes to be made in the new agreements(s), how the funds from the machines are tracked; and the anticipated length of the agreement(s).

It was moved by Mr. Cordova and seconded by Ms. Colquitt-Muñoz that the Board authorize the Finance Unit to develop an agreement with interested vendors through a request for proposals (RFP) that will enable EPISD principals and department heads to develop a vending plan for their school or department within Board policies and Texas Department of Agriculture regulations, and to incorporate recommendations of the Board Finance Committee into the guidelines that will be followed.

Motion Amended

Mr. Safi offered that the motion be amended with language added at the end "with the final recommendations to be brought back to the Board for approval at a future meeting." Mr. Cordova and Ms. Colquitt-Muñoz accepted the amendment.

The following people requested to speak to this item:

1. Mr. Bill Hart, Jr., EPISD taxpayer, spoke about concerns with overweight children, the need for school districts to offer nutritious drinks rather than soft drinks and nutritious snacks rather than candy, and the need to consider all factors instead of looking only at profit margins.
2. Mr. Luis Rivera, Branch Manager for Magnolia Coca Cola® Bottling Company, spoke about his company supporting whatever action the Board takes on what drinks are to be provided in the vending machines.
3. Mr. Leo Rede, Account Manager for Pepsi® Cola Bottling Company, spoke about Pepsi® developing alternative beverages and his company complying with any Board directives.

Upon the, the motion, as amended, carried with Dr. O'Donnell voting against the motion. Ms. Colquitt-Muñoz was not present for the vote.

16. Addendum to the Interlocal Agreement for the Provision of Extended Education Program at the El Paso County Juvenile Probation Department

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

17. License Agreement with KLT Internet Educational Solutions, Inc. for OASIS (Objective Alignment System in Schools) Program at Schools in the Austin and Chapin Vertical Zones (\$40,000.00)

Responding to an inquiry from Mr. Cordova on the effectiveness of this program, Mr. Don Smelser, Principal, Logan Elementary School, provided information on the data compiled by Research, Evaluation, Planning and Accountability.

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the license agreement.

18. Contract Awards for Construction Manager At Risk

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the contracts for Construction Manager At Risk be approved as listed to the recommended firms for projects funded through the 2003 Bond Fund (Unlimited Tax School Building and Refunding Bonds-Series 2004) for the construction/installation of the projects described, subject to the review and approval of the District's attorney and the approval of the guaranteed maximum prices by the Board of Trustees at a future meeting.

- A. Central Northeast Elementary School E-2, #04.826, to Urban Associates, LP
- B. Magoffin Middle School Reconstruction, #04.831, to Vistacon, Inc. General Contractors

19. Procurement/Delivery Methods for Construction Contract Exceeding \$15,000.00 – 2004 Portable Classrooms, #04.392

It was moved by Miss Garcia, seconded by Mr. Mena, 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.

21. Public Complaint by Dailey Roofing & Construction, Inc. Regarding Award of Construction Contract for Project #02.368, Districtwide Roofing Projects, Phase 3

Mr. Lorenzo Estrada, President, Dailey Roofing & Construction, Inc., reviewed his bidding process on the roofing project and stated that his company's subcontract work would save money for the EPISD if the Board would change the award to the low bidder, J. T. Construction Co.

Mr. Jaime Torres, President, J. T. Construction Co., inquired about the rationale for the Board awarding the contract to a company that would cost EPISD an additional \$85,000.00. He reviewed his company's qualifications.

The following person requested to speak to this item:

- 1. Mr. Mike Hutson, attorney representing Southwestern Roofing, Inc., reviewed the evaluation he presented to the Board on February 3, 2004, regarding the bid submitted by Southwestern Roofing. He stated that all the work to be performed on the bid submitted by J. T. Construction would be accomplished by the subcontractor, Dailey Roofing.

There was discussion on Dailey Roofing not being bonded on this project through a bonding company and any problems requiring intervention by the non-local general contractor.

It was moved by Dr. Roark and seconded by Mr. Mena that the Board sustain its previous decision to award the contract to Southwestern Roofing, Inc. for the reasons stated.

At the request of Dr. O'Donnell, Mr. Hutson reviewed the recommendations he had made at a previous Board meeting regarding the evaluation criteria. Mr. Safi provided clarification on the evaluation criteria utilized on the construction contract. Mr. Dailey and Mr. Torres offered additional comments on their bid response to this roofing project.

Upon the vote, the motion carried with Dr. O'Donnell voting against the motion.

Item Withdrawn

It was announced that item no. 20, C., 2., Property Acquisition for Site for New South/Central Elementary School – Lots 1 and 2, Block 49, Campbell Addition, El Paso, El Paso County, Texas, had been withdrawn from the agenda.

Meeting Closed

The meeting was recessed at 8:10 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:

20. Closed Meeting

- A. Grievance Hearing – Elizabeth Vega, Counselor, Silva Magnet High School for Health Care Professions
- B. Personnel Appointment – Director Communications
- C. Property Acquisition for Site for New South/Central Elementary School
 - 1. Lot 15, Block 49, Campbell Addition, El Paso, El Paso County, Texas
- D. Consultation with School District Attorney – Roberto C. bnf Jean C. vs El Paso Independent School District; Before a Special Education Hearing Officer for the State of Texas; TEA Docket No. 29-SE-0303

The closed meeting started at 8:15 p.m. The closed meeting ended at 8:50 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:52 p.m.

20. The action taken was as follows:

- A. Grievance Hearing – Elizabeth Vega, Counselor, Silva Magnet High School for Health Care Professions

It was moved by Dr. O'Donnell, seconded by Dr. Roark, and carried unanimously that the Board remand this grievance to the administration for resolution with the understanding that the grievance may be appealed to the Board with the complete grievance record.

B. Personnel Appointment – Director of Communications

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Margaret Gallardo to the position of Director of Communications.

C., 1. Property Acquisition for Site for New South/Central Elementary School – Lot 15, Block 49, Campbell Addition, El Paso, El Paso County, Texas

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to finalize the purchase of this property for a final purchase price of \$38,000.00, subject to the review and approval of the District's attorney.

D. Consultation with School District Attorney – Roberto C. bnf Jean C. vs EPISD; Before a Special Education Hearing Officer for the State of Texas; TEA Docket No. 209-SE-0303

It was moved by Dr. O'Donnell, seconded by Dr. Roark, and carried unanimously that the Board authorize the Superintendent and legal counsel to negotiate a settlement of attorney fees in this case.

Meeting Adjourned

The meeting was adjourned at 8:55 p.m.

Date Approved: May 11, 2004