

Minutes of Meeting of Board of Trustees
El Paso Independent School District
January 14, 2003
5:00 p.m.
Education Center-Boeing

Present: Mr. Dan Wever, President
Dr. Gene Finke, Vice President
Mr. Sal Mena, Jr.
Dr. Charles Roark
Mr. Joe Rosales
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Miss Leonor Garcia, Secretary
Mr. Richard Telles

The meeting was called to order at 5:25 p.m. by Mr. Wever. The Pledge of Allegiance was led by Dr. Finke. Mr. John Doran, Associate Superintendent, High Schools, gave the Thought for the Day.

Approval of the Annual Financial Report with Independent Auditors' Report Thereon and State Compensatory Education Audit for the 2001-02 Fiscal Year (Item #1)

Dr. Finke advised that the Board Finance Committee had received a detailed report on the District's financial audit at its meeting prior to the regular Board meeting. Mr. Craig Gibson, Dunbar/Broadus/Gibson LLP, provided a summary report on the District's annual financial report. He reviewed comparisons in revenues, expenditures, general fund equity for the last five years, and ADA (average daily attendance) and cost per student. He also discussed the Governmental Accounting Standards Board new reporting format, GASB34.

Mr. Gibson provided a summary of the State Compensatory Education (SCE) special engagement audit and reported that no financial penalties would be imposed this year. He advised that because this is a new audit required by the Texas Education Agency, financial penalties would begin next year.

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that the Board approve (1) the annual Financial Report, with the Independent Auditors Report thereon, and (2) the State Compensatory Education Audit, all as prepared by Dunbar/Broadus/Gibson LLP, Certified Public Accountants, and as presented to the Board Finance Committee, for the year ending August 31, 2002.

Dr. Roark stated for the record that he had a concern with the report being "approved" by the Board and that he believed the Board should "accept" the report.

Recognition of Burges High School Journalism Department and Newspaper Staff for Receiving the National Scholastic Press Association's Pacemaker Award (Item #2)

The Board of Trustees recognized the Burges High School journalism department and newspaper staff for having received the National Scholastic Press Association's Pacemaker Award with the presentation of an engraved plaque in recognition of their accomplishment. A list of the journalism department's newspaper staff is attached to the permanent file of these minutes.

Awards to December 2002 Employees of the Month (Item #3)

Ms. Cecilia Flores-Sigler, teacher at the Raymond Telles Academy, was recognized by the Board of Trustees as December 2002's Certified Employee of the Month; and Ms. Allyson Santiago, nutrition clerk at White Elementary School, was recognized as December 2002's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$200.00.

School Board Recognition Month Proclamation (Item #4)

Mr. Tafoya read the proclamation designating January 2003 as School Board Recognition Month to increase awareness of the vital role school boards play in public education.

Adoption of Resolution on Tax Base Erosion (Item #5)

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board adopt the Resolution on Tax Base Erosion as presented by the administration (copy attached to the permanent file of these minutes).

District Lobbyist and Legislative Consultant RFP #132-02 (Item #10)

It was moved by Dr. Roark and seconded by Mr. Rosales that the Board approve the lobbyist/legislative consultant selected to be awarded District Lobbyist and Legislative Consultant RFP #132-02.

Mr. Terry Freiburg, Director, Purchasing, advised that three proposals were submitted in response to RFP #132-02. Mr. Tafoya stated that the administration's recommendation was to award RFP #132-02 to Paul Colbert for the estimated amount of \$95,000.00.

Dr. Roark withdrew his motion.

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that Paul Colbert be awarded District Lobbyist and Legislative Consultant RFP #132-02 for the estimated amount of \$95,000.00, subject to a corresponding budget amendment utilizing permissible funds being brought back to the Board at a future meeting.

Meeting Closed

The meeting was recessed at 6:35 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Education Code for consultation with legal counsel related to the Park Town Elementary School.

The closed meeting started at 6:37 p.m. The closed meeting ended at 7:17 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:20 p.m.

Public Forum (Item #6)

The following people requested to speak on Open Forum:

1. Mr. Francis Ainsa, Jr., representing Silva's Super Market, inquired about a request to be placed on the agenda and requested that the Board place an item on the next Board meeting agenda regarding property acquisition for the South/Central Elementary School.
2. Ms. Cindy Crews, parent at Chapin High School, voiced concerns about the possible elimination of block scheduling.
3. Mr. Mason Lomeli, Lomeli & Sons Landscaping Co., Inc., spoke about girls softball field improvements (Item # 21, D., 1.) and reasons for the delay of the close out documents for the project.

Presentation, Discussion, and Possible Action on Selection of Architect for Park Town Elementary School, #02.516 (Item #22)

The following people requested to speak to this item:

1. Mr. Gerald Cheek recommended that the Board follow its policies on architect selection and support the new Superintendent.
2. Mr. Francis Ainsa, Jr., withdrew his request to speak to this item.
3. Mr. David Dodge spoke about supporting and trusting the administration's recommendations.
4. Ms. Carmen Felix, representing the Southside Low-Income Housing Development Corporation, spoke about the Board moving forward with the architect selection.
5. Mr. Gilbert Mares, Aoy School Alumni Association, spoke about the Board moving forward with a school on the Southside.

Mr. Hector Martinez, Associate Superintendent, Operations, reviewed the process that was followed in selecting an architect for the Park Town (South/Central) Elementary School E-5, and advised that the administration recommended PSRBB Architects.

It was moved by Mr. Mena and seconded by Dr. Finke that the Board authorize the administration to negotiate a contract with PSRBB Architects for professional design services in connection with the South/Central Elementary School E-5, with final terms of the contract to be presented to the Board for approval at the next available regularly scheduled meeting. Upon the vote, the motion carried unanimously with Dr. Roark, Dr. Finke, Mr. Wever, Mr. Rosales, and Mr. Mena voting in favor of the motion.

Consent Agenda (Item #7)

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

Mr. Wever - Item 7, B., 1., Approval of Budget Amendments – ESEA Title I, Part A – Douglass Elementary School

Dr. Roark - Item 7, D., December 2002 Personnel Report

Questions on Approval of Budget Amendments – ESEA Title I, Part A – Douglass Elementary School (\$8,000.00) (Item #7, B., 1.)

In response to a question from Mr. Wever, Mr. Manuel Mendoza, Principal, Wiggs Middle School, advised that the software being purchased from Renaissance Learning is a pre- and post-testing program for accelerated mathematics.

Questions on December 2002 Personnel Report (Item #7, D.)

Dr. Roark expressed concern about the District's loss of personnel and reasons provided for employee resignations. Mr. Tafoya stated that the District is hoping to hire an individual to conduct more extensive employee exit interviews.

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

A. Approval of Payment of 2003 TASB Annual Membership Dues (\$11,200.00)

The Board approved the District's continued membership with the Texas Association of School Boards (TASB) and payment of the 2003 TASB annual membership dues in the amount of \$11,000.00, and the District's membership in the TASB Legal Assistance Fund and payment of dues in the amount of \$200.00, for a total amount of \$11,200.00.

B. Approval of Budget Amendments

The Board approved the following amendments to the 2002-03 fiscal year budget:

1. ESEA Title I, Part A – Douglass Elementary School (\$8,000.00). The purpose of this item is to amend the Douglass Elementary School ESEA Title I, Part A, budget in the amount of \$8,000.00. Manuel Mendoza, Principal at Douglass, requested this amendment in a memo dated November 26, 2002. The transfer of these funds will allow the purchase of software for teachers to track student progress and plan intervention programs.
2. Wiggs Middle School (\$12,000.00). The purpose of this item is to amend the Wiggs Middle School budget in the amount of \$12,000.00. Armando Aguirre, Principal at Wiggs, requested this amendment in a memo dated November 25, 2002. This amendment transfers funds budgeted for reading materials to be used for the purchase of other needed instructional supplies.

3. State Compensatory Education (SCE) – Crosby Elementary School (\$250.00). The purpose of this item is to amend the Crosby Elementary School State Compensatory Education (SCE) budget in the amount of \$250.00. Chris Mosier, Principal at Crosby, requested this amendment in a memo dated November 20, 2002. This amendment transfers funds from Staff Development Professional Services to Instructional Reading Materials for the purchase of *Texas Weekly*, a Texas-oriented student newspaper, which will provide a text-to-world connection source for Social Studies.
4. State Compensatory Education (SCE) – Andress High School (\$5,000.00). The purpose of this item is to amend the Andress High School State Compensatory Education (SCE) budget in the amount of \$5,000.00. Curtis Williams, Principal at Andress, requested this amendment in a memo dated November 25, 2002. This amendment transfers funds from Instructional Part-Time to provide leveled books for the accelerated reading program and to purchase appropriate level core curriculum reading materials for at-risk students who are struggling readers.
5. Elementary Education (\$15,800.00). The purpose of this item is to amend the Elementary Education budget in the amount of \$15,800.00. Vodene Schultz, Facilitator in Elementary Education, requested this amendment in a memo dated November 22, 2002. This amendment transfers funds to be rolled out of Fund Balance into the current fiscal year to sufficiently fund purchase orders encumbered and approved during Fiscal Year 2002 which were automatically rolled into the Fund Balance at the end of that fiscal year.
6. Maintenance, Buildings & Grounds (\$107,481.00). The purpose of this item is to amend the Maintenance, Buildings, & Grounds budget in the amount of \$107,481.00. Frank Hernandez, Director of Maintenance, Buildings & Grounds, requested this amendment in a memo dated December 10, 2002. This amendment transfers funds to be rolled out of Fund Balance into the current fiscal year to sufficiently fund purchase orders encumbered and approved during Fiscal Year 2002 which were automatically rolled into the Fund Balance at the end of that fiscal year.

C. Purchases Requiring Board Approval

The Board approved the following purchases to the recommended vendors for the amounts indicated:

1. School Furniture Bid #123-02 (\$68,851.17) was awarded to the following vendors in the amounts indicated: Harrison-Brown Interior Solutions, Items 2, 3, 15, 16, and 18, \$26,272.12, net; Indeco Sales, Items 1, 6, 8-13, 17, and 19, \$29,841.90, net; and Virco Mfg. Corp. Items 4, 5, 7, and 14, \$12,737.15, net, for a total amount of \$68,851.17 (copy of bid tabulation attached to the permanent file of these minutes).
2. Reconditioning and Recertification of Helmets Bid #126-02 (approx. \$42,000.00) was awarded to Riddell/All American under Option 1 for the estimated annual amount of \$42,000.00, based on last year's expenditures, with an option to extend for an additional 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).

3. Encyclopedias and Reference Materials for Libraries, Purchase Order No. 256262 (\$30,665.00), were approved for purchase from World Book School and Library (World Book, Inc.), the sole source, in the amount of \$30,665.00 (copy of purchase order attached to the permanent file of these minutes).

D. December 2002 Personnel Report

The December 2002 Personnel Report was approved (copy attached to the permanent file of these minutes).

Academic Excellence Indicator Systems (AEIS) Report for 2001-02 (Item #8)

Mr. Art Jordan, Executive Director, Research, Evaluation and Planning, reported on the 2001-02 Academic Excellence Indicator System (AEIS) from the Texas Education Agency, which included data comparison of EPISD students to students statewide and the Student Success Initiative in the Accountability Rating System.

Dr. Robert LaGrone, Evaluator, Research, Evaluation and Planning, reviewed data quality indicators of the PID (personal identification database) error rate and underreported student leavers; student demographics; program enrollments; and accountability ratings. He provided a comparison of the EPISD to the state on the Annual Dropout Rate for grades 7 through 12; completion/student status rates for the class of 2001; Spring 2002 TAAS passing rates for various grades and student groups; attendance rates; 2001-02 End-of-Course passing rates; college admissions testing and participation in the Recommended Graduation Plan for the class of 2001. He also reviewed the percentage of violent or criminal incidents at the elementary, middle, and high school levels.

Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, provided information on the Student Success Initiative (SSI) that was passed by the 76th Legislature as part of the new TAKS (Texas Assessment of Knowledge and Skills) testing and accountability system. She reviewed the academic standards for promotion for school years 2003, 2004, and 2005, and provided information on TAKS requirements for current and future third grade students. She also discussed the statewide percentages of students anticipated to pass the new TAKS on the first testing; students having three opportunities to pass the TAKS; the District's preparation of third grade students for the TAKS; and the interventions made available through Accelerated Reading Initiative Funds from the state.

There was discussion on students that may be required to repeat the third grade; students being at grade level before being promoted to the next grade; baseline criteria against which a child is measured before being promoted to the next grade; and the administration of a "mock" TAKS test and test preparations.

2001-02 Year-End Report on District's Energy Conservation Program (Item #9)

Mr. Donald Thompson and Mr. Dan Eiland, EPISD Energy Managers, presented the results of the District's Energy Conservation Program for the Year 2001-02. They reviewed the history of the District's Energy Department, conservation goals, duties of the Energy Manager, the accounting process to determine cost avoidance, and the changes in the District that affected utility consumption. They reported that the District had a total of \$2,927,640.00 in energy cost savings for the period of August 1, 2001, through July 21, 2002, and that the savings realized over the 12 years of the program was \$27,874,620.00.

Rescheduling of January 28, 2003, Regular Meeting of the Board of Trustees (Item #11)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the January 28, 2003, regular meeting of the Board of Trustees be rescheduled to February 4, 2003.

Approval of Interlocal Cooperation Contract with El Paso Psychiatric Center for the Provision of Educational Services to Students with Disabilities (\$500.00) (Item #12)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the Interlocal Cooperation Contract with the El Paso Psychiatric Center for the provision of educational services to EPISD school-age children with disabilities.

Approval of Purchase of *High Point* Reading Series, Basic and Levels A – C Sets, from Hampton-Brown (\$107,227.94) (Item #13)

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board approve the purchase of the *High Point* Reading series, Basic and Levels A through C Sets, from Hampton-Brown, the sole source, in the amount of \$107,227.94.

Employee Appeal of Denial of Benefits Under EPISD Employee Health Plan (Item #14)

Ms. Elizabeth Bulos, Director, Employee Benefits, provided information on EPISD employee's appeal of benefits for durable medical equipment for her spouse. Ms. Bulos stated that a wheelchair and a lift had been prescribed, that the wheelchair was covered under the EPISD medical plan, and that this request was for coverage of the lift. She advised that the lift does not meet the Plan Document's definition of durable medical equipment because it does not add to the therapeutic medical treatment of an illness but is only for enhanced mobility. Ms. Bulos stated that the administration recommends that the appeal be denied.

There was discussion on the difference between wheelchairs and lifts in therapeutic treatment and whether the individual's illness was short or long term.

It was moved by Mr. Mena and seconded by Mr. Rosales that the employee appeal of denial of benefits under the EPISD Employee Health Plan be postponed.

Mr. Mena withdrew his motion and Mr. Rosales withdrew his second.

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board uphold the administration's recommendation to deny the appeal by employee P. G. for coverage of a wheelchair lift under the EPISD Employee Plan and allow the administration to deal with the issue.

Approval of Amendments to Pharmacy Benefit Management Plan with Express Scripts Under the EPISD Health Care Trust Medical Plan (Item #15)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the amendments to the Pharmacy Benefit Management Plan with Express Scripts under the EPISD Health Care Trust Medical Plan as presented by the administration.

Award of Law Enforcement Liability Insurance RFP #118-02 (\$25,340.18) (Item #16)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that Law Enforcement Liability Insurance RFP #118-02 be awarded to Northfield Insurance Company of the Northland Insurance Group, through Rogers & Belding Insurance Agency as broker, for the estimated annual amount of \$25,340.18, effective January 25, 2003, through October 25, 2003.

Approval of Corrected Amounts on Award of High Speed/High Volume Optical/Digital Duplicator Bid #108-02 (\$72,022.88, five-year lease/maintenance total \$811,603.20), Approved by the Board on December 10, 2002 (Item #17)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the corrected amounts on the award of High Speed/High Volume Optical/Digital Duplicator Bid #108-02, which was previously approved by the Board on December 10, 2002, for a five-year lease/maintenance agreement with Danka Office Imaging in the amount of \$453,283.20 and a five-year maintenance agreement with Xerox Corporation in the amount of \$358,320.00, for a five-year total amount of \$811,603.20 to be expensed in each budget year subject to the approval of each year's funding, with the 2002-03 fiscal year amount being \$72,022.88, and with a reference to the January 14, 2003, minutes being added to the margin of the minutes of the December 10, 2002, Board meeting as a cross reference of these corrections.

Purchases Requiring Board Approval (Item #18)

Questions on Athletic Training Supplies Bid #117-02 (\$23,829.29) (Item #18, A.)

Responding to a question from Mr. Wever, Mr. Terry Freiburg, Director of Purchasing, advised that the bid had been reviewed and analyzed by the Athletics Office, with the assistance of several trainers, and that the alternate bid on the "wraps" met the required specifications.

Questions on Calculator Bid #124-02 (\$807,161.36) (Item #18, B.)

Dr. Finke commented that the purchase of the TI73 graphing calculators in the amount of \$23,217.00 was an unfunded mandate from the state.

Questions on Printers for Douglass Elementary School, Purchase Order No. 254716 (\$15,888.00) (Item #18, D.)

Responding to a question from Mr. Wever, Mr. Manuel Mendoza, Principal, Douglass Elementary School, advised that in reviewing the school's need for printers, it was determined that a more expensive color printer was not needed. He stated that the school has color printers on campus, which can be used when colored copies are needed.

Questions on Apple Computers and Equipment for Hornedo Middle School, Purchase Order No. 255575 (\$52,195.00) (Item #18, F.)

Mr. Wever expressed concerns about ordering Apple computers for middle schools because the students will be working on PCs when they move to high school. Mr. Jack Johnston, Executive Director, Technology and Information Systems, advised that there is a 50-50 split on Apple and Windows platforms in the District. He provided information on the service records of Apples and PCs; some schools preferring Apple computers; the need for both platforms; and the Linux client/server platform. Ms. Victoria York, Principal, Hornedo Middle School, also provided information on the computers used at her school.

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the following purchases be approved to the recommended vendors in the amounts indicated:

- A. Athletic Training Supplies Bid #117-02 (\$23,829.29) was awarded to the following vendors in the amounts indicated with Item #54 being awarded to A-Athletic & Medical Supply, Inc., pursuant to the tie-breaking procedure: A-Athletic & Medical Supply, Inc., Items 2, 4-7, 10-18, 20-23, 23-30, 32-36, 48-50, 52-54, 56, 57, 59, 60, 61, and 63-68, \$22,627.51, net; Alert Services, Items 1, 3, 19, 47, 55, 58, and 62, \$1,045.10, net; and Moore Medical Corporation, Items 31, 40, and 51, \$166.68, net, for a total amount of \$23,829.29 (copy of bid tabulation attached to the permanent file of these minutes).
- B. Calculator Bid #124-02 (\$807,161.36) was awarded to the following vendors in the amounts indicated: D & H Distributing Co., Item 3, \$23,217.00, net; Scantrex Business Systems, Inc., Item 7, \$2,934.00, net; and School Specialty Supply, Inc., Items 1, 2, 4-6, and 8, \$781,010.36, net, for a total amount of \$807,161.36 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Computers for Math Lab at Bowie High School, Purchase Order No. 253680 (\$14,274.88), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$14,274.88 (copy of purchase order attached to the permanent file of these minutes).
- D. Printers for Douglass Elementary School, Purchase Order No. 254716 (\$15,888.00), were approved for purchase from SHI-GS, the lowest quote, in the amount of \$15,888.00 (copy of purchase order attached to the permanent file of these minutes).
- E. Computers for Andress High School, Purchase Order No. 255336 (\$14,882.88), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$14,882.88 (copy of purchase order attached to the permanent file of these minutes).
- F. Apple Computers and Equipment for Hornedo Middle School, Purchase Order No. 255575 (\$52,195.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$52,195.00 (copy of purchase order attached to the permanent file of these minutes).
- G. Computers and Laptops for Raymond Telles Academy, Purchase Order No. 255577 (\$20,412.98), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$20,412.98 (copy of purchase order attached to the permanent file of these minutes).

- H. Software and Equipment for Coronado High School, Purchase Order No. 255620 (\$19,977.90), were approved for purchase from Software House International, Inc., the lowest quote, in the amount of \$19,977.90 (copy of purchase order attached to the permanent file of these minutes).
- I. Apple Computers for Park Elementary School, Purchase Order No. 255706 (\$21,469.50), were approved for purchase from Apple Computer, the sole source, in the amount of \$21,469.50 (copy of purchase order attached to the permanent file of these minutes).
- J. Computers for Business Application Labs at Andress, Irvin, and Silva Magnet High Schools, Purchase Order No. 256203 (\$77,416.20), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$77,416.20 (copy of purchase order attached to the permanent file of these minutes).

Approval of Final Payment for Construction Contract Exceeding \$100,000.00 – 2002 Portable Classrooms, Phase 2, #02.342 (\$39,620.00, total cost \$792,400.00) (Item #19)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the final payment on Construction Contract #02.342, 2002 Portable Classrooms, Phase 2, subject to the review and approval of the District's attorney, to Banes General Contractors, Inc. in the amount of \$39,620.00.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$15,000.00 (Item #20)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve the procurement/delivery methods recommended 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. The competitive bid process for Districtwide Running Track Replacement, Phase 1 – Bowie and Jefferson High Schools, #02.365.
- B. The competitive bid process for Districtwide Roofing Projects, Phase 2 – Bradley, Collins, Dowell, Fannin, Stanton, and Travis Elementary Schools; Magoffin and Terrace Hills Middle Schools; and Andress and Irvin High Schools, #02.368.
- C. The competitive bid process for Districtwide ADA (Americans with Disabilities Act) Deficiencies, Phase 1 – Guillen and Wiggs Middle Schools; and Bowie, Burges, and El Paso High Schools, #02.370.
- D. The competitive bid process for District ADA (Americans with Disabilities Act) Deficiencies, Phase 3 – Bassett and Charles Middle Schools, and Andress and Irvin High Schools, #02.372.
- E. The competitive bid process for Districtwide Running Track Replacement, Phase 2 – El Paso High School, #02.374.
- F. The competitive bid process for Districtwide VCT (Vinyl Composition Tile) Replacement, Phase 1, #02.394.
- G. The competitive bid process for Districtwide VCT (Vinyl Composition Tile) Replacement, Phase 2, #02.395.
- H. The competitive bid process for Portable Restroom Buildings – Bond, Lee, and Putnam Elementary Schools, #03.578.
- I. The construction management/at-risk method for Mary N. Tippin Elementary School (E-7), #02.602.

Dr. Roark expressed concerns about the construction management/at-risk method proposed for item no. 20, I., Mary N. Tippin Elementary School (E-7), #02.602.

Mr. Mena withdrew his motion that the Board approve the procurement/delivery methods for solicitation of the construction projects as listed. Mr. Rosales withdrew his second.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the competitive bid method for the solicitation of construction projects listed in item nos. 20, A. - H., subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$15,000.00 – Mary N. Tippin Elementary School (E-7), #02.602 (Item #20, I.)

Dr. Roark expressed concern about the construction management/at-risk delivery methodology proposed for the Mary Tippin Elementary School and requested that more information be provided. Mr. Hector Martinez, Associate Superintendent, Operations, advised that the primary advantage of this methodology was the time savings. He discussed the duties and responsibilities of a construction manager/at-risk, a licensed contractor who begins participating in the construction process during the design phase to expedite the construction work and maintain control over budget and construction costs. Mr. Martinez reviewed the timeframe for a traditional competitive bid delivery process compared to construction management/at-risk.

There was discussion on the methodology used for the construction of Barron Elementary School; the estimated time that would be saved by using the construction management/at risk delivery method; union versus non-union contractors; and potential problems with the District's apprenticeship program.

Departure of Board Member

Mr. Mena departed the meeting at 10:05 p.m. and was not present to vote in any subsequent action taken by the Board of Trustees.

Discussion continued on issues related to the construction management/at-risk process; the District not ever having used the construction management/at-risk method; the need to complete the construction of Tippin Elementary School as quickly as possible; and scheduling a workshop to provide the Board with more information on construction delivery options.

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the approval of the procurement/delivery method for Project #02.602, Mary N. Tippin Elementary School (E-7), be postponed to January 21, 2003.

Consultation with School District Attorney – Title IX Girls Softball Athletic Improvements, Phase 1, #101.014.01 (Item #21, D., 1.)

At a Trustee's request, Mr. Hector Martinez, Associate Superintendent, Operations, reported on delays in completing the girls softball field project; the time extensions issued to Lomeli & Sons Landscaping Co., Inc.; the contractor being 89 days late in completing the work; and the contract requirement of imposing a penalty of \$1,000.00 per day for delays in completing construction.

Mr. Mason Lomeli, Lomeli & Sons Landscaping Co., Inc., discussed the two time extensions given to his company by the District to allow for the delays he claimed were caused by the City of El Paso's Parks and Recreation Department.

Meeting Closed (Item #21)

The meeting was recessed at 10:45 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

- A. Personnel Appointment – Director, Urban Systemic Program/Math and Science Partnership
- B. Proposed Termination of Continuing Contract Employee
- C. Consultation with School District Attorney Regarding Pending Employment Termination Proceeding – EPISD vs. David Winkles, TEA Docket No. 022-LH-1002
- D. Consultation with School District Attorney
 - 1. Title IX Girls Softball Athletic Improvements, Phase 1, #01.014.01
 - 2. Potential Complaint to U. S. Department of Education, Office for Civil Rights Regarding Title IX Compliance Issues
- E. Proposed Acquisition of Real Property – Northwest Elementary School E-8 and Northwest Middle School MS-4 (Coronado/Franklin High School Attendance Zone Areas)

The closed meeting started at 10:47 p.m. The closed meeting ended at 11:25 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 11:25 p.m.

Personnel Appointment – Director, Urban Systemic Program/Math and Science Partnership (Item #21, A.)

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Alicia Torres, Mathematics Facilitator in Secondary Education, Curriculum and Instruction, to the position of Director, Urban Systemic Program/Math and Science Partnership.

Consultation with School District Attorney Regarding Pending Employment Termination Proceeding – EPISD vs. David Winkles, TEA Docket No. 022-LH-1002 (Item #21, C.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board accept the resignation of David Winkles effective May 7, 2003, with the executed general release of the District of any claims.

Consultation with School District Attorney – Title IX Girls Softball Athletic Improvements, Phase 1, #01.014.01 (item #21, D., 1.)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board authorize the administration to withhold \$3,511.00 as a measure of liquidated damages against Lomeli & Sons Landscaping Co., Inc. for failure to complete Construction Contract #01.014.01, Title IX Girls Softball Athletic Improvements, Phase 1, within the contract time, and authorize the payment of any final amount due under the contract after settlement, subject to the review and approval of the District's attorney and subject to the execution of a release by Lomeli & Sons Landscaping Co., Inc.

Meeting Adjourned

The meeting was adjourned at 11:30 p.m.

Date Approved: April 22, 2003