

Minutes of Meeting of Board of Trustees
El Paso Independent School District
June 10, 2003
5:00 p.m.
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President
Dr. Lorraine O'Donnell, Vice President
Mr. Carlos Cordova, Secretary
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Mr. Richard Telles

The meeting was called to order at 5:20 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Dodge.

1. Report from Board President

Mr. Mena addressed the Board, staff, and community on his vision and goals for the District.

2. Public Forum

The following people requested to speak on Open Forum:

1. Mr. Gerald Cheek, President, El Paso Council of PTAs, welcomed and congratulated new Board members; challenged the Board to support and work with the Superintendent; and suggested a Board/Superintendent retreat.
2. Mr. Raul Garcia requested that a lift be installed at the Jefferson High School gymnasium for handicapped persons.
3. Mr. Michael Hutson, former EPISD teacher, spoke about having resigned on May 31, 2003, and the stipulation that final checks cannot be released early; and requested that he receive his final check on June 12, 2003.

Items Withdrawn

It was announced that item no. 3, B., 3., Physical Therapy Equipment Bid #49-03 (\$80,236.54), and item no. 3, B., 5., Equipment for Special Needs Students, Purchase Order Nos. 268144 and 268146 (\$16,825.00), had been withdrawn from the agenda.

3. Consent Agenda

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

Mr. Dodge - Items C., 2. and 3.

Dr. Roark - Items B., 6. - 21.

Questions on Item C., 2., Construction Contract Awards - Districtwide Floor Tile/Covebase Replacement 2003, Phase 1, #03.653 (\$440,232.00) and Item C., 3., Districtwide Floor Tile/Covebase Replacement 2003, Phase 2, #03.700 (\$440,232.00)

Mr. Dodge inquired about only two bids being submitted, more advertisement of the contracts, the large difference between the two bid amounts, and the absence of a "history" on the low bidder. Mr. Hector Martinez, Associate Superintendent, Operations, advised that the contracts were advertised and competitively bid as required by procurement law and that responses vary depending on the type of work. Information was provided on JJJ Flooring Covering, Inc.'s performance on prior contracts with the District and work the vendor has conducted in the El Paso area.

Questions on Item B., 6. - 21., Purchases Requiring Board Approval

Dr. Roark expressed concern with computer purchases so late in the school year. Mr. Jack Johnston, Executive Director, Technology and Information Systems (TIS), advised that most of the computers were being funded with recently released Title I funds and that TIS funds were being used for the computers for campus administrative offices, which were held back pending notification of E-Rate funding.

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.

A. Approval of Budget Amendments

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

1. Newman Elementary School (\$545.00). This item is to purchase instructional materials for student achievement.
2. Fine Arts (\$29,463.00). This item is to purchase instruments and supplies and to fund teacher chaperones in area and all-state tryouts.

B. Purchases Requiring Board Approval

1. Audio Visual Lamp/Cassette Video Bid #42-03 (\$26,883.54) was awarded as follows: Audio Visual Aids, Items 10-13, \$13,393.56, net; Aves Audio Visual, Items 1-6 and 14, \$9,031.80, net; DuMotion, Items 8 and 9, \$355.38, net; and Troxell Communications, Item 7, \$4,102.80, net (copy of bid tabulation attached to the permanent file of these minutes).
2. School Furniture Bid #43-03 (\$101,923.13) was awarded as follows: Business Interiors, Items 3, 4, 6, 20, and 21, \$31,043.34, net; Harrison-Brown Interior Solutions, Item 24, \$1,800.00, net; Indeco Sales, Items 1, 11, 12, 16, 17, 19, 22, 23, and 25, \$17,841.94, net; and Virco Mfg. Corp., Items 2, 5, 7-10, 13, -15, and 18, \$51,237.85, net (copy of bid tabulation attached to the permanent file of these minutes).
4. SASIXp™ Educational Software Upgrade, Purchase Order No. 267487 (\$47,198.12), from NCS Pearson, Inc., the sole source (copy of purchase order attached to the permanent file of these minutes).

6. Computers for Campus Administrative Offices Bid #18-03 (\$491,800.00), was awarded to Dell Marketing LP, the low bidder, Configuration "B," including the \$1.00 buyout per unit (\$500.00), on a three-year lease/purchase agreement to be expensed in each budget year subject to the approval of each year's funding, with the 2002-03 fiscal year amount to be \$163,600.00 (copy of bid tabulation attached to the permanent file of these minutes).
7. Computers for Jefferson High School, Purchase Order No. 266522 (\$29,616.30), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
8. Computers for Douglass Elementary School, Purchase Order No. 267285 (\$30,475.00), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
9. Apple Computers for Crosby Elementary School, Purchase Order No. 267733 (\$22,990.45), from Apple Computer, the sole source (copy of purchase order attached to the permanent file of these minutes).
10. Apple Computers for Bassett Middle School, Purchase Order No. 268181 (\$30,734.75), from Apple Computer, the sole source (copy of purchase order attached to the permanent file of these minutes).
11. PCs and Laptops for "Intel® Teach to the Future" (Master Teacher) Program, Purchase Order No. 268579 (\$39,513.74), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
12. Apple Computers for Zavala Elementary School, Purchase Order No. 268617 (\$17,221.00), from Apple Computer, the sole source (copy of purchase order attached to the permanent file of these minutes).
13. Computers for Whitaker Elementary School, Purchase Order No. 268682 (\$18,183.60), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
14. Apple Laptops and Wireless Mobile Lab for Henderson Middle School, Purchase Order Nos. 269104 and 269676 (\$64,069.00), from Apple Computer, the sole source (copies of purchase orders attached to the permanent file of these minutes).
15. Computers for Lee Elementary School, Purchase Order No. 269410 (\$21,506.68), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
16. Apple Computers for Logan Elementary School, Purchase Order No. 269422 (\$20,956.90), from Apple Computer, the sole source (copy of purchase order attached to the permanent file of these minutes).
17. Laptops for Roberts Elementary School, Purchase Order No. 270068 (\$18,435.00), from Gateway Companies, Inc., the lowest quote (copy of purchase order attached to the permanent file of these minutes).
18. Computers for Sunland Park Mall Academy, Purchase Order No. 270301 (\$21,966.20), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).

19. Computers for Burges High School, Purchase Order No. 270325 (\$22,375.00), from Gateway Companies, Inc., the lowest quote (copy of purchase order attached to the permanent file of these minutes).
 20. Apple Computers for Training Lab at Professional Development Center, Purchase Order No. 270687 (\$17,880.00), from Apple Computer, the sole source (copy of purchase order attached to the permanent file of these minutes).
 21. Servers for Staff Development, Purchase Order No. 271212 (\$29,126.74), from BNI Solutions (copy of purchase order attached to the permanent file of these minutes).
- C. Construction Contract Awards were made as follows, subject to the review and approval of the District's attorney:
1. Districtwide Loanstar Lighting Renovations – Austin, Bowie, Burges, and El Paso High Schools, #03.639 (\$381,500.00), to Kendrick Electric Corporation.
 2. Districtwide Floor Tile/Covebase Replacement 2003, Phase 1, #03.653 (\$440,232.00), to JJJ Flooring Covering, Inc.
 3. Districtwide Floor Tile/Covebase Replacement 2003, Phase 2, #03.700 (\$440,232.00), to JJJ Flooring Covering, Inc.
- D. May 2003 Personnel Report (copy attached to the permanent file of these minutes).
4. Public Complaint – Mr. Salvador Santana, Parent from Magoffin Middle School

It was announced that the public complaint filed by Mr. Salvador Santana would be heard in Closed Session.

Meeting Closed

The meeting was recessed at 5:43 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, 551.074, and 551.082 to hear Item #4, Public Complaint – Mr. Salvador Santana, and as follows:

16. Closed Meeting
 - A. Personnel Appointments
 1. Executive Director, Auxiliary Services
 2. Director, Elementary Personnel, Human Resources
 3. Director, External Funding, Special Populations and State and Federally Funded Programs
 - B. Superintendent's Personnel Recommendation – Issuing Contracts for Noncertified Administrators and Other Noncertified Professionals
 - C. Acquisition of Real Property – South Central (Park Town) Elementary School

D. Consultation with School District Attorney Regarding Pending Litigation

1. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388
2. Norma Aguirre and Juan Barba, Plaintiffs vs. EPISD, Defendant; In the United States District Court, Western District, Texas; Cause No. EP03CA0192
3. El Paso Independent School District, Plaintiff vs. The Sambrano Corporation d/b/a SamCorp General Contractors, et al., Defendants; In the 210th Judicial District Court, El Paso County, Texas; Cause No. 2001-3315
4. Consultation with School District Attorney – Richard Bowen v. El Paso Independent School District, et al.; In the United States District Court, Western District of Texas; Cause No. EP-02-CA-0177-DB

The closed meeting started at 5:58 p.m. The closed meeting ended at 8:47 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:48 p.m.

4. Public Complaint – Mr. Salvador Santana, Parent from Magoffin Middle School

The action as a result of this item being discussed in closed meeting was as follows:

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board uphold the administration.

5. Nomination of Trustee to Fill Position on TASB Board of Trustees

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that Dr. Lorraine O'Donnell be nominated to fill position A on the TASB (Texas Association of School Boards) Board of Trustees, District 19.

6. Approval of Submission of Application for COPS in Schools Grant Program from U. S. Department of Justice, Office of Community Oriented Policing Services

Mr. Tafoya stated that the COPS grant would provide funding for ten School Resource Officers (SROs) for three years, and the District would assume all costs for the fourth year, with partial financial assistance to be provided from IDEA-B funding. There was discussion on seasoned officers, experienced in a school environment, being used at the middle school campuses and new officers filling the vacated positions; the officers being utilized only for security at the campuses; and the grant stipulating that each of the ten SROs would be furnished a vehicle from the El Paso Police Department.

It was moved by Mr. Cordova, seconded by Dr. Roark, and carried unanimously that the Board approve the submission of the application for the COPS in Schools Grant Program for the hiring of ten additional EPISD police officers to provide services at the middle schools for an amount not to exceed \$125,000.00 per officer for a total grant award of \$1,250,000.00 for three years, with the District's commitment for a fourth year in the estimated amount of \$437,860.00.

Item Withdrawn

It was announced that item no. 7, Approval of Addendum to Memorandum of Understanding to Comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Between El Paso State Center, Texas Department of Mental Health and Mental Retardation (TDMHMR), had been withdrawn from the agenda.

8. Approval of Extension of Agreement with Dunbar/Broadus/Gibson, LLP to Provide Audit Services for 2002-03 Fiscal Year (approx. \$120,000.00)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the first extension to the agreement.

9. Approve Renewal of Blanket Student/Athletic Accident Insurance, and Voluntary Student Accident Insurance (RFP #57-01) (\$217,870.00)

It was moved by Mr. Cordova, seconded by Dr. Roark, and carried unanimously that the Board accept the renewal quote for Blanket Student Accident Insurance coverage to Student Insurance, Inc., underwritten by Guide One Insurance Co., through local representative Rick Hernandez, for coverage of all interscholastic sports, including football, band, cheerleading, gym classes, intramural activities, field trips, ROTC activities, and the child development lab coverage for an annual premium of \$217,870.00 and a maximum benefit of \$25,000.00, effective August 1, 2003, through July 31, 2004; and Voluntary Student Accident Insurance coverage to Student Insurance, Inc., underwritten by Guide One Insurance Co., through representative Rick Hernandez, for the three options and benefit schedules presented.

10. Approval of *Everyday Mathematics* for Elementary Teacher Resource Materials from SRA/McGraw-Hill (\$42,530.66)

It was moved by Miss Garcia, seconded by Dr. O'Donnell, and carried unanimously that the Board approve this sole source purchase.

11. Approval of Marilyn Burns Education Associates Math Solutions® (K - 8), Part 1 and 2, Training Inservice (\$53,515.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve registration fees for this sole source training inservice.

12. Approval of Instructional Materials/Training Requiring Board Approval

It was moved by Miss Garcia, seconded by Mr. Mena, and carried unanimously that the Board approve the following sole source purchases in the amounts indicated for the remainder of the 2002-03 fiscal year:

- A. ETA/Cuisenaire® Math, Reading, and Science Materials and Staff Development Workshops from ETA/Cuisenaire® (additional expenditure \$49,900.00)
- B. Scriptographic® Educational Products from Channing Bete Company™ (approx. \$55,200.00)
- C. "Getting to the Heart of the Standards" Seminar by The Education Company (approx. \$41,300.00)
- D. English and Spanish Testing Material Kits and Components for Reading, Writing, and Mathematics from The Psychological Corp. (approx. \$40,900.00)

13. Construction Contract Award – Districtwide ADA (Americans with Disabilities Act) Deficiencies, Phase 3 – Bassett, Charles, and Magoffin Middle Schools; and Andress and Irvin High Schools, #02.372 (\$1,266,600.00)

Mr. Safi stated that at the Board's direction on May 27, 2003, negotiations were entered into with TC Enterprises, the apparent low bidder, and the amount of \$1,500.00 was offered to cover the District's costs associated with the company's request to withdraw its bid and bid bond due to a material mistake.

It was moved by Mr. Mena, seconded by Mr. Dodge, and carried unanimously that the Board consent to the withdrawal of the bid and bid bond submitted by TC Enterprises in exchange for a payment from it to the District in the amount of \$1,500.00 and approve the award of construction contract to Dantex Construction Co., subject to the review and approval of the District's attorney.

14. Approval of Final Payment for Construction Contract Exceeding \$100,000.00 – Districtwide Drainage Improvements – Collins, Rusk, and White Elementary Schools, #02.922.02 (\$13,415.52, total cost \$150,505.70)

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the final payment to Silverton Construction Co., Inc., subject to the review and approval of the District's attorney.

15. Approval of Procurement/Delivery Method for Construction Contract Exceeding \$15,000.00 – Districtwide Replacement of Steel Doors – Douglass Elementary School; Henderson and MacArthur Middle Schools; and Coronado and Jefferson High Schools, #03.726

It was moved by Dr. O'Donnell, seconded by Dr. Roark, and carried unanimously that the project delivery 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 prospective bidders/proposers.

16. The action as a result of items discussed previously in a closed meeting was as follows:

A Personnel Appointments

1. Executive Director, Auxiliary Services

It was moved by Mr. Cordova, seconded by Mr. Mena, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Juan Sandoval, Vice President of Universal Solutions for Business, to the position of Executive Director, Auxiliary Services.

2. Director, Elementary Personnel, Human Resources

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Alfredo Quintela, Interim Director of Elementary Personnel, to the position of Director, Elementary Personnel, Human Resources.

3. Director, External Funding, Special Populations and State and Federally Funded Programs

It was moved by Miss Garcia, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Cynthia DeWolf, Facilitator for External Funding, to the position of Director, External Funding, Special Populations and State and Federally Funded Programs.

B. Superintendent's Personnel Recommendation – Issuing Contracts for Noncertified Administrators and Other Noncertified Professional

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the following professional employees who are not required to be certified by the Texas Education Agency or State Board of Educator Certification under Chapter 21 of the Education Code and who are assigned to professional or administrative positions, be offered a One-Year Contract for Noncertified Administrators and Other Noncertified Professionals in accordance with Board Policy DCE (Local), Employment Practices: Semester or Annual Employment: Athletic Trainers, ROTC Instructors, ROTC Assistants, Speech Therapists, School Psychologists, Occupational Therapists, Physical Therapists, Music Therapists, Audiologists, and the Planetarium Facilitator.

C. Acquisition of Real Property – South Central (Park Town) Elementary School

It was moved by Mr. Cordova, seconded by Dr. Roark, and carried unanimously that the Board approve the use of appraised values prepared by John Page Kemp, Jr., MAI Real Estate Appraiser, subject to the review and approval of the District's attorney, for the parcels of Blocks 31 and 49, Campbell Addition, El Paso County, El Paso, Texas, and hereby authorizes the administration to proceed with the purchase of said parcels for a combined total appraised value of \$1,056,400.00, more particularly as individually listed in the appraisal reports prepared by the appraiser.

D. Consultation with School District Attorney Regarding Pending Litigation

1. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board authorize legal counsel to enter into an abatement agreement in this case to allow an opportunity to pursue settlement negotiations, with a report on the results of the negotiations being brought back to the Board at a future meeting.

2. Norma Aguirre and Juan Barba, Plaintiffs vs. EPISD, Defendant; In the United States District Court, Western District, Texas; Cause No. EP03CA0192

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board authorize Mounce, Green, Myers, Safi & Galatzan, PC to represent the District in this case.

4. Richard Bowen v. El Paso Independent School District, et al.; In the United States District Court, Western District of Texas; Cause No. EP-02-CA-0177-DB

It was moved by Mr. Dodge and seconded by Miss Garcia that the Board authorize payment using insurance company funds to settle all claims against all parties in this case, which will result in a dismissal of the case. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Meeting Adjourned

The meeting was adjourned at 9:32 p.m.

Date Approved: August 12, 2003