

Minutes of Meeting of Board of Trustees
El Paso Independent School District
January 13, 2004
5:00 p.m.
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President¹
Dr. Lorraine O'Donnell, Vice President
Mr. Carlos Cordova, Secretary
Ms. Lisa Colquitt-Muñoz
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:08 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Carlos Martinez, Director, Community and Governmental Relations/Partners in Education, Dr. Linda Holman, Associate Superintendent, Elementary/Middle Schools Division II, gave the Thought for the Day.

1. Presentation of \$150,000 Check from El Paso Empowerment Zone to EPISD Fund

Ms. Phyllis Caves Rawley, Executive Director, El Paso Empowerment Zone, presented a check in the amount of \$150,000.00 to the EPISD Fund for scholarships for college-bound seniors at Bowie, Coronado, El Paso, and Jefferson High Schools.

2. Recognition of January 2004 Partner of the Month

Peter Piper Pizza was recognized.

3. Awards to December 2003 Employees of the Month

Ms. Patricia Powell, teacher at Schuster Elementary School, was recognized as the Certified Employee and Ms. Gloria Hinojos, senior clerk at Lincoln Middle School, was recognized as the Non-Certified Employee.

4. Recognition of Dr. Lorraine O'Donnell for Receiving the TASB Institute for School Trustee Development Boardsmanship Basic Certificate

The TASB certificate and a TASB ISD pin were presented to Dr. O'Donnell.

5. School Board Recognition Month Proclamation

Mr. Tafoya read the proclamation designating January 2004 as School Board Recognition Month to increase awareness of the vital role school boards play in public education (copy attached to the permanent file of these minutes).

¹ Mr. Mena departed the meeting at 7:45 p.m., following discussion on Item #19, E., 1., in Closed Session.

6. Presentation by Junior and Senior Community Scholars Interns on Summer 2003 Research Activities

Jose Landeros, Burges High School; Breanna Segura, Coronado High School; Angel Santa Cruz, Franklin High School; and Adrian Garcia, Burges High School, reviewed the focus of the summer student internship program and provided information on the research projects conducted by the interns, including public education funding, children's healthcare, workforce development, and infrastructure. The students discussed what the Community Scholars program has meant to them.

7. Public Forum

There were no speakers on Open Forum.

8. Consent Agenda

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

Dr. O'Donnell - Item C., 5.

Dr. Roark - Item C., 2.

Questions on Item C., 2., Temporary Staffing Services RFP #99-03 (Food Services) (approx. \$500,000.00)

Ms. Nancy Nordell, Director, Food Services, provided information on the rationale for the issuance of the RFP (request for proposals) for temporary staffing services. She reviewed the cost increases Food Services has experienced for the past three years in employee health benefits and Worker's Compensation; the advantages of using a temporary agency; and the potential savings to be realized by outsourcing substitutes in Food Services to cover absences. Ms. Nordell provided a comparison of yearly savings by using *itsQuest*, the recommended proposal, which would provide an anticipated savings in excess of \$392,600.00. Mr. Juan Sandoval, Executive Director, Auxiliary Services, commented on the use of auxiliary enterprises to realize potential savings for the District.

The following person requested to speak to this item;

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel and El Paso Consultation Association (EPCA), expressed concerns about this service, pointed out flaws she saw with contracting for these services, and requested that the Board postpone this item in order to get input from Food Service workers and to present the issue to the EPCA.

There was discussion on how the temporary staffers would be assimilated into the Food Services workforce; postponing action on temporary staffing until the administration meets with the EPCA for its input on the issue and coming back to the Board in February 2004; this matter involving a different type of staffing methodology for future employees and EPCA typically dealing with issues concerning existing employees; and having information provided on the rationale for the selection of *itsQuest* over the second proposer. Discussion continued on the importance of what is best for the District as a whole and the need to maximize the EPISD as an educational institution.

It was moved by Dr. Roark and seconded by Dr. O'Donnell that this item be postponed to the second meeting in February 2004 and that additional information on the two proposers be provided to the Board.

Ms. Debbie Devine, Director, Child Nutrition Services, Socorro ISD, commented on supplemental staffing and how the program works. She stated that her district has used supplemental services for the past ten years.

It was moved by Mr. Dodge that the debate be closed and an immediate vote be taken on the pending question.

Upon the vote on the main motion, the motion carried with Dr. Roark, Dr. O'Donnell, Mr. Cordova, and Mr. Mena voting in favor of the motion and Mr. Dodge, Ms. Colquitt-Muñoz, and Miss Garcia voting against the motion.

Questions on Item C., 5., Purchases Requiring Board Approval – Student Class Scheduling Optimizer Software, Purchase Order No. 283791 (\$49,732.00)

Responding to an inquire from Dr. O'Donnell regarding the involvement of campus personnel in the purchase of this software, Mr. Jack Johnston, Executive Director, Technology and Information Systems, advised that the secondary principals requested the software and are in full support of this purchase.

It was moved by Mr. Dodge, seconded by Dr. Roark, 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. C., 2., Purchases Requiring Board Approval – Temporary Staffing Services RFP #99-03 (Food Services) (approx. \$500,000.00).

- A. Correction to Minutes of October 14, 2003, Meeting of the Board of Trustees
- B. Budget Amendment – Coronado High School (\$1,050.00). This item is to allow for the payment to teachers and support staff for PSAT extra-duty/overtime performed on October 18, 2003.
- C. Purchases Requiring Board Approval
 - 1. Laminating Machine Maintenance Services RFP #94-03 (approx. \$25,000.00) was awarded to GEBCO Inc., with net terms (copy of bid tabulation attached to the permanent file of these minutes).
 - 3. Bond Paper Bid #110-03 (\$48,000.00) was awarded to Spectrum Paper, the lowest responsive bidder, based on an "All or None" basis, with net terms (copy of bid tabulation attached to the permanent file of these minutes).
 - 4. Anti-Virus Software for District Computers, Purchase Order No. 282345 (\$76,400.00), from Zones, Inc., the lowest quote (copy of purchase order attached to the permanent file of these minutes).
 - 5. Student Class Scheduling Optimizer Software, Purchase Order No. 283791 (\$49,732.00), from NCS Pearson, Inc., the sole source (copy of purchase order attached to the permanent file of these minutes).
- D. December 2003 Personnel Report (copy attached to the permanent file of these minutes)

9. Appointment of EPISD Trustee to 2004-05 El Paso Central Appraisal District Board of Directors

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the Board approve the appointment of Ms. Lisa Colquitt-Muñoz to replace Mr. Carlos Cordova for the term of January 1, 2004, through December 31, 2005.

10. Contract for Construction Manager-Agent for Program Management Services for EPISD 2003 Bond Program

Mr. Hector Martinez, Associate Superintendent, Operations, provided information on the contract negotiations by members of the Board Construction Committee and legal counsel with C. F. Jordan LP for the program management services for the District's 2003 Bond program.

It was moved by Mr. Dodge and seconded by Dr. Roark that the Board approve the contract for Construction Manager-Agent with Jordan Construction Services for Program Management services for the EPISD 2003 Bond Program, Project #03.742, for a fee not to exceed \$2,500,000.00, subject to the review and approval of the District's attorney.

There was discussion on the rationale for the omission of various sections of the contract and a clarification of the contracting entity named in the motion.

Mr. Dodge withdrew his motion.

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that the Board approve the contract for Construction Manager-Agent with C. F. Jordan LP for Program Management services for the EPISD 2003 Bond Program, Project #03.742, for a fee not to exceed \$2,500,000.00, subject to the review and approval of the District's attorney.

11. Request for Waiver from Texas Education Agency – Class Time & Credit for Second Year Pre-Engineering Manufacturing Course at the Center for Career and Technology Education (CCTE) for 2004-05, 2005-06, and 2006-07 School Years

It was moved by Miss Garcia, seconded by Dr. O'Donnell, and carried unanimously that the Board approve this waiver to allow students to earn 1.5 credits per semester, or a total of three credits per year for Pre-Engineering Manufacturing II course.

12. Innovative Courses for Career and Technology Education

A. Category I – New Courses

1. Advanced Web Mastering
2. Fundamentals of the Internet Internship II

B. Category II – Continued Courses

1. Internetworking Technologies I
2. Internetworking Technologies II

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the Category I and II innovative courses as presented by the administration enabling students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

13. Annual Financial Report with Independent Auditors' Report Thereon for 2002-03 Fiscal Year

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve this report as prepared by Dunbar, Broaddus, Gibson, LLP, Certified Public Accountants, and as presented to the Board Finance Committee, for the year ending August 31, 2003.

14. EPISD's Participation in Litigation with Alvarado ISD Parties Related to School Finance and Equity Issues

Mr. Tafoya requested the Board's consideration on joining this litigation with other Tier 2 school districts in Texas. Dr. O'Donnell commented on the mixed feelings about participating in this litigation that were expressed by school board members from throughout the state at a meeting of the TASB Board of Trustees

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the EPISD joining as a plaintiff with the Alvarado ISD Plaintiffs-Intervenors Group in the lawsuit of West Orange-Cove Consolidated School District, Coppell ISD, La Porte ISD, Port Neches-Grove ISD and Alvarado ISD, et al., Plaintiffs vs. Felipe Alanis, Texas Commissioner of Education, the Texas Education Agency, Carol Keeton Rylander, Texas Comptroller of Public Accounts, and The Texas State Board of Education, Defendants and the Edgewood Intervenors (Undesignated); In the District Court of Travis County, Texas, 350th Judicial District; Cause No. GV-100528 at a cost of 30¢ per WADA (Weighted Average Daily Attendance) or approximately \$24,000.00.

15. Reapplication for Federal Communications Commission (FCC) Year 2002 E-Rate Funding

Mr. Jack Johnston, Executive Director, Technology and Information Systems, provided background information on the District's application for Year 2002 (Year 5) and the denial by the SLD (Schools and Libraries Division) due to inconsistent competitive bidding procedures. Eight school districts, including EPISD, that were identified by the Federal Communications Commission (FCC) will be allowed to reapply. Mr. Johnston reviewed the EPISD's E-Rate history from 1998 to 2004.

There was discussion on the denial of Year 2003 (Year 6) E-Rate funding, the SLD's determination that the funding source for the District's portion was not properly identified, and the need to appeal this decision. Dr. Roark suggested that the Board consider requesting that U. S. Congressman Silvestre Reyes order a Congressional Inquiry as part of an orchestrated effort with the District's appeal of the Year 2003 denial.

Mr. Johnston commented on the impact of the denial of Year 2003 on the reapplication of Year 2002, the original and amended Year 2002 projects, and the steps involved with the Year 2002 reapplication process. He reviewed the action requested from the Board regarding the offer from the FCC to reapply for Year 2002 funding, contracting with an independent E-Rate consultant, and collaborating with the Ysleta ISD on E-Rate processes.

It was moved by Dr. O'Donnell and seconded by Mr. Cordova that the Board accept the FCC's offer to reapply for Year 2002 funding, to obtain the services of an independent E-Rate consultant to assist in overall E-Rate project planning, and to allow for collaboration with Ysleta ISD on E-Rate processes wherever possible to reduce cost.

Motion Amended

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that the motion be amended that the services of an independent E-Rate consultant should be limited at a cost for the EPISD not to exceed \$20,000.00.

Upon the vote, the motion, as amended, carried unanimously.

16. Assignment Delegation to Laun-Dry Supply Company, Inc. on Previous Award of Items Made on Annual Cleaning Products Bid #55-03 and Annual Janitorial Equipment Bid #54-03

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the assignment delegation to Laun-Dry Supply Company, Inc. on items previously awarded to Regal Supply & Chemical as listed and that a reference to the January 13, 2004, minutes be added to the margin of the minutes of the July 22, 2003, Board meeting as a cross reference of this action (copy of bid tabulation attached to the permanent file of these minutes).

17. Final Payment for Construction Contract Exceeding \$100,000.00 – El Paso High School HVAC Renovations, Phase 2, #02.527.02 (\$43,424.96, total cost \$868,499.00)

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the final payment to Garrick Electrical and Mechanical, Inc., subject to the review and approval of the District's attorney.

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

Dr. O'Donnell requested information on the at-risk component on the contracts for the Central Northeast Elementary School #-2 and the Magoffin Middle School Reconstruction. Mr. Hector Martinez, Associate Superintendent, Operations, advised that one of the advantages of the construction management/at-risk method is that the projects can be fast-tracked, which will allow the quick erection of "sticks and bricks" with no additional liability to the District.

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously 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 construction management/at-risk method for Central Northeast Elementary School E-2, #04.826
- B. The construction management/at-risk method for Magoffin Middle School Reconstruction, #04.831
- C. The competitive bid method for Districtwide Backflow Preventer Installation, Phase 4 (Alamo, Bond, Burleson, Clardy, Clendenin, Cooley, Hawkins, Dr. Nixon, Park, Rusk, and Zavala Elementary Schools; Bassett, Canyon Hills, Guillen, Henderson, Lincoln, MacArthur, and Richardson Middle Schools; Andress, Austin, Irvin, and Jefferson High Schools; and San Jacinto Adult Learning Center), #03.649

Meeting Closed

The meeting was recessed at 7:10 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

19. Closed Meeting

- A. Proposed Termination of Continuing Contract Teacher
- B. 2003-04 Compensation for Contract Employee Reassigned to Lower Pay Level Position
- C. Proposed Lease of Property – Skypark International Business Park
- D. Property Acquisition for Site for New South/Central Elementary School Including Lots 1 and 2, Block 49, Campbell Addition, El Paso County, Texas
- E. Consultation with School District Attorney Regarding Pending Litigation
 - 1. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs, and Residentes Unidos del Segundo Barrio, Intervenor vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388
 - 2. El Paso Independent School District (Self-Insured), Plaintiff vs. James Thomas Bond (Beneficiary), Defendant; In the County Court at Law No. Five, El Paso County, Texas; Cause No. 2002-5718

The closed meeting started at 7:22 p.m. The closed meeting ended at 8:15 p.m.

Departure of Board Member

Mr. Mena departed the meeting at 7:45 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Opened

The meeting was reassembled in Open Session at 8:17

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

- A. Proposed Termination of Continuing Contract Teacher

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize the Superintendent to give Ms. Pamela Isaacson notice of the proposed termination of her continuing contract.
- B. 2003-04 Compensation for Contract Employee Reassigned to Lower Pay Level Position

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve an exception to Board Policy DEA (Local), Compensation and Benefits: Salaries, Wages, and Stipends, for the remainder of the 2003-04 school year for Edmund Brezinski, a contract employee, and that he receive a rate of pay for the remainder of the 2003-04 school year in accordance with the daily pay level for the position of Principal at Lincoln Middle School, which he occupied prior to his transfer.

C. Proposed Lease of Property – Skypark International Business Plaza

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize the administration to negotiate a lease for office space at Skypark International Business Plaza, located at 6501 Boeing Drive in an amount not to exceed \$50,000.00 per fiscal year, subject to the review and approval of the District's attorney.

D. Property Acquisition for Site for New South/Central Elementary School Including Lots 1 and 2, Block 49, Campbell Addition, El Paso County, Texas

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Dodge, and carried unanimously that the Board authorize the administration to finalize the purchase of Lots 1 and 2, Block 49, Campbell Addition, El Paso, El Paso County, Texas, subject to the review and approval of the District's attorney, for a final purchase price of \$120,000.00.

E., 1. Consultation with School District Attorney Regarding Pending Litigation – Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs, and Residentes Unidos del Segundo Barrio, Intervenor 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 Dr. Roark, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board authorize the Superintendent and legal counsel to finalize the purchase of the properties from the Silva entities, subject to legal counsel approval of revisions to the settlement documentation.

Meeting Adjourned

The meeting was adjourned at 8:20 p.m.

Date Approved: March 9, 2004