

Minutes of Meeting of Board of Trustees
El Paso Independent School District
August 10, 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
Mr. David Dodge
Miss Leonor Garcia
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Dr. Charles Roark

The meeting was called to order at 5:14 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Hector Martinez, Associate Superintendent, Operations. Mr. Luis Villalobos, Executive Director, Accountability and Administrative Relations, gave the Thought for the Day.

1. Recognition of August 2004 Partner of the Month

COSTCO Wholesale was recognized.

2. Recognition of School Nurse of the Year for Region 19 Education Service Center and Texas School Nurse of the Year Award Recipient

Mrs. Michele Fernandez, school nurse, Alta Vista Elementary School, was recognized and presented with an engraved plaque.

3. Public Meeting to Discuss Preliminary Budget for Fiscal Year 2004-05 and Proposed 2004-05 Proposed Property Tax Rate

Mr. James Damm, EPISD Consultant for Finance, provided an overview of the 2004-05 preliminary budget. He advised that the total proposed operating budget is \$402,639,997.00. He reviewed the increases in the local and state revenues; the decrease in the federal revenue projections; and a summary of budget expenditures.

The following person requested to speak to this item:

1. Mr. Jorge Artalejo spoke about state funding and possible loss of revenue and how the District would adjust its budget.

4. Public Forum

There were no speakers on Public Forum.

5. Consent Agenda

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

Dr. O'Donnell - Item E., 1. and 3.
Item F., 1.

Mr. Dodge - Item E., 4.
Item G., 2.

Questions on Item E. 1., Budget Amendments – Johnson Elementary School (\$5,314.00)

Responding to Dr. O'Donnell's comments regarding the overtime associated with this budget amendment, Mr. Tafoya reviewed the action that had been taken in response to the issue.

Questions on Item E., 3., Budget Amendments – State Compensatory Education (SCE) – El Paso High School (\$45,000.00)

In response to an inquiry from Dr. O'Donnell, Mr. John Roskosky, newly appointed Principal, El Paso High School, stated that he had been informed of the budget amendment request that had taken place prior to his appointment and that he was in agreement with the transfer.

Questions on Item E., 4., Budget Amendments – Facilities, Maintenance & Construction (\$49,500.00)

Mr. Dodge requested that an individual vote be taken on this item.

Questions on Item F., 1., Sole Source Purchases Requiring Board Approval - Apple Computer Purchases for 2004-05 (\$600,000.00)

Dr. O'Donnell inquired about where and how the computers would be used. Ms. Terri Jordan, Executive Director, Technology and Information Systems, advised that the majority of the computers would be used in elementary classrooms and high school Journalism classes.

Questions on Item G., 2., Purchases Requiring Board Approval – Lease Payments for High Speed/High Volume Copiers (ref. RFP #23-99) (approx. \$43,937.82)

Mr. Dodge inquired about a buyout of the lease agreement, and Mr. Terry Freiburg, Director, Purchasing, advised that there had been no discussion with the vendor regarding a buyout of the leased copiers. He provided information on the remaining payments on the various leased copiers and stated that this item would complete the payments on those machines by the end of the 2004-05 fiscal year.

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated, with the exception of item no. E., 4., Budget Amendments – Facilities, Maintenance & Construction (\$49,500.00).

- A. Revisions to Board Policy CVA (Local), Facilities Construction: Competitive Bidding (copy attached to the permanent file of these minutes).
- B. Proposed New Board Policy CVB (Local), Facilities Construction: Competitive Sealed Proposals (copy attached to the permanent file of these minutes).
- C. Authorized User Agreement/General Rules and Regulations Contract with El Paso Convention and Performing Arts Center and Contract with Volume Services America for Annual PIE (Partners in Education) Luncheon (approx. \$25,694.05) for hall rental in the amount of \$1,507.00 and the contract with Volume Services America for catering services in the estimated amount of \$24,187.05.

D. Technology and Media Services Contract Agreement with Region 19 Education Service Center (\$148,506.00) for services from September 1, 2004, through August 31, 2005, for a fee of \$2.50 per student in average daily attendance, subject to the approval of the 2004-05 preliminary budget.

E. Budget Amendments

1. Johnson Elementary School (5,314.00). This item is to allow compensation to an employee for extra volunteer hours performing similar duties.
2. Polk Elementary School (\$370.00). This item is to cover a deficit in the in-city travel account.
3. State Compensatory Education (SCE) – El Paso High School (\$45,000.00). This item is to purchase a classroom set of laptops and a cart with network capability for use of science adoption materials.

F. Sole Source Purchases Requiring Board Approval

1. Apple Computer Purchases for 2004-05 (\$600,000.00) were approved from Apple Computer, the sole source, on an as-needed basis, through August 31, 2004, subject to the approval of the 2004-05 preliminary budget.
2. Computer Parts for Apple Computer Equipment for 2004-05 (approx. \$40,000.00) were approved from Apple Computer, the sole source, on an as-needed basis through August 31, 2004, subject to the approval of the 2004-05 preliminary budget.

G. Purchases Requiring Board Approval

1. Option to Extend Existing RFPs and Bids
 - a. Child Find Program Advertising Services RFP #106-02 (approx. \$31,000.00) final option to extend to Impressions Advertising, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 - b. Theatre Arts Productions for Elementary Schools RFP #72-03 (approx. \$30,240.00) first option to extend to Theatre, Inc., subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 - c. Propane Fuel for School Buses Bid #75-03 (approx. \$540,012.00) first option to extend to Denman Propane, Ltd., subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 - d. Gasoline Bid #76-03 (approx. \$418,218.60) first option to extend to Transmountain Oil Company, L. C. (TMO), subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
2. Lease Payments for High Speed/High Volume Copiers (ref. RFP #23-99) (approx. \$43,937.82) was awarded to Xerox Corporation, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

3. Annual Food Service Paper/Supply Bid #71-04 (826,357.91) was awarded as follows: Baron Chemical Co., Inc., Items 29, 32-34, 34A, 34B, and 38, \$62,503.50, 1 percent 10, net 30; Dispoz-O-Products, Inc., Items 11, 30, and 42A, \$352,326.00, net 30; Pilgrim's Food Systems, Item 18, \$1,520.40, net 30; Shamrock Foods Company, Items 14, 15, and 27, \$97,686.36, 1 percent 10, monthly net 10; Southwestern Mill District., Inc., Items 1, 3, 8, 8A, 12, 16, 17, 17A, 19-26, 28, 36, 37, 39-41, and 46, \$181,933.00, 1 percent 10, net 30; Sunset Industries, Items 7, 9, 9A, 10, 10A, 13, 31, 35, and 45, \$75,275.40, 1 percent 10, net 30; Unipak Corp., Items 2 and 4-6, \$68,088.25, net 30, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 4. Supplemental Food Products Bid #78-04 (\$79,717.00) was awarded to Pilgrims Food Systems (PFS), subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
- H. Construction Contract Award – UST (Underground Storage Tank) Removal Projects, #04.542 (\$17,600.00), to D & H Petroleum & Environmental Services, Inc., subject to the review and approval of the District's attorney.
- I. Maintenance and Service Contract Award – Districtwide Water Softener Systems, #05.421 (\$41,616.64), to Industrial Water Services, subject to the review and approval of the District's attorney and approval of the 2004-05 preliminary budget.
- J. Professional Services Contract Awards were made as follows, subject to the review and approval of the District's attorney, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services the owner cannot provide.
1. Coronado High School – Cloudview Parking Lot, #04.560 (\$27,794.00), to Martinez Engineering Group, Inc.
 2. Building Addition Project 37 (Terrace Hills Middle School), #04.849 (approx. \$94,941.00), to Alvidrez Associates, Inc.
 3. Athletic Field Project #1 (Chapin High School), #04.851 (approx. \$26,411.97), to Huitt-Zollars, Inc.
 4. Athletic Field Project #2 (Beall, Clendenin, and Roberts Elementary Schools; and Morehead and Richardson Middle Schools), #04.852 (approx. \$40,655.31), to Brock & Bustillos, Inc.
 5. Paving Project #1 (Logan Elementary School; Terrace Hills Middle School; and Andress, Irvin, and Jefferson High Schools), #04.853 (approx. \$61,638.30), to CSA Consulting Engineers.
 6. Building Addition Project #1 (Austin and Bowie High Schools), #04.860 (approx. \$363,915.20), to Perspectiva Architects.
5. Consent Agenda
- E., 4. Budget Amendments – Facilities, Maintenance & Construction (\$49,500.00)

Mr. Dodge reviewed the procedure for transferring funds from the District's Fund Balance and recommended that the Board not approve this budget amendment request and that the Facilities Unit locate the money within its own budget. Dr. O'Donnell requested that an informational line item be added to the Executive Summary template to identify the Funding Source for all items presented for the Board's consideration.

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the amendment titled Facilities, Maintenance & Construction be disapproved.

6. Revised 2004-05 Instructional School Calendar

Mr. Dodge commented on the change to a nine-weeks grading period for grades 2 through 5 and expressed a concern that there would be a three-week delay in providing parents with reports on their children's progress. Ms. Elfida Gutierrez, Associate Superintendent, Elementary Schools Supervision and Instruction, advised that the principals and teachers wanted to bring consistency in reporting at the elementary campus level and that formal progress reports would be issued at the fourth week. Mr. Tafoya commented on concerns expressed by parents about the current need to attend two parent-teacher conferences at the same campus and on the District's attempt to reduce paper work.

There was discussion on decreasing the number of reporting documents, ensuring that elementary school teachers communicate with all parents on their children's progress, and the teachers and principals being in favor of the nine-week grading periods.

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the Board approve the revision to the 2004-05 Instructional School Calendar to reflect nine weeks' grading periods for prekindergarten through grade 5.

7. Region 19 Education Service Center Training Sessions for Bilingual Education/ESOL (English as a Second Language), Special Education, and Middle and High School Content Area Teachers (\$120,000.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that these training sessions be approved for the 2004-05 school year

8. Change Order No. 2 to Districtwide Pest Control Maintenance and Service Contract, #04.425 (\$10,500.00)

It was moved by Miss Garcia, seconded by Dr. O'Donnell, and carried unanimously that the Board approve this change order to Orkin Pest Control, subject to the review and approval of the District's attorney, to provide as-needed services for the remainder of the 2003-04 fiscal year.

Meeting Closed

The meeting was recessed at 5:57 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:

9. Closed Meeting

- A. Grievance Hearing – Elizabeth Vega, Counselor, Silva Health Magnet High School
- B. Personnel Appointment – Principal, Canyon Hills Middle School
- C. Consultation with School District Attorney Regarding Pending Litigation
 - 1. EPISD v. Garland & Hilles Architects, Inc., et al.; No. 2002-3380; In the 120th District Court, El Paso County, Texas
 - 2. Pending Eminent Domain Cases – Aoy Elementary School – Cause Nos. 2004-945 (Ponce), 2004-946 (Parra), 2004-947 (Pichardo), 2004-949 (Valdez), 2004-950 (Acosta), and 2004-951 (De La Cruz)

3. Muntasser Alspini v. EPISD, EEOC Charge Nos. 361-2004-01301 and -01712
4. Belehem Alspini v. EPISD, EEOC Charge Nos. 361-2004-01309, -01381, and -1710
5. EPISD Subrogation Interest Arising out of Belehem Alspini, TWCC Case No. 03226371EP

The closed meeting started at 6:05 p.m. The closed meeting ended at 7:14 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:15 p.m.

9. The action was as follows:

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

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board uphold the administration's decision and deny the grievance without prejudice to Board action on a compensation structure for the 2004-05 school year.

- B. Personnel Appointment – Principal, Canyon Hills Middle School

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Zack Mason Gray, Jr. to the position of Principal, Canyon Hills Middle School.

- C. Consultation with School District Attorney Regarding Pending Litigation

1. EPISD v. Garland & Hilles Architects, Inc., et al.; No. 2002-3380; In the 120th District Court, El Paso County, Texas

It was moved by Ms. Colquitt-Muñoz, seconded by Miss Garcia, and carried unanimously that the Board authorize legal counsel and administration to agree to a postponement to the current trial setting in this case in order to further explore the possibility of a settlement, including a possible corrective action on the roof that would involve PVC pipe under the exterior surface of the roof.

2. Pending Eminent Domain Cases – Aoy Elementary School – Cause Nos. 2004-945 (Ponce), 2004-946 (Parra), 2004-947 (Pichardo), 2004-949 (Valdez), 2004-950 (Acosta), and 2004-951 (De La Cruz)

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board authorize the Superintendent to finalize the purchase of the following parcels for the aggregate sum of \$266,500.00, all in the City of El Paso, El Paso County, Texas, subject to the review and approval of the District's attorney, and contingent upon receipt of affidavits or satisfactory evidence of admissible evidence at the Commissioners' hearings that would indicate that these values, or higher values, could be awarded by the Commissioners on or prior to August 19, 2004, the current date scheduled for the special Commissioners' consolidated hearing:

- 1) the Easterly 60 feet of Lot 3, Block 49, Campbell Addition - \$40,300.00,
- 2) Lot 8, Block 49, Campbell Addition - \$35,750.00,

- 3) Lot 9, Block 49, Campbell Addition - \$60,450.00,
 - 4) the Easterly 46 feet of Lot 10, Block, 49, Campbell Addition - \$26,650.00,
 - 5) Lot 14, Block 49, Campbell Addition - \$55,250.00, and
 - 6) Lot 16, Block 49, Campbell Addition - \$48,100.00.
5. EPISD Subrogation Interest Arising out of Belehem Alspini, TWCC Case No. 03226371EP

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize settlement of the District's subrogation interest arising out of the Belehem Alspini Worker's Compensation claim in the amount of \$7,500.00, which would be 50 percent of the total contemplated settlement, and further that the Board authorize administration and legal counsel to utilize that subrogation interest in order to try to effectuate an overall resolution of all the pending EEOC charges.

Meeting Adjourned

The meeting was adjourned at 9:20 p.m.

Date Approved: October 12, 2004