

Minutes of Meeting of Board of Trustees
El Paso Independent School District
June 22, 2004
5:15 p.m.
Education Center-Boeing

Present: Mr. Sal Mena, Jr., 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

Absent: Dr. Lorraine O'Donnell, Vice President

The meeting was called to order at 5:16 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Luis Villalobos, Executive Director, Accountability and Administrative Relations. Mr. Robert Ortega, Associate Superintendent, High Schools Division, gave the Thought for the Day.

1. Recognition of District's State Qualifier/Medalist Student Athletes for 2003-04 School Year

Forty students were recognized. (A list of students is attached to the permanent file of these minutes.)

2. Public Forum

There were no speakers on Public Forum.

3. Consent Agenda

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that item no. 3., B., Year 3 (2004-05 School Year) of Families 1st Learning Communities Initiative from Global Information Gateway (\$460,000.00), be removed from Consent Agenda and discussed separately.

It was moved by Mr. Dodge, seconded by Miss Garcia, 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. 3., B., Year 3 (2004-05 School Year) of Families 1st Learning Communities Initiative from Global Information Gateway (\$460,000.00).

A. May 2004 Minutes

1. May 11, 2004, Board School Name Committee Meeting and May 25, 2004, 2004, Board Finance Committee Meeting
2. May 4, 2004; May 11, 2004; May 18, 2004; and May 25, 2004, Meetings of the Board of Trustees

- C. Budget Amendment – Bowie High School (\$2,000.00). This item is to allow the purchase of awards and incentives for teachers.

- D. Extension of Workers' Compensation Administrative Services RFP #72-02 (Third Party Administration Services and Cost Containment Services) (approx. \$495,200.00)

The Board approved the final option to extend RFP #72-02 Third Party Administration Services to Ward North America in the estimated annual amount of \$339,200.00, effective September 1, 2004, through August 31, 2005, and for Cost Containment Services to Argus Services Corporation in the estimated annual amount of \$156,000.00, effective September 1, 2004, through August 31, 2005.

- E. Award of Forensic Investigative Audit Services RFP #119-03 to Marcus, Fairall, Bristol, & Co. LLP/Edge, Ciavarella & Co., as recommended by the Board's Investigative Services Committee, with the services to be contracted on an individual basis as requested and approved by the Board of Trustees.

F. Purchases Requiring Board Approval

1. Option to Extend Existing Bid – Linen Supply Bid #51-03 (approx. \$56,000.00), first option to extend to Mission Linen Supply, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 2. Videos, DVDs, and Audiocassettes CSP #33-04 (approx. \$44,000.00) was awarded to Library Video Company based on last year's expenditures, with the option to extend for an additional 24 months, 12 months at a time, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 3. Frozen Beverages Supplies and Equipment RFP #40-04 (approx. \$94,500.00) was awarded to Iced D'Lites, with the option to extend for 24 months, 12 months at a time, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 4. Nacho Cheese Products and Equipment RFP #41-04 (approx. \$64,800.00) was awarded to Iced D'Lites, with the option to extend for 24 months, 12 months at a time, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 5. Food Service Snack Bar Supplies Bid #42-04 (approx. \$336,610.26) was awarded to Ednor Food Service in the estimated amount of \$282,164.33 and McKee Baking Co. in the estimated amount of \$54,445.93, based on an "all-or-none" basis by category, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 6. Dairy/Orange Juice Products Bid #43-04 (approx. \$2,170,257.00) was awarded to Price's Creameries, the low bidder, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 7. Scanning Hardware and Software for Food Services, Purchase Order No. 297332 (\$42,770.00) from Advanced Business Technologies, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- G. Job Order Contract Award – Districtwide Floor Tile/Covebase Replacement 2003 – Phase 3, #04.522 (\$132,940.00), was awarded to JJJ Floor Covering, subject to the review and approval of the District's attorney.

H. Construction Contract Awards (subject to the review and approval of the District's attorney).

1. Districtwide Backflow Preventer Installation, Phase 4 (Alamo, Burleson, Clardy, Clendenin, Cooley, Hawkins, Bond, 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 (\$199,800.00)

The Board waived the technicality of the failure of PA Contractors, Inc. to submit AIA Document A305 titled Contractor's Qualification Statement ten days prior to the bid opening date and approved the award to PA Contractor's, Inc.

2. Portable Restroom Buildings – Coronado and Franklin High Schools, #03.732 (\$254,000.00), was awarded to Banes General Contractor, Inc.

I. May 2004 Personnel Report (copy attached to the permanent file of these minutes).

3. Consent Agenda

- B. Year 3 (2004-05 School Year) of Families 1st Learning Communities Initiative from Global Information Gateway (\$460,000.00)

Responding to an inquiry from Mr. Dodge regarding details on how the funds for this program would be used, Ms. Elizabeth Montes, Executive Director, K-12 Instruction, provided information on the cost for the licensure of the program and the services to be provided to the participants by Global Information Gateway. She advised that the program was being expanded to an additional 20 families and into labs in the Bowie High School feeder pattern at a cost of approximately \$49.00 per participant per month. Mr. Tafoya reviewed the history of the Families 1st program in the District and how it has evolved into the proposed format. Ms. Rosa Lovelace, Principal, Guillen Middle School, provided information on the anticipated involvement at her campus. Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, reviewed the comprehensive evaluation design under development.

It was moved by Ms. Colquitt-Muñoz and seconded by Miss Garcia that the Board approve funding for Year 3 of the Families 1st Learning Community Initiative from Global Information Gateway, the sole source of the Families 1st Initiative, to allow for the continuation of services to current participants and the addition of 20 families for a total of 60 families, using Title I funds.

Motion Amended

It was moved by Ms. Colquitt-Muñoz and seconded by Miss Garcia to amend the motion to include the labs in the Bowie High School feeder pattern. Upon the vote, the motion carried with Dr. Roark voting "present."

Upon the vote on the main motion, the motion, as amended, carried with Dr. Roark voting "present."

4. Ratification of Adjustment to 2003-04 Instructional School Calendar

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board ratify, per Board Policies CKC, EB, and EC (Local), the Superintendent's adjustment to the 2003-04 Instructional School Calendar in designating Friday, June 11, 2004, as an official day of mourning in remembrance of former President Ronald Reagan and a paid holiday for all permanent EPISD personnel that were or would have been on duty that day.

5. Consider and Take Appropriate Action Regarding an Order Authorizing the Issuance of "El Paso Independent School District Unlimited Tax School Building and Refunding Bonds, Series 2004A"; Levying a Tax and Providing for the Security and Payment Thereof; Approving the Official Statement, Purchase Contract and Escrow Agreement; and Enacting Other Provisions Relating Thereto

Mr. Hector Zavaleta, First Southwest Company, provided information on the implementation of Phase II of the 2003 Bond election and the EPISD's A+ rating from Fitch and Standard & Poor's. He stated that the District sold \$53.3 million of the 2003 Bond issue with the majority of the funds going toward the refinancing of the Maintenance Tax Notes debt and approximately \$8 million in new money, which will be used for construction. He reviewed the timing and implementation of bond issues, the projected tax rate impact after the implementation of Phase II, the sources and uses of funds, and the projected schedule of events.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the Order authorizing the issuance of "El Paso Independent School District Unlimited Tax School Building and Refunding Bonds, Series 2004A" in the amount of \$53,380,000.00; levying a tax and providing for the security and payment thereof; approving the Official Statement, purchase contract and escrow agreement; and enacting other provisions relating thereto, and that in connection with the acquisition of Mary Tippin Elementary School from the Public Facility Corporation, that the Board waive the requirements of Board Policy CDB (Local) regarding the requirement for an appraisal and for a title insurance policy.

6. Extension of Resignation Deadline for Contract Employees and Maintaining Current Employees at Current Rates of Pay Until Adoption of New Compensation and Wage Schedules

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board extend the resignation deadline to August 31, 2004, for all contract employees and that all staff remain at their previously approved wage or compensation rate pending the Board's adoption of an employee compensation plan at a future meeting.

7. Strategies for Academic Success (SAS) Initiative

Responding to Dr. Roark's request for information on the funding for the SAS program, Mr. Tafoya reviewed the past and current funding of the program and the ability of each campus to pay directly for the services.

Ms. Lee Schwartz, SAS Instructional Specialist, Special Populations, reviewed the implementation of the SAS program in the District. Dr. Conn Thomas, professor, West Texas A&M University, and research associate, Center for Research on Learning, University of Kansas, provided background information on the SAS program and reviewed results of research conducted on student success with the program. Ms. Elizabeth Gaidry, retired teacher, provided information on the evaluation of the SAS program and the collection of data.

8. Award of Districtwide Beverage Services Contract RFP #61-04

Mr. James Damm, EPISD Consultant for Finance, reviewed the history of beverage vending services in the District and provided information on the formation on a principals' committee to develop an RFP (request for proposals) for shared and exclusive beverage services. He stated that both Coke® and Pepsi® provided two proposals each, and after the proposals were analyzed, a survey was submitted to all principals on duty. Mr. Damm advised that the survey results were in favor of an exclusive arrangement with Coca-Cola®, with the estimates on the volume to be sold being based on last year's actual sales experience.

It was moved Mr. Cordova, seconded by Miss Garcia, and carried unanimously that this RFP be awarded to Magnolia Coca-Cola® Bottling Company under a four-year exclusive service plan, subject to the administration developing a contract for products and services, in conjunction with the District's attorney, to be brought back to the Board for final approval at a future Board meeting.

Mr. Manny Aguilar, Youth Market Manager, Magnolia Coca-Cola® Bottling Company, spoke about his company's past and future relationship with the District.

9. Purchase Requiring Board Approval

A. Medical Supplies Bid #31-04 (\$57,461.24)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that this bid be awarded as follows, with Item 5 being awarded to Alert Services, Inc. and Item 16 being awarded to Moore Medical, pursuant to the tie-breaking procedures: Alert Services, Inc., Items 5 and 48, \$4,713.60, net 30; Border Healthcare Products, Inc., Items 32-24, 45, 58, and 59, \$6,031.20, net 30; Corporate Express, Items 17, 28, and 40, \$5,878.08, net 30; Ever Ready First Aid, Items 22, 36, and 54, \$904.32, net 30; Harry Schein, Inc., Items 2, 7, 13, 18, 19, 21, 25, 26, 27, 37, 44, 47, 49, 51, and 57, \$17,988.12, net 30; Medsupply Partners, Items 14, 23, 35, and 61, \$569.64, 1 percent 10, net 30; Moore Medical, Items 1, 3, 6, 8-10, 16, 24, 29-31, 43, 46, 53, and 56, \$17,045.80, net 30; MyMedSource, Items 38, 50, and 62, \$1,651.06, net 30; School Health Corp., Item 20, \$216.30, net 30; and Technology Med, Items 4, 11, 12, 15, 39, 41, 42, 52, 55, and 60, \$2,457.88, net (copy of bid tabulation attached to the permanent file of these minutes).

B. Annual Food Products Bid #48-04 (approx. \$7,484.984.88)

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that this bid be awarded as follows, with Item 30-876 being awarded to Pilgrims Food Systems (PFS), pursuant to the tie-breaking procedure: Ednor Foods, \$959,406.74, net; El Paso Fairview Foods, \$10,500.00, net; Farmer Bros., \$32,454.86, net; Isabella Foods, \$38,346.00, net; Magnolia Coca-Cola®, \$19,680.00, net; and Pilgrims Food Systems (PFS), \$6,424,597.28, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

10. Final Payments for Construction Contracts Exceeding \$100,000.00

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve the Final Payment for the following construction contracts in the amounts indicated as recommended by the administration, subject to the review and approval of the District's attorney.

- A. Districtwide Fire Alarm Systems, Phase 7, Part 3 – Polk, Rivera, Rusk, Vilas, and Zavala Elementary Schools, and Wiggs Middle School, #97.399.03 (\$56,922.60, total cost \$477,831.00), to El Paso ARC Electric, Inc.
- B. Districtwide Boiler Replacement 2003 – Alamo, Clendenin, Cooley, Putnam, and Vilas Elementary Schools, #03.612 (\$8,386.70, total cost \$415,133.00), to Wyler Industrial Works, Inc.

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

It was moved by Miss Garcia, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the procurement/delivery methods 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 Andress High School Fire Alarm System Upgrade, #04.515
- B. The competitive bid process for Drainage Improvements – Putnam Elementary School, #04.521
- C. The competitive bid process for Drop Off Zone and Parking Lot Addition – Roberts Elementary School, #04.423
- D. The competitive bid process for Parking Lot Addition – Crockett Elementary School, #04.524
- E. The competitive bid process for Ross Middle School Bus Drop Off Zone, #04.525
- F. The competitive bid process for UST (Underground Storage Tank) Removal Projects – Westside and Northeast Transportation Annexes, #04.542
- G. The competitive bid process for Crosby Elementary School Drop Off Zone, #04.554
- H. The job order contract process for Districtwide sound/Clock/Bell Systems, #05.419

Meeting Closed

The meeting was recessed at 7:02 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

12, Closed Meeting

- A. Grievance Hearings
 - 1. Luis Sosa, Former Bus Driver, Transportation
 - 2. Tina Brown, Former Bus Driver, Transportation
- B. Personnel Appointments
 - 1. Director, Instructional Services, Technology and Information Systems
 - 2. Chief of Police Services
- C. Reassignment of and Compensation for Campus Administrator for 2004-05

- D. Superintendent's Personnel Recommendations – Issuing Contracts for Noncertified Administrators and Other Noncertified Professionals
- E. Consultation with School District Attorney – Anthony Ordaz vs El Paso Independent School District; EEOC Charge No. 361-2004-00755

The closed meeting started at 7:11 p.m. The closed meeting ended at 8:50 p.m.

Meeting Opened

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

12. The action was as follows:

A. Grievance Hearings

1. Luis Sosa, Former Bus Driver, Transportation

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board uphold the Superintendent's response to Mr. Luis Sosa's grievance.

2. Tina Brown, Former Bus Driver, Transportation

It was moved by Dr. Roark, seconded by Mr. Dodge, and carried unanimously that the Board remand this grievance to the Superintendent for resolution.

B. Personnel Appointments

1. Director, Instructional Services, Technology and Information Systems

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Tim Holt, Facilitator in Research, Evaluation, Planning and Accountability, to the position of Director, Instructional Services, Technology and Information Systems.

2. Chief of Police

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Armando Nava to the position of Chief of Police.

C. Reassignment of and Compensation for Campus Administrator for 2004-05

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve an exception to the Board Policy DEA (Local), Compensation and Benefits: Salaries, Wages, and Stipends, for the 2004-05 school year for Edmund Brezinski, a contract employee, and that the Board accept the Superintendent's recommendation that Mr. Brezinski be reassigned as an elementary school principal with 227 days on duty and that he receive a rate of pay for the 2004-05 school year in accordance with the daily pay level that he received as Principal at Lincoln Middle School during the 2003-04 school year.

D. Superintendent's Personnel Recommendations – Issuing Contracts for Noncertified Administrators and Other Noncertified Professionals

It was moved by Mr. Dodge, seconded by Dr. Roark, 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, Occupational Therapists, School Psychologists, Physical Therapists, Music Therapists, Audiologists, and the Planetarium Facilitator.

E. Consultation with School District Attorney – Anthony Ordaz vs El Paso Independent School District; EEOC Charge No. 361-2004-00755

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the proposed mediated settlement agreement.

Meeting Adjourned

The meeting was adjourned at 8:57 p.m.

Date Approved: July 27, 2004