

South Park Middle School
October 6, 2015

Judge Bob Wortham , 58th District Court, Jefferson County, Texas issued a Judgement on February 4, 2010 commanding that Dr. Carrol Thomas, Beaumont Independent School District, Woodrow Reece and Parsons Commercial Technology Group, Incorporated desist and refrain from using any funds, directly or indirectly, from the November 6, 2007 school board bond election, for the demolition, tear-down, destruction, or dismantling of the former South Park High School and currently known as the South Park Middle School (Exhibit 1). Judge Wortham had issued a Temporary Injunction to the demolition of South Park on August 3, 2009 (Exhibit 2).

The 2007 Bond Project had approved the construction of a new South Park Middle School without the demolition of the existing school. On April 22, 2009, Parsons had provided BISD with a "Cost Model" for this demolition and construction of the existing South Park Middle School. The Cost Model included a line item for Site Demolition and Removal of Existing Building in the amount of \$500,000. This document contains the undated signature of Carrol Thomas (Exhibit 3).

On November 9, 2009, Parsons provided BISD with a Recommendation for Acceptance for the Demolition of Old South Park Middle School. This Recommended of Acceptance was to approve a bid by Allco Construction in the amount of \$135,555 for the demolition. The document was approved by Carrol Thomas on December 7, 2009 (Exhibit 4).

On November 12, 2009, Terry Ingram, BISD Assistant Superintendent for Administrative Operations, submitted a recommendation to Dr. Carrol A. Thomas that the Parson's recommendation to use the Allco bid in the amount of \$135,555 be approved and that the cost would be paid by "bond appropriated funds" (Exhibit 5). The document stated that Parsons and PBK Architects evaluated the bid packages submitted for the demolition. The Board approved the recommendation on November 12, 2009 (Exhibit 6).

On March 15, 2010, Dr. Carrol A. Thomas recommended to the BISD Board of Trustees that the Board approve the demolition of South Park Middle School by Allco in the amount of \$135,555 with the project being paid for from "capital project funds" (Exhibit 7). The body of this memo appears to be consistent with Ingram's memo except for the source of the funds to be expended in that it also states that Parsons and PBK Architects evaluated the bid packages submitted for the demolition.

On March 18, 2010, the BISD Board of Trustees approved the demolition of South Park Middle School with Non-Bond Funds (Exhibit 8).

A "Contractor's Notice to Proceed, dated February 6, 2010, addressed to Allco advised that "your Notice to Proceed" with the demolition of South Park Middle School is effective April 1, 2010 (Exhibit 9). It further states that Keith Schedel of Parsons will be the Project Manager.

Terry Ingram retired from BISD on April 1, 2010.

South Park Middle School was demolished on April 2, 2010 under the oversight of Parsons.

Investigation

Joe Ping, Project Manager of Allco, advised that he oversaw the demolition of South Park Middle School. He advised that he was well aware of the Judgment issued by Judge Wortham to prevent the demolition of South Park Middle School and as such had called BISD counsel Melody Chappell on April 1, 2010 to discuss the issue. Ping stated that Chappell told him that the Judgment had been set aside and that there were no prohibitions against BISD from conducting the demolition of the school.

Terry Ingram advised that he was aware of Judge Wortham's order to not demolish South Park Middle School but was told by someone that he could not remember that the order had been rescinded. He did recall that Carrol Thomas told him to tear down the school.

A financial analysis revealed that Allco was paid the \$135,555 out of non-bond funds to demolish South Park Middle School. There was no evidence of Parsons or PBK Architects submitting any bills for the demolition of the school. Parsons was paid an agreed upon fee for the oversight of the Bond Project. PBK was paid architectural fees under the bond project only.

Conclusion

BISD's Board of Trustees and its Administrators did not honor the representations made by the Board that the South Park Middle School would not be demolished should the 2007 Bond be approved. Further, the Board and Administration did use Bond Funds, after the Temporary Restraining Order issued by Judge Wortham, to plan and oversee the demolition of South Park Middle School when they used Parsons and PB Architects for the planning and oversight of the demolition. The amount of the bond funds expended are contentious since Parsons was paid an agreed upon fee for the total bond project. It is reminded that Parsons did need extensions to their original agreement to finish the Bond Project.

WITNESSES

Joe Ping

Allco Construction
4500 Highland Ave.
Beaumont, TX
(409) 860-4459

Terry Allen Ingram

12131 Bryant Drive
Frisco, TX 75034
(972) 292-9640

Bill Brown, CPA

Carolyn Bremer, CPA, CFE

Don B. Southerland, Jr., CPA, CFE

Weaver & Tidwell LLP
Certified Public Accountants and Advisors
12221 Merit Dr., Suite 1400
Dallas, TX 75251
(972) 490-1970

EXHIBIT 01

CAUSE NO. D-184,425

BEAUMONT HERITAGE SOCIETY § IN THE DISTRICT COURT OF
AND EDDIE ESTILETTE §
§
§
VS. §
§ JEFFERSON COUNTY, TEXAS
§
DR. CARROL THOMAS, §
BEAUMONT INDEPENDENT §
SCHOOL DISTRICT, WOODROW §
REECE AND PARSONS §
COMMERCIAL TECHNOLOGY §
GROUP, INC. § 58th JUDICIAL DISTRICT

JUDGMENT

This cause came on regularly for trial on September 22 and September 23, 2009.

Plaintiff's, BEAUMONT HERITAGE SOCIETY and EDDIE ESTILETTE appeared in person and by their attorney of record, Michael D. Getz. Defendant's, DR. CARROL THOMAS, BEAUMONT INDEPENDENT SCHOOL DISTRICT and WOODROW REECE appeared in person and by their attorney of record, Melody G. Chappell. Defendant, PARSONS COMMERCIAL TECHNOLOGY GROUP, INC. was non-suited from this cause prior to the commencement of trial.

No jury was demanded and all issues of fact were tried by the Court.

Having considered the evidence and arguments, the Court finds and concludes that the BEAUMONT HERITAGE SOCIETY and EDDIE ESTILETTE, Plaintiff's, are entitled to the relief hereinafter given.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendant's DR. CARROL THOMAS, BEAUMONT INDEPENDENT SCHOOL DISTRICT, WOODROW REECE and PARSONS COMMERCIAL TECHNOLOGY GROUP, INCORPORATED, be, and hereby are, commanded to desist and

refrain from using any funds, directly or indirectly from the November 6, 2007 school board bond election, for the demolition, tear-down, destruction, or dismantling of the former South Park High School and currently known as South Park Middle School.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's, BEAUMONT HERITAGE SOCIETY and EDDIE ESTILETTE, shall have and recover from Defendant's, DR. CARROL THOMAS, BEAUMONT INDEPENDENT SCHOOL DISTRICT, and WOODROW REECE all taxable court costs expended on Plaintiff's behalf in this cause for which let execution issue.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's, BEAUMONT HERITAGE SOCIETY and EDDIE ESTILETTE, shall have and recover from Defendant's, DR. CARROL THOMAS, BEAUMONT INDEPENDENT SCHOOL DISTRICT, and WOODROW REECE attorney's fees in the sum of \$42,277.50 for services rendered through the trial of this cause and for the preparation of this Judgment. In the event of an appeal by Defendant's, DR. CARROL THOMAS, BEAUMONT INDEPENDENT SCHOOL DISTRICT, and WOODROW REECE to the Court of Appeals, if the appeal is unsuccessful, BEAUMONT HERITAGE SOCIETY and EDDIE ESTILETTE will be further entitled to \$8,000.00 as a reasonable attorney's fee; in the event of an appeal by Defendant's, DR. CARROL THOMAS, BEAUMONT INDEPENDENT SCHOOL DISTRICT, and WOODROW REECE to the Supreme Court of Texas, if the appeal is unsuccessful, BEAUMONT HERITAGE SOCIETY and EDDIE ESTILETTE will be further entitled to \$6,000.00 as a reasonable attorney's fee.

All relief prayed for by any party but not herein expressly given is denied.

The clerk shall forthwith, when so requested by Plaintiff, , BEAUMONT
HERITAGE SOCIETY and EDDIE ESTILETTE, issue a writ of injunction in conformity
with the law and the terms of this judgment.

SIGNED this 4th day of February, 2010.



BOB WORTHAM, JUDGE
58TH DISTRICT COURT

APPROVED AS TO FORM ONLY:

MICHAEL D. GETZ, attorney for Plaintiffs

MELODY G. CHAPPELL, attorney for Defendants

EXHIBIT 02

8-3-09

CAUSE NO. D-184,425

BEAUMONT HERITAGE SOCIETY	§	IN THE DISTRICT COURT OF
AND EDDIE ESTILETTE	§	
	§	
	§	
VS.	§	
	§	JEFFERSON COUNTY, TEXAS
DR. CARROL THOMAS,	§	
BEAUMONT INDEPENDENT	§	
SCHOOL DISTRICT, WOODROW	§	
REECE AND PARSONS	§	
COMMERCIAL TECHNOLOGY	§	
GROUP, INC.	§	58th JUDICIAL DISTRICT

ORDER GRANTING BEAUMONT HERITAGE SOCIETY AND EDDIE ESTILETTE TEMPORARY INJUNCTION

On July 28, 2009, came on to be heard Plaintiff's Application for Temporary Injunctive relief. A full 4 day evidentiary hearing was conducted on July 28, 2009 through July 31, 2009. After hearing the evidence and arguments of counsel, the Court finds that the evidence establishes that the Board of Directors of the Beaumont Heritage Society and Eddie Estilette are resident taxpayers of the Beaumont Independent School District and the rule is settled in our State that a resident taxpayer in a governmental district is entitled to bring a suit to enjoin the public officials from expending public funds illegally. *Lawler v. Castroville Rural High School Dist.*, 233 S.W.2d 613, 616 (Tex.Civ.App.---San Antonio 1950, writ ref'd); *Hill v. Stone*, 421 U.S. 289, 95 S.Ct. 1637, 44 L.Ed.2d 172 (1975).

The Court finds that Plaintiffs claims may be reasonably construed as alleging that after the bond election was ordered by the Beaumont Independent School District on August 30, 2007, but before it was held, Defendant's stated and pledged to the voters that if the bond issue carried, that the South Park school building would not be demolished and that this statement was intended

by Defendants to cause, and did cause, the bond election to carry; that thereafter Defendants arbitrarily abandoned this promise to the voters and have proceeded to take steps to insure the demolition of the South Park school building.

It is the rule that where the voters have voted bonds relying on a prior order or pledge of the governing board that the proceeds would be used on a certain project "the governing body must not 'arbitrarily ignore or repudiate such order or pledge,'" *Hudson v. San Antonio Independent School District*, 127 Tex. 517, 95 S.W.2d 673, 675 (1936).

In this case, the Court finds that the Defendants, through their agents and representatives, caused statements to be disseminated to the electorate in a pamphlet published in a local newspaper that expressly stated that if the 2007 bond passed, that the old South Park building would not be demolished. If a governmental entity induces the voters to approve a bond issue by making certain representations about the issue, it is bound by those representations.

The Court recognizes that there is one case containing a different opinion in *Davis v. Duncanville Independent School District*, 701 S.W.2d 15 (Tex. App.-Dallas 1985, writ dismissed w.o.j.) but does not believe the case to be authoritative. The Defendants argue that a governmental entity is bound only by an order or a resolution adopted at a properly convened meeting. The Court has no quarrel with this general proposition. However, a body of law has developed that expressly relates to circumstances like the one before us. Certainly, it is the rule that a governmental body cannot be held to a contract unless the action is an "official" one, regularly enacted at a properly convened meeting. However, the voter reliance cases employ a theory akin to estoppel. Deception may not be perpetrated upon the voters; the electorate may not be misled as to the intended purpose of the bond issue being voted upon.

In the case before us, the Defendants "acquiesced" in the making of specific representations as part of a program to convince the voters that the bonds should be approved. As a matter of good conscience, the Board cannot be

permitted to substantially deviate from its representations without working a deception upon the voters. Consistent with the principles of estoppel, we should not require affirmative action by the District, official or otherwise; we can and should declare that which it may not do. The purpose of the rule requiring that governmental actions be adopted at a duly convened meeting is the preservation of the deliberative process. Each member of the governing body is given an opportunity to contribute his "experience, counsel, and judgment." *Webster v. Texas & Pacific Motor Transport*, 140 Tex. 131, 166 S.W.2d 75, 77. The goal of judicious deliberation is in no way advanced by applying the rule to the situation before us. Indeed, in a situation where the Defendants allowed public representations to be made in a manner which implied that the District itself would stand by the representations, the orderly conduct of governmental affairs demands that the District be held to the statements. The policy of this State is clear:

In the matter of bond issues authorized by the vote of the citizenship affected, in the submission of the proposition the law encourages rather than frowns upon, a full and definite statement of their purpose. *Moore v. Coffman*, 109 Tex. 93, 200 S.W. 374 (1918).

Counsel for both BISD and Beaumont Heritage Society and Eddie Estilette in closing arguments stated they had additional witnesses that would help establish the facts in this case but were unable to produce them because they were unavailable or limited or limited by time due to the length of the hearing. A temporary injunction to allow further evidence to be fleshed out will be a very small incursion upon the powers of the Defendants to conduct school affairs according to its own best judgment and will not substantially delay the construction of a new school at the South Park location whereas to deny the requested injunctive relief will cause the Plaintiffs to suffer immediate and irreparable injury, for which there is no adequate remedy at law.

The Court finds that the harm to Plaintiffs is imminent because demolition contractors are currently preparing to tear down the South Park building and ancillary buildings and there is no adequate remedy at law which will give Plaintiffs complete, final and equal relief because demolition contractors are destroying the very rest of this controversy.

Accordingly, it is ORDERED, that Defendants, BEAUMONT INDEPENDENT SCHOOL DISTRICT, DR. CARROL THOMAS, WOODROW REECE, Defendants herein, and all of Defendant's officers, agents, servants, employees, agents, servants, contractors, successors and assigns, and attorneys are ORDERED to continue to cease and desist from demolishing the South Park Middle School Main Building and ancillary buildings at 4500 Highland Avenue, Beaumont, Texas from the date of entry of this order.

The trial on the merits and the permanent injunction hearing will be set on September 21, 2009 at 9:00 a.m. A continuation of the bond set for the TRO will be carried along with this trial and injunction hearing.

SIGNED and ENTERED on the 3rd day of August, 2009.



JUDGE PRESIDING

EXHIBIT 03

Parsons
1900 West Loop South
Houston, Texas 77027

Apr. 22, 2009

134000 S.F. Two Story

Cost Model
For
BISD South Park Middle School W/ Two Gyms

Description	Qty.	Unit	Unit Price	% Of Total	Total
Site Utilities (Water & Sewer)	1	L S	\$ 100,000.00	0.57%	\$ 100,000.00
Storm Drainage	1	L S	\$ 75,000.00	0.42%	\$ 75,000.00
Site Earth Work	1	L S	\$ 150,000.00	0.85%	\$ 150,000.00
Side Walks	10,000	S F	\$ 4.50	0.25%	\$ 45,000.00
Parking (150 Cars)	100,000	S F	\$ 5.50	3.11%	\$ 550,000.00
Curb & Gutter	4,000	L F	\$ 7.00	0.16%	\$ 28,000.00
Site Lighting	1	L S	\$ 25,000.00	0.14%	\$ 25,000.00
Landscaping (Planting & Sod)	1	L S	\$ 60,000.00	0.34%	\$ 60,000.00
Canopies	3,000	S F	\$ 50.00	0.85%	\$ 150,000.00
Misc Site Cost (Flagpoles, Signage Etc.)	1	L S	\$ 25,000.00	0.14%	\$ 25,000.00
Central Plant Structure	3,000	S F	\$ 20.00	0.34%	\$ 60,000.00
Foundation	70,000	S F	\$ 12.50	4.95%	\$ 875,000.00
Steel Frame Structure For Second Floor	65,000	S F	\$ 15.50	5.69%	\$ 1,007,500.00
Steel Frame Structure For Roof	65,000	S F	\$ 11.00	4.04%	\$ 715,000.00
Stairs	4	Sets	\$ 20,000.00	0.45%	\$ 80,000.00
Concrete Deck	65,000	S F	\$ 3.50	1.19%	\$ 227,500.00
Roof	70,000	S F	\$ 10.00	3.96%	\$ 700,000.00
Ext. Masonry Walls (By Wall Area)	28,000	S F	\$ 26.00	4.11%	\$ 728,000.00
Exterior Doors & Windows	134,000	S F	\$ 5.00	3.79%	\$ 670,000.00
Finishes	134,000	S F	\$ 25.00	18.94%	\$ 3,350,000.00
Kitchen Equipment	1	L S	\$ 390,000.00	2.20%	\$ 390,000.00
Library & Gym Equipment	1	L S	\$ 90,000.00	0.51%	\$ 90,000.00
Furnishings & Casework	134,000	S F	\$ 3.75	2.84%	\$ 502,500.00
Elevator	1	Eu	\$ 75,000.00	0.42%	\$ 75,000.00
Mechanical (Chilled Water 4 Pipe System)	134,000	S F	\$ 19.00	14.39%	\$ 2,546,000.00
Electrical	134,000	S F	\$ 14.50	10.98%	\$ 1,943,000.00
Plumbing	134,000	S F	\$ 8.20	6.21%	\$ 1,098,800.00
Fire Sprinkler	134,000	S F	\$ 2.60	1.97%	\$ 348,400.00
Fire Alarm & Security	134,000	S F	\$ 2.00	1.51%	\$ 268,000.00
Intecom System	134,000	S F	\$ 0.80	0.61%	\$ 107,200.00
Phone & Data Com	134,000	S F	\$ 1.00	0.76%	\$ 134,000.00
Other Tech	134,000	S F	\$ 1.25	0.95%	\$ 167,500.00
Salvage & Reuse or Replacate Facad	1	L S	\$ 400,000.00	2.26%	\$ 400,000.00
				99.90%	\$ 17,691,400.00
		Sub-Total	Cost Per S. F.	\$ 142.59	\$ 19,106,712.00
Design Contingency	10.00%		Cost Per S. F.	\$ 156.85	\$ 21,017,363.20
Premium For Beaumont	4.50%			\$ 945,782.24	\$ 21,963,165.44
Escalation To Sept. Of 2009	10.00%			\$ 2,196,316.54	
Estimated Cost Of Work			Cost Per S. F.	\$ 180.29	\$ 24,159,481.99
General Requirements	8.00%			\$ 1,415,312.00	
Pre Construction Services	0.25%			\$ 52,543.46	
Construction Managers Fee	4.50%			\$ 1,087,178.69	
Liability & Builders Risk Insurance	0.75%			\$ 181,196.11	
Bond	1.00%			\$ 241,594.82	
Total Estimated Cost Of Construction			Cost Per S. F.	\$ 202.52	\$ 27,137,305.07
Owners Construction Contingency	5.00%			\$ 1,356,865.25	
Building Permit	1	L S		\$ 55,000.00	
Surveys	1	L S		\$ 15,000.00	
A & E Fees	6.00%			\$ 1,628,238.30	
Soil Reports, Testing, Paving Etc	1	L S		\$ 50,000.00	
F. F. & E	1	L S		\$ 2,080,000.00	
Temporary Facilities	1	L S		\$ 150,000.00	
Relocation Logistics	1	L S		\$ 104,000.00	
Site Demolition & Removal Of Existing Bldg	1	L S	\$ 500,000.00	2.83%	\$ 500,000.00
Total Project Cost			Cost Per S. F.	\$ 246.84	\$ 33,076,408.83

Barclay Thomas

Parsons
1900 West Loop South
Houston, Texas 77027

Apr. 22, 2009

134000 S.F. Two Story

Cost Model
For
BISD South Park Middle School W/ Two Gyms

Description	Qty.	Unit	Unit Price	% Of Total	Total
Site Utilities (Water & Sewer)	1	L S	\$ 100,000.00	0.57%	\$ 100,000.00
Storm Drainage	1	L S	\$ 75,000.00	0.42%	\$ 75,000.00
Site Earth Work	1	L S	\$ 150,000.00	0.85%	\$ 150,000.00
Side Walks	10,000	S F	\$ 4.50	0.25%	\$ 45,000.00
Parking (150 Cars)	100,000	S F	\$ 5.50	3.11%	\$ 550,000.00
Curb & Gutter	4,000	L F	\$ 7.00	0.10%	\$ 28,000.00
Site Lighting	1	L S	\$ 25,000.00	0.14%	\$ 25,000.00
Landscaping (Planting & Sod)	1	L S	\$ 60,000.00	0.34%	\$ 60,000.00
Canopies	3,000	S F	\$ 50.00	0.85%	\$ 150,000.00
Misc Site Cost (Flagpoles, Signage Etc.)	1	L S	\$ 25,000.00	0.14%	\$ 25,000.00
Central Plant Structure	3,000	S F	\$ 20.00	0.34%	\$ 60,000.00
Foundation	70,000	S F	\$ 12.50	4.95%	\$ 875,000.00
Steel Frame Structure For Second Floor	65,000	S F	\$ 15.50	5.69%	\$ 1,007,500.00
Steel Frame Structure For Roof	65,000	S F	\$ 11.00	4.04%	\$ 715,000.00
Stairs	4	Set	\$ 20,000.00	0.45%	\$ 80,000.00
Concrete Deck	65,000	S F	\$ 3.50	1.19%	\$ 227,500.00
Roof	70,000	S F	\$ 10.00	3.96%	\$ 700,000.00
Ext. Masonry Walls (By Wall Area)	28,000	S F	\$ 26.00	4.11%	\$ 728,000.00
Exterior Doors & Windows	134,000	S F	\$ 5.00	3.79%	\$ 670,000.00
Finishes	134,000	S F	\$ 25.00	18.94%	\$ 3,350,000.00
Kitchen Equipment	1	L S	\$ 390,000.00	2.20%	\$ 390,000.00
Library & Gym Equipment	1	L S	\$ 90,000.00	0.51%	\$ 90,000.00
Furnishings & Casework	134,000	S F	\$ 3.75	2.84%	\$ 502,500.00
Elevator	1	Eq	\$ 75,000.00	0.42%	\$ 75,000.00
Mechanical (Chilled Water 4 Pipe System)	134,000	S F	\$ 19.00	14.39%	\$ 2,546,000.00
Electrical	134,000	S F	\$ 14.50	10.98%	\$ 1,943,000.00
Plumbing	134,000	S F	\$ 8.20	6.21%	\$ 1,098,800.00
Fire Sprinkler	134,000	S F	\$ 2.60	1.97%	\$ 348,400.00
Fire Alarm & Security	134,000	S F	\$ 2.00	1.51%	\$ 268,000.00
Intercom System	134,000	S F	\$ 0.80	0.61%	\$ 107,200.00
Phone & Data Com	134,000	S F	\$ 1.00	0.76%	\$ 134,000.00
Other Tech	134,000	S F	\$ 1.25	0.95%	\$ 167,500.00
Salvage & Reuse or Replacate Facad	1	L S	\$ 400,000.00	2.26%	\$ 400,000.00
				99.90%	\$ 17,691,400.00
	Sub-Total		Cost Per S F	\$	142.59 \$ 19,106,712.00
Design Contingency	10.00%		Cost Per S F	\$	156.85 \$ 21,017,383.20
Premium For Beaumont	4.50%				\$ 945,782.24
					\$ 21,963,165.44
Escalation To Sept. Of 2009	10.00%				\$ 2,196,316.54
Estimated Cost Of Work			Cost Per S F	\$	180.29 \$ 24,159,481.99
General Requirements	8.00%				\$ 1,415,312.00
Pre Construction Services	0.75%				\$ 52,543.48
Construction Managers Fee	4.50%				\$ 1,087,176.69
Liability & Builders Risk Insurance	0.75%				\$ 181,196.11
Bond	1.00%				\$ 241,594.82
Total Estimated Cost Of Construction			Cost Per S. F.	\$	202.52 \$ 27,137,305.07
Owners Construction Contingency	5.00%				\$ 1,356,865.25
Building Permit	1	L S			\$ 55,000.00
Surveys	1	L S			\$ 15,000.00
A & E Fees	6.00%				\$ 1,628,236.30
Soil Reports Testing, Printing Etc	1	L S			\$ 50,000.00
F F & E	1	L S			\$ 2,080,000.00
Temporary Facilities	1	L S			\$ 150,000.00
Relocation Logistics	1	L S			\$ 104,000.00
Site Demolition & Removal Of Existing Bldg	1	L S	\$ 500,000.00	2.83%	\$ 500,000.00
Total Project Cost			Cost Per S F	\$	246.84 \$ 33,076,408.83

Parsons
1100 West Loop South
Houston, Texas 77027

Apr 22, 2009

114000 SF Two Story

Cost Model
For
HISD South Park Middle School W/ Two Gyms

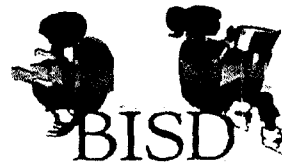
Description	Qty	Unit	Unit Price	Off Total	Total
Site Utilities (Water & Sewer)	1	L.S.	\$ 100,000.00	0.87%	\$ 100,000.00
Storm Drainage	1	L.S.	\$ 15,000.00	0.13%	\$ 15,000.00
Site Earth Work	1	L.S.	\$ 150,000.00	1.35%	\$ 150,000.00
Side Walks	10,000	S.F.	\$ 4.50	0.39%	\$ 45,000.00
Parking (150 Cars)	100,000	S.F.	\$ 5.50	4.81%	\$ 550,000.00
Curb & Gutter	4,000	L.F.	\$ 7.00	0.61%	\$ 28,000.00
Site Lighting	1	L.S.	\$ 25,000.00	0.22%	\$ 25,000.00
Landscaping (Planting & Sod)	1	L.S.	\$ 60,000.00	0.53%	\$ 60,000.00
Temples	1,000	S.F.	\$ 1.50	0.13%	\$ 1,500.00
Misc Site Cost (Flagpoles, Signage Etc.)	1	L.S.	\$ 25,000.00	0.22%	\$ 25,000.00
Central Plant Structure	3,000	S.F.	\$ 20.00	0.18%	\$ 60,000.00
Foundation	10,000	S.F.	\$ 12.50	1.10%	\$ 125,000.00
Steel Frame Structure For Second Floor	65,000	S.F.	\$ 15.50	1.37%	\$ 1,007,500.00
Steel Frame Structure For Roof	65,000	S.F.	\$ 11.00	0.97%	\$ 715,000.00
Stairs	4	Set	\$ 20,000.00	0.18%	\$ 80,000.00
Concrete Deck	65,000	S.F.	\$ 3.50	0.31%	\$ 227,500.00
Roof	70,000	S.F.	\$ 10.00	0.62%	\$ 700,000.00
Ext. Masonry Walls (By Wall Area)	28,000	S.F.	\$ 26.00	2.32%	\$ 728,000.00
Exterior Doors & Windows	134,000	S.F.	\$ 5.00	0.44%	\$ 670,000.00
Finishes	134,000	S.F.	\$ 25.00	2.18%	\$ 3,350,000.00
Kitchen Equipment	1	L.S.	\$ 390,000.00	3.42%	\$ 390,000.00
Library & Gym Equipment	1	L.S.	\$ 90,000.00	0.79%	\$ 90,000.00
Furnishings & Casework	134,000	S.F.	\$ 3.75	0.33%	\$ 502,500.00
Elevator	1	Eq	\$ 75,000.00	0.66%	\$ 75,000.00
Mechanical (Chilled Water 4 Pipe System)	134,000	S.F.	\$ 19.00	1.67%	\$ 2,546,000.00
Electrical	134,000	S.F.	\$ 14.50	1.27%	\$ 1,943,000.00
Plumbing	134,000	S.F.	\$ 8.20	0.72%	\$ 1,098,800.00
Fire Sprinkler	134,000	S.F.	\$ 2.60	0.23%	\$ 348,400.00
Fire Alarm & Security	134,000	S.F.	\$ 2.00	0.18%	\$ 268,000.00
Intercom System	134,000	S.F.	\$ 0.80	0.07%	\$ 107,200.00
Phone & Data Com	134,000	S.F.	\$ 1.00	0.09%	\$ 134,000.00
Other Tech	134,000	S.F.	\$ 1.25	0.11%	\$ 167,500.00
Salvage & Reuse or Replacate Facad	1	L.S.	\$ 400,000.00	3.53%	\$ 400,000.00
				99.90%	\$ 17,691,400.00
	Sub-Total		Cost Per S.F.	\$ 142.50	\$ 19,108,712.00
Design Contingency	10.00%		Cost Per S.F.	\$ 156.85	\$ 21,910,671.20
Premium For Beaumont	4.50%			\$ 945,782.24	\$ 21,963,165.44
Escalation To Sept. Of 2009	10.00%			\$ 2,196,316.54	\$ 24,159,481.98
Estimated Cost Of Work			Cost Per S.F.	\$ 190.29	\$ 24,159,481.98
General Requirements	8.00%			\$ 1,415,312.00	\$ 25,574,793.98
Pre Construction Services	0.25%			\$ 52,543.46	\$ 25,627,337.44
Construction Managers Fee	4.50%			\$ 1,087,178.69	\$ 26,714,516.13
Liability & Builders Risk Insurance	0.75%			\$ 161,196.11	\$ 26,875,712.24
Bond	1.00%			\$ 241,594.82	\$ 27,117,307.06
Total Estimated Cost Of Construction			Cost Per S.F.	\$ 202.52	\$ 27,117,307.07
Owners Construction Contingency	5.00%			\$ 1,356,865.25	\$ 28,474,172.32
Building Permit	1	L.S.		\$ 65,000.00	\$ 28,539,172.32
Surveys	1	L.S.		\$ 15,000.00	\$ 28,554,172.32
A & E Fees	6.00%			\$ 1,628,238.30	\$ 30,182,410.62
Soil Reports, Testing, Printing Etc	1	L.S.		\$ 50,000.00	\$ 30,232,410.62
F.F. & E	1	L.S.		\$ 2,080,000.00	\$ 32,312,410.62
Temporary Facilities	1	L.S.		\$ 150,000.00	\$ 32,462,410.62
Relocation Logistics	1	L.S.		\$ 104,000.00	\$ 32,566,410.62
Site Demolition & Removal Of Existing Bldg	1	L.S.	\$ 500,000.00	2.83%	\$ 500,000.00
Total Project Cost			Cost Per S.F.	\$ 246.84	\$ 33,076,408.83



EXHIBIT 04

Parsons/Beaumont ISD

3395 Harrison Avenue, Beaumont, Texas 77706
 Phone: (409) 899-9972



TO: Mr. Terry Ingram, Assistant Superintendent (OPS)
 Facility Planning Department, Beaumont ISD

FROM: Michael Babatunde *[Signature]*
 Project Manager

DATE: 11/09/09

SUBJECT: RECOMMENDATION ACCEPTANCE FOR: Demolition of Old South Park Middle School. Guaranteed Maximum Price (GMP)

PROJECT No. ES-02.02.06

Please confirm that this represents your recommendation for the acceptance of the above-mentioned bid.

<u>CMAR</u>	ALLCO INC	
<u>Bid Award:</u>	GMP Price	\$135,555.00
<u>TOTAL</u>	GMP Award	\$135,555.00
Budget Available	CONSTRUCTION	\$500,000.00
TOTAL Available	BALANCE	\$364,445.68

Confirmed: Ed Caillouette *[Signature]* 11/9/09
 Program Manager Date

Recommended: Terry Ingram *[Signature]* 12/7/09
 Terry Ingram, Asst. Superintendent of Date
 Administration and Operations

Approved: Carrol Thomas *[Signature]* 12/7/09
 Dr. Carrol Thomas, Superintendent Date

cc: Theodore Sims; Brittany Brinson

RECEIVED JAN 07 2010

PARSONS

3395 Harrison Avenue • Beaumont, Tx 77706 • Tel (409) 617-5770 • Fax (409) 617-5779 • www.parsons.com

November 9, 2009

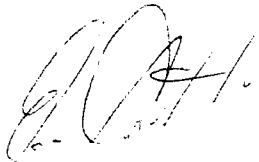
Terry Ingram
Assistant Superintendent of Administration & Operations
Beaumont Independent School District
3395 Harrison Avenue
Beaumont, Texas 77706

**Re: Recommendation for Acceptance of Demolition of Old South Park Middle School
Guaranteed Maximum Price**

Parsons, PBK Architects, and ALLCO and BISD have carefully evaluated the bid packages submitted during the legally compliant bid process. Parsons is recommending that the District approve the ALLCO Guaranteed Maximum Price (GMP) for the Demolition of Old South Park Middle School in the amount of **\$135,555.00**.

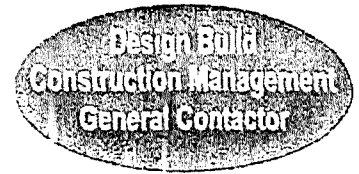
The work remains within the approved budget. Therefore, Parsons recommends approval by the Board of Trustees on November 12, 2009 to authorize the Superintendent to execute an Amendment with ALLCO CMAR which will release them to sub-contract for the Demolition work of the Old South Park Middle School.

Sincerely



Ed Callouette
Program Director
Beaumont ISD Bond Program
ed.callouette@parsons.com





P.O. Box 3684, Beaumont, TX Phone: 409-860-4459 Fax: 409-860-3857
Email: jpings@allco.com

November 6, 2009

Beaumont Independent School District
3395 Harrison Avenue
Beaumont, TX 77706

ATTN: Terry Ingram
Assistant Superintendent for Administration/Operations

Dear Mr. Ingram,

Allco is please to submit our GMP for the Demolition of South Park Middle School as required by our CMAR contract with the District in the amount of \$135,555. This GMP does not include any asbestos removal that may be required after the District's abatement subcontractor completes their contract because it is an unknown quantity. To facilitate the District in knowing a more accurate final cost Allco does include a contingency to cover this unknown quantity of asbestos removal and to eliminate a change order. This GMP is good for 150 days.

Please contact me if you have any questions or comments.

Sincerely,
Allco

Joe L. Ping

cc Allco file

ALLCO

PROJ.	SOUTH PARK MIDDLE SCHOOL	CLIENT		BISD			PROP. #	
BID	CMAR DEMOLITION GMP	BID DATE		November 5, 2009			FILE	
DIV. #	ITEM	QUAN.	UNIT	LABOR	MATERIAL	EQUIPMENT	SUB	TOTAL
DIV 2	SITWORK							
	SWPPP						7860	\$7,860
	TEMPORARY FENCING						3295	\$3,295
	BUILDING DEMOLITION						88700	\$88,700
	CONTINGENCY						25000	\$25,000
SUBTOTAL PROJECT COSTS							\$124,855	\$124,855
GENERAL CONDITIONS								
	CMAR General Conditions						3746	\$3,746
SUBTOTAL GENERAL CONDITION COSTS							\$3,746	\$3,746
TOTALS							\$128,601	\$128,601

Sales Tax (8.25%)	NONE
SUBTOTAL	\$128,601
Overhead	NONE
CMAR Fee 4.75 %	\$6,109
Contractor Contingency	NONE
SUBTOTAL	\$134,709
Builders Risk Insurance	ROCIP
O.P.L. Insurance	ROCIP
P & P Bond	ROCIP
Building Permit	\$846
TOTAL COST	\$135,555

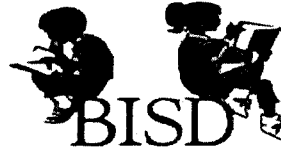
ALLCO

PROJ.:	SOUTH PARK MIDDLE SCHOOL	CLIENT:	BISD	DATE:	Thursday, November 05, 2009	
BID:	DEMOLITION BID TAB			CONTRACT:	CMAR	
SEC. #	BIDDER	Add O	LWMBE	PROPOSAL PRICE	EVAL SCORE	NOTES
	DEMOLITION					
	Ambush Demolition	O	50% HUB	\$88,700.00	93.00	No SWPPP or fencing
	Eagle-Pro Engineering, Inc.	O	L	\$167,856.00	88.00	Pier removal add of \$175/EA
	Cherry Demolition	O		\$190,000.00	83.00	No SWPPP, fencing, backfilling
	A.G.Y. Industrial Service, Inc.	O	L	\$198,700.00	82.00	No SWPPP or fencing
	D.A.R.T., Inc.	O	L	\$204,800.00	79.00	No SWPPP or fencing
	Whitman Construction & Excavation	O	L	\$212,613.00	76.00	No SWPPP or fencing
	Inland Environments Ltd.	O	L	\$261,727.00	76.00	No SWPPP or fencing
	Coastal Demolition Inc.	O	L	\$274,800.00	76.00	No SWPPP or fencing
	C&C Demo, Inc.	O	L	\$294,000.00	76.00	No SWPPP or fencing
	Precision Demolition	O		\$297,123.00	74.00	No SWPPP, fencing, backfilling
	SWPP					
	Environmental Allies	O	HUB	UNIT COST	94.00	
	CHAINLINK FENCE AND GATES					
	Construction Rent-A-Fence, Inc.	O		UNIT COST	89.00	

Parsons/Beaumont ISD

3395 Harrison Avenue, Beaumont, Texas 77706

Phone: (409) 899-9972



TO: Mr. Terry Ingram, Assistant Superintendent (OPS)
Facility Planning Department, Beaumont ISD

FROM: Michael Babatunde *[Signature]*
Project Manager

DATE: 11/09/09

SUBJECT: RECOMMENDATION ACCEPTANCE FOR: Demolition of Old South Park Middle School. Guaranteed Maximum Price (GMP)

PROJECT No. ES-02.02.06

Please confirm that this represents your recommendation for the acceptance of the above-mentioned bid.

<u>CMAR</u>	ALLCO INC	
<u>Bid Award:</u>	GMP Price	\$135,555.00
<u>TOTAL</u>	GMP Award	\$135,555.00
Budget Available	CONSTRUCTION	\$500,000.00
TOTAL Available	BALANCE	\$364,445.68

Confirmed: Ed Caillouette
Program Manager

11/9/09
Date

Recommended: Terry Ingram
Terry Ingram, Asst. Superintendent of
Administration and Operations

12/7/09
Date

Approved: Carrol Thomas
Dr. Carrol Thomas, Superintendent

12/7/09
Date

cc: Theodore Sims; Brittany Brinson



3395 Harrison Avenue • Beaumont, Tx 77706 • Tel (409) 617-5770 • Fax (409) 617-5779 • www.parsons.com

November 9, 2009

Terry Ingram
Assistant Superintendent of Administration & Operations
Beaumont Independent School District
3395 Harrison Avenue
Beaumont, Texas 77706

**Re: Recommendation for Acceptance of Demolition of Old South Park Middle School
Guaranteed Maximum Price**

Parsons, PBK Architects, and ALLCO and BISD have carefully evaluated the bid packages submitted during the legally compliant bid process. Parsons is recommending that the District approve the ALLCO Guaranteed Maximum Price (GMP) for the Demolition of Old South Park Middle School in the amount of **\$135,555.00**.

The work remains within the approved budget. Therefore, Parsons recommends approval by the Board of Trustees on November 12, 2009 to authorize the Superintendent to execute an Amendment with ALLCO CMAR which will release them to sub-contract for the Demolition work of the Old South Park Middle School.

Sincerely,

Ed Caillouette
Program Director
Beaumont ISD Bond Program
ed.caillouette@parsons.com





Design Build
Construction Management
General Contactor

P.O. Box 3684, Beaumont, TX Phone: 409-860-4459 Fax: 409-860-3857
Email: jping@allco.com

November 6, 2009

Beaumont Independent School District
3395 Harrison Avenue
Beaumont, TX 77706

ATTN: Terry Ingram
Assistant Superintendent for Administration/Operations

Dear Mr. Ingram,

Allco is please to submit our GMP for the Demolition of South Park Middle School as required by our CMAR contract with the District in the amount of \$135,555. This GMP does not include any asbestos removal that may be required after the District's abatement subcontractor completes their contract because it is an unknown quantity. To facilitate the District in knowing a more accurate final cost Allco does include a contingency to cover this unknown quantity of asbestos removal and to eliminate a change order. This GMP is good for 150 days.

Please contact me if you have any questions or comments.

Sincerely,
Allco

A handwritten signature in black ink, appearing to read "Joe L. Ping".

Joe L. Ping

cc: Allco file

ALLCO

PROJ.	SOUTH PARK MIDDLE SCHOOL	CLIENT		BISD			PROP. #	
BID	CMAR DEMOLITION GMP	BID DATE		November 5, 2009			FILE	
DIV. #	ITEM	QUAN.	UNIT	LABOR	MATERIAL	EQUIPMENT	SUB	TOTAL
DIV 2	SITWORK							
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	TEMPORARY FENCING		SUB				3295	\$3,295
	BUILDING DEMOLITION		SUB				88700	\$88,700
	CONTINGENCY		SUB				25000	\$25,000
SUBTOTAL PROJECT COSTS							\$124,855	\$124,855
	GENERAL CONDITIONS							
	CMAR General Conditions						3746	\$3,746
SUBTOTAL GENERAL CONDITION COSTS							\$3,746	\$3,746
TOTALS							\$128,601	\$128,601

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SUBTOTAL	\$128,601
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SUBTOTAL	\$134,709
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TOTAL COST	\$135,555

ALLCO

PROJ.:	SOUTH PARK MIDDLE SCHOOL	CLIENT:	BISD	DATE:	Thursday, November 05, 2009	
BID:	DEMOLITION BID TAB			CONTRACT:	CMAR	
SEC. #	BIDDER	Add O	LWMBE	PROPOSAL PRICE	EVAL SCORE	NOTES
	DEMOLITION					
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	Inland Environments Ltd.	O	L	\$261,727.00	76.00	No SWPPP or fencing
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	C&C Demo, Inc.	O	L	\$294,000.00	76.00	No SWPPP or fencing
	Precision Demolition	O		\$297,123.00	74.00	No SWPPP, fencing, backfilling
	SWPP					
	Environmental Allies	O	HUB	UNIT COST	94.00	
	CHAINLINK FENCE AND GATES					
	Construction Rent-A-Fence, Inc.	O		UNIT COST	89.00	

BEAUMONT INDEPENDENT SCHOOL DISTRICT
Beaumont, Texas

EXHIBIT "P"
Page 1 of 5

APPROVED

TO : Dr. Carrol A. Thomas
Superintendent of Schools

FROM : Terry A. Ingram
Assistant Superintendent for Administration/Operations

DATE : November 12, 2009

SUBJECT : Consider and, if Appropriate, Take Action to Approve
the Proposal for Demolition of South Park Middle School

Representatives from Beaumont Independent School District (BISD) Administration, Parsons, PBK Architects, and Allco evaluated the bid packages submitted for demolition of South Park Middle School. Administration and Parsons is recommending that the district approve the Allco Guaranteed Maximum Price (GMP) for the demolition of South Park Middle School in the amount of \$135,555.

To be paid by bond appropriated funds.

It is the recommendation of Administration that Allco (CMAR) be authorized to sub-contract for the demolition work at South Park Middle School for the total amount of \$135,555.

AGENDA:
November 12, 2009

EXHIBIT 05

BEAUMONT INDEPENDENT SCHOOL DISTRICT
Beaumont, Texas

EXHIBIT "P"
Page 1 of 5

APPROVED

TO : Dr. Carrol A. Thomas
Superintendent of Schools

FRCM : Terry A. Ingram
Assistant Superintendent for Administration/Operations

DATE : November 12, 2009

SUBJECT : Consider and, if Appropriate, Take Action to Approve
the Proposal for Demolition of South Park Middle School

Representatives from Beaumont Independent School District (BISD) Administration, Parsons, PBK Architects, and Allco evaluated the bid packages submitted for demolition of South Park Middle School. Administration and Parsons is recommending that the district approve the Allco Guaranteed Maximum Price (GMP) for the demolition of South Park Middle School in the amount of \$135,555.

To be paid by bond appropriated funds.

It is the recommendation of Administration that Allco (CMAR) be authorized to sub-contract for the demolition work at South Park Middle School for the total amount of \$135,555.

AGENDA:
November 12, 2009

EXHIBIT 06

**BEAUMONT INDEPENDENT SCHOOL DISTRICT
BOARD OF EDUCATION**

Regular Meeting – November 12, 2009

The Board of Education of the Beaumont Independent School District met in regular public (open) session on Thursday, November 12, 2009 at 7:15 p.m. in the Board Room of the Administration Building of the District located at 3395 Harrison Avenue in Beaumont, Jefferson County, Texas. The meeting was called to order by President Woodrow Reece.

It was found and determined that in accordance with the policies and orders of the Board, the Notice of this Meeting was posted in the Administration Building of the District in accordance with the terms and provisions of Section 551.041 and Section 551.043, V.T.C.S., and that all of the terms and provisions of those sections have been fully complied with and that the 72 hour notice required by said sections has been properly and correctly given.

ROLL CALL

Present: Woodrow Reece, President
Janice Brassard, Vice President
Terry Williams, Secretary
Dr. William Nantz, Member
Tom B. Neild, Member
Howard J. Trahan, Jr., Member
Bishop Ollis E. Whitaker

Absent: None

School Officials

Present: Superintendent, Dr. Carrol A. Thomas; Assistant Superintendents, Mr. Terry Ingram, Dr. Shirley Bonton, Dr. David Harris; Dr. Timothy Chargois, Executive Director of Personnel, Ms. Sybil Comeaux; Chief Financial Officer, Ms. Jane Kingsley; Special Assistant to the Superintendent, Jessie Haynes and Attorney, Melody Chappell

Absent: None

ESTABLISHMENT OF A QUORUM

President Woodrow Reece declared a quorum.

PLEDGE OF ALLEGIANCE

Ozen High School NJROTC presented the colors. The pledges to the United States of America flag and Texas flag were led by Serenity Bill Williams, a fourth grade student at Fehl Elementary School.

INVOCATION

The invocation was given by Emily McCurley, an eighth grade student at King Middle School.

APPROVAL OF THE MINUTES

Bishop Ollis Whitaker moved, seconded by Dr. Nantz to approve the minutes of the the regular meeting, October 15, 2009.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

REPORTS

1. Status of State Comp Ed Funds Report

REPORT OF THE SUPERINTENDENT OF SCHOOLS

1. **Progress in Meeting Highly Qualified Teacher Requirements Report** – The 2006-2009 High Qualified Teacher Report by state and district was presented for high poverty schools and low poverty schools. The compliance report showed that the district has 3,658 classes taught (98.59%) and 1,484 teachers (99.03%). Across the state and district 100% of teachers are receiving high-quality professional development.

2. Hurricane Ike and Bond 2007 Update Report

Hurricane Ike Update

Dr. Thomas stated that the district was still in mediation as far as funding was concern and there are still some details to clear up at both Smith and King Middle Schools.

Bond 2007 Update

Dr. Nantz reported that Building and Grounds Committee had met Monday, November 9, 2009 and received a comprehensive informational notebook for personal and public information use. The remaining Trustees were given notebooks at this Board meeting.

Dr. Thomas asked Mr. Caillouette to address the recovery plan implementation and how funding will be addressed for the rest of the program. Mr. Caillouette stated that the weather delays had challenged the project timeline for the new schools; however, crews were working around the clock to make up this lost time and materials were stocked piled at sites ready for construction. Along with the schedule remaining in good shape, Mr. Caillouette stated that the overall financial program is very healthy; and, even though there were overruns on the first three projects, there are contingencies to cover and offset those events. Mr. Caillouette reported that while the district is not ready to release contingencies, he would like to state that the bond projected budget is conservative and sound.

Mr. Tom Neild questioned the budget numbers on the original yellow colored report. Mr. Caillouette responded that he would like to sit down with him and go over the budget numbers including inflation costs.

Mr. Neild also stated that patrons were concerned that Curtis would not be built at the end of the program. Dr. Thomas responded that there was no possibility that would happen pointing out that a construction manager at risk had been assigned and the budget remains secure with funds designated for a new school at Curtis.

3. **E-Rate Funding** - Dr. Thomas referred Trustees to a report from Information Services department stating that the combined commitment of the Priority 1 and Priority 2 E-Rate commitment would provide \$688,063.54 in funding for maintenance on network equipment and internet and telecommunications.

4. **District TEA Rating** – Dr. Thomas presented to Trustees the 2009 TAKS Results and Completion Rate after Appeal including the TPM (Texas Projection Measure). The final AEIS Rating with Gold Performance showed 11 schools exemplary, 8 recognized, 8 academically acceptable and 2 not rated. Dr. Thomas pointed out that the district had also received notification that one of our elementary schools was one of nineteen schools in the state picked for a Blue Ribbon School. Official notification will be announced at a later date as to which school has received this honor.

COMMUNICATIONS

1. **Michael D. Getz**, 7950 Phelan, asked Trustees not to tear demolish the South Park building but rather renovate and provide proper maintenance. Mr. Getz presented photographs of a school in Seattle, Washington that was renovated and its historic preserved.
2. **Latonya Cheatam**, 1031 Schwerner St. (not present)
3. **Kathy Jones**, 719 Alma St., stated her main concern for the children, volunteers, and staff at South Park Middle School was the mold and mildew that are creating unsafe health issues. Ms. Jones asked Trustees to make a decision to tear down the building.
4. **Lois Turner**, 2510 Pierce St. also asked Trustees to demolish the South Park Middle School. Ms. Turner pointed out that if the district wants to be exemplary across the city then administration should consider the surroundings for these students and teachers and provide what is best for them.
5. **Tina Mitchell**, 5770 Kathy Ln., asked for some direction from the Trustees regarding the future for South Park Middle students. Ms. Mitchell stated that these students feel like they have no direction as to where they will be housed the next few years and if they will get a new school building.
6. **Carolayne Waggener**, 1068 Oregon, #B, (not present)
7. **Earnest J. Sennet**, 4557 Maddox St. (not present)
8. **Tia Talbert**, 740 Harriot St., stated she was a proud to be a former French High student; however, it was time to move on and keep your memories alive within yourself. Ms. Talbert asked trustees to focus on the investment of the children's education and provide them a new building at South Park.

SIGN-UP

1. **Elizabeth Sprott**, 2395 Cartwright Ave., stated she had a granddaughter attending South Park Middle School and the building should be torn down since the majority of patrons want a new school. Ms. Sprott stated that most of the people who are opposing the demolition do not live in Beaumont or in the South Park area.

ACTION ITEMS

APPROVAL OF EXHIBITS "A.1", "A.2", A.3", "B", "C", and "D"

Dr. William Nantz moved, seconded by Mr. Howard Trahan, to approve Exhibits "A.1", "A.2", "A.3", "B", "C", and "D".

Tax Collection Report Exhibit "A.1" – Administration recommended acceptance of the Tax Collection Report in the amount of \$647,474.02 including certification of

tax collection for the month of October 2009 tax collector monthly report of October 2009; and deposit distribution of October 2009.
(Copy of Certification of Tax Collection Report attached and made a part of these minutes.)

Business Office Report (Exhibit "A.2") – Administration recommended approval of the Business Office Report, including the general fund reports, October 2009, debt service reports, October 2009; capital projects report, October 2009; internal service funds October 2009; scholarship fund report, October 2009; and investment report, October 2009.

Amendments to 2009-2010 Budget (Exhibit "A.3") – Administration recommended approval of amendments to the following budgets:

199/9 General Fund	#028
205/0 Head Start	#029
211/0 ESEA Title I Part A Improving Basic Programs	#030
211/0 ESEA Title I Part D Prevention and Intervention	#031
224/0 IDEA Part B Formula	#032
415/0 Prekindergarten Early Start Grant	#033
427/9 Statewide Tools for Teaching Excellence	#034
629/0 Unlimited Tax School Building Bond Series 2008A	#035
630/0 Unlimited Tax School Building Bond Series 2009	#036
650/0 Local Capital Projects	#037

Approved Third Party Administrator, Service Provider Agreement, Adoption Agreement and Other Documentation Regarding Administration of District 403(b) Plans (Exhibit "B") – Administration recommended approval of National Benefits Services as the Third Party Administration along with the Service Provider Agreement, Adoption Agreement and Other Documentation regarding Administration of District 403(b) Plans.

Approved Renewal of J. S. Edwards and Sherlock Insurance Agency as the District's Consultant and Risk Manager Regarding Property/Casualty/Workers Compensation Programs (Exhibit "C") – Administration recommended approval of the renewal with J. S. Edwards and Sherlock Insurance Agency in the amount of \$23,136.

Approved Jefferson County Recap for the 2009 Tax Roll (Exhibit "D") – Administration recommended approval of the 2009 tax roll by resolution to the Jefferson County Tax Office in accordance with the Texas Property Tax Code, Section 26.09.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

APPROVAL OF EXHIBITS "E", "F", "G.1", "G.2", "H.1", "H.2", and "I"

Dr. William Nantz moved, seconded by Mr. Terry Williams, to approve Exhibits "E", "F", "G.1", "G.2", "H.1", "H.2" and "I".

Approved Contract with Marsh USA, Inc. as Rolling Owner Controlled Insurance Program (ROCIP) Administrator (Exhibit "E") – Administration recommended approval of contract with Marsh USA, Inc. in the projected total amount of \$1,165,000.

Approved Purchase of Bus for Southerland Head Start (Exhibit "F") – Administration recommended award to Thomas Bus Gulf Coast GP, Inc. in the amount of \$111,424.00 from BuyBoard, Contract #306-08.

Approved Bids for Term Contract for General Maintenance and Hardware Supplies for the 2009-2010 School Year (Exhibit "G.1") – Bid packets were distributed to one hundred and sixty-six (166) companies in addition to the appropriate advertisements. There were twenty-six (26) responses. Administration recommended acceptance of all the bids allowing the district to purchase from a broader base of supplies by a percentage discount off the retail price of items. (Bids are on file in the Purchasing Department.)

Approved the Bids for Body Work and Refinishing Services for the 2009-2010 School Year (Exhibit "G.2") – Bid packets were distributed to five (5) companies in addition to the appropriate advertisements. There were five (5) responses. Administration recommended acceptance of primary and secondary vendors: Beaumont Freightliners and W & B Service as primary; Houston Freightliner, Thomas Bus Gulf Coast and Smarts Truck & Trailer Equipment as secondary.

Approved Phone Plan for District Cell Phones (Exhibit "H.1") – Administration recommended approval of contract with Sprint Nextel Business Solutions at a projected monthly cost of \$6,387.74 for an annual cost of \$76,652.88.

Tabled Bid for Printing/Copying/Binding and Other Service Pricing Forms Catalog Discount for the 2009-2010 School Year (Exhibit "H.2") – Administration recommended tabling the bid due to changes in purchasing procedures and regulations.

Approved Second Year Option for Hourly Mechanic Services and Paint & Body Repair for the Transportation Department for the 2009-2010 School Year (Exhibit "I") – Administration recommended exercising the second year option of all bid from 2008-2009 approval of bids from The Bus Barn Inc., Magnolia Street Front End and Yates Auto and Truck Repair as not one company can provide all services.

Mr. Neild asked for clarification on the contract for Marsh requesting a four year agreement for a bond project that technically should be over in two years. Ms. Kingsley responded that the Board originally approved contract in February 2008 after the bond was passed in 2007; however, the amount was negotiated and there would be no issue beyond the bond project timeline.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

APPROVAL OF EXHIBITS "J.1", "J.2", "K.1", "K.3", "K.5", "L.1", "M.1" and "M.2" ("K.2", "K.4", "K.6" and "L.2" – deleted from agenda)

Dr. William Nantz moved, seconded by Mr. Tom Neild, to approve Exhibits "J.1", "J.2", "K.1", "K.3", "K.5", "L.1", "M.1", and "M.2". (Exhibits "K.2", "K.4", "K.6" and "L.2" were deleted from agenda)

Approved Contracts for Materials Testing (Exhibit "J.1") – Administration recommended approval of contract with Fugro Consultants for material testing.

Approved Contract for Architectural and Engineering Services for Renovations and Additions (Exhibit "J.2") – Administration recommended approval of contract with Smith and Company Architects, Inc. for architectural and engineering services.

Approved Proposal for Guaranteed Maximum Price for Austin Middle School Classroom Additions (Exhibit "K.1") – Administration recommended authorizing the Superintendent to execute an amendment with Fibrebond releasing them to sub-

contract for the remaining work on Austin Middle School classroom additions at a guaranteed maximum price of \$3,510,962.

Consider and if Appropriate, Take Action to Approve Architect Fees According to Final Guaranteed Maximum Price on the Contract for Austin Middle School Additions (Exhibit "K.2") – pulled from agenda

Approved Proposal for Guaranteed Maximum Price for Vincent Middle School Classroom Additions (Exhibit "K.3") - Administration recommended authorizing the Superintendent to execute an amendment with Fibrebond releasing them to sub-contract for the remaining work on Vincent Middle School classroom additions at a guaranteed maximum price of \$3,567,223

Consider and if Appropriate, Take Action to Approve Architect Fees According to Final Guaranteed Maximum Price on the Contract for Vincent Middle School Additions (Exhibit "K.4") – pulled from agenda

Approved the Proposal for Guaranteed Maximum Price for Marshall Middle School Classroom Additions (Exhibit "K.5") - Administration recommended authorizing the Superintendent to execute an amendment with Fibrebond releasing them to sub-contract for the remaining work on Marshall Middle School classroom additions at a guaranteed maximum price of \$3,007,249.

Consider and if Appropriate, Take Action to Approve Architect Fees According to Final Guaranteed Maximum Price on the Contract for Marshall Middle School Additions (Exhibit "K.6") – pulled from agenda

Approved the Proposal for Guaranteed Maximum Price for Regina Howell Elementary School (Exhibit "L") – Administration recommended authorizing the Superintendent to execute an amendment with Daniels Building and Construction to release sub-contract for remaining work on Regina Howell Elementary School guaranteed maximum price in the amount of \$18,111,847.

Consider and, if Appropriate, Take Action to Approve Architect Fees According to Final Guaranteed Maximum Price on the Contract for Regina Howell Elementary School (Exhibit "L.2") – pulled from agenda

Approved Purchase of Air Handling Unit for Vincent Middle School (Exhibit "M.1") – Administration recommended approval of quote from Heat Transfer Solutions (BuyBoard Contract #296-08) in the amount of \$89,717.

Approved Proposal for Replacing the West Side Driveway at West Brook High School (Exhibit "M.2") – Bid packets were distributed to ten (10) companies in addition to the appropriate advertisements. There were six (6) responses. Administration recommended acceptance of the bid from McInnis Construction in the amount of \$72,001.75 and the alternate of \$92,503.09.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

APPROVAL OF EXHIBITS "N", "O", "P", "Q", "R" and "S"

Dr. William Nantz moved, seconded by Mr. Terry Williams, to approve Exhibits "N", "O", "P", "Q", "R" and "S".

Approved Hiring Sixteen (16) Additional Bus Drivers and a Paraprofessional (Exhibit "N") – Administration recommended approval of hiring 16 sub pool drivers

to full time drivers and assign them to open routes along with a paraprofessional to ensure payroll information is correct and complete.

Approved Resolution of Votes Cast for Jefferson County Appraisal District Board of Directors (Exhibit "O") – Administration recommended approval of resolution identifying 1000 votes for Eugene Landry and 197 for C. L. Sherman for the period of January 1, 2010 through December 31, 2011.

Approved Proposal for Demolition of South Park Middle School (Exhibit "P") – Administration recommended Allco Guaranteed Maximum Price (GMP) for the demolition of South Park Middle School in the amount of \$135,555.

Approved District Administrators as Appraisers for the Professional Development and Appraisal System (PDAS) (Exhibit "Q") – Administration recommended approval of adding three (3) administrators to the list of appraisers: Glenetta Henley of Marshall Middle School, Gatsy Moye of South Park Middle School and Helen Sutton-Tegbe of Vincent Middle School.

Approved Modified Schedule/TAKS Testing Days Waiver, Pursuant to the TEC 26.082 (Exhibit "R") – Administration recommended approval allowing administrators to modify start time for seniors on TAKS testing days.

Approved the 2009-2010 Textbook Committee (Exhibit "S") – Administration recommended approval of the 2009-2010 Textbook Committee:

(1) Primary

Cynthia Stokes, Caldwood; Brittney Parrish, Dunbar; Audrea Downing, Ogden; Kim Adams, French; Carroll Durden, Lucas; Deborah King, Field; Debra Singleton, Curtis; Brenda White, Homer; Beth Lastovica, Price

(2) Intermediate

Sharon Carrington Pietzsch-MacArthur; Belinda Taylor, Bingman/Blanchette; Elzadia Meguess, Amelia; Belinda George, Dishman; Amy Duerter, Regina-Howell; Randee Hodgkins, Fehl; Amy Graham, Fletcher; Karen Guidry, Martin; Dimitrise Haynes, Guess

(3) Secondary

Shannon McSwain, Central; Richie Haynes, Ozen; Suzan Schroeder, West Brook; Jeremy Mays, Brown; Justin Foster, Austin; Chandra Brooks, King; Jenny Angelo, Marshall; Jennifer Oliver, Odom; Virginia Manning, Smith; Angelia Joseph, South Park; Sheila Metoyer, Vincent

(4) Administrators

Dr. Marcia Green, LA Supervisor/Sec.; Lydia Bahnsen, LA Supervisor/EL; Janie Jackson, Title Supervisor; Gary Gray, ESL Supervisor; Debra Oge, Assistant Principal at Guess; Susan Brown, Principal at Curtis; Timothy Chargois, Administration

Ms. Janice Brassard asked for details regarding the overtime report for transportation. Mr. Clifton Guillory, transportation director, responded that numerous runs had become too long for one shift and it would better serve the district and the drivers to break down the runs into two shifts with sub groups. Mr. Guillory stated that the district felt like this would be safer and allow drivers to be home with their families if needed.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Trahan and Bishop Whitaker

NAYS: Mr. Neild

APPROVAL OF EXHIBITS "U" (Exhibit "T" deleted from Agenda)

Consider and, if Appropriate, Take Action to Approve Exclusive Rights Contract at the Multi-Purpose Center Only. (Exhibit "T") – pulled from agenda

Dr. William Nantz moved, seconded by Mr. Terry Williams, to approve Exhibit "U".

Approved Second Reading of Additions, Revision or Deletions of (LOCAL) Policies as Recommended by TASB Policy Localized Policy Manual Update 86 (Exhibit "U") - Administration recommended approval of the first reading of local policies: CFD, CH, CLB, CV, DGBA, EIA, EIE, EIF, FDD, FDE, FEA, FEC and FFAD.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

PERSONNEL

President Reece announced in the public (open) meeting at 8:16 p.m. that the Board would go into executive (closed) session to discuss matters of the sort described in Section 551.071 (1)(2), and Section 551.074 (a) (1) of Texas Government Code, therefore, and action taken by the Board would be in public (open) session. In open session at 9:00 p.m. action was taken on the following:

PERSONNEL

Dr. William Nantz motioned, seconded by Mr. Tom Neild to accept the following personnel recommendations:

1. Retirement

Patrice Rabalais, Ozen High, Special Education, effective November 6, 2009

2. Resignations

Tonya Avery, Special education, Pietzsch-MacArthur, effective November 1, 2009

Shelley Landry, Level 3, Caldwood Elementary, effective October 27, 2009

Natanya Nonette, Science, Central High, effective October 9, 2009

3. New Employee Contract Recommendations

Ashley Benoit, Level 1, Amelia Elementary, effective October 9, 2009 and ending June 5, 2010

Alicia D. Isaac, Kindergarten, Ogden Elementary, effective October 19, 2009 and ending June 5, 2010

Erica Luquette, Level 3, Caldwood Elementary, effective October 19, 2009 and ending June 5, 2010

Patricia Patterson, Nurse, Ozen High, effective October 22, 2009 and June 5, 2010

Ann Pitre, SCA, Pathways, effective October 12, 2009 and ending June 5, 2010

Ashley Samuel, SAC, King Middle, effective November 9, 2009 and ending June 5, 2010

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

5. Administrative Recommendations

Dr. William Nantz motioned, seconded by Mr. Tom Neild to accept the following administrative recommendations:

Special Education Counselor	Ms. Cynthia Barnes
Counselor/Roy Guess Elementary	Ms. Amelia Sonn-Clayton
Principal, Smith Middle School	Dr. Ted Stuberfield
Director of Business/Finance	Mr. Robert Zingelmann

Discussion of administrative recommendation included asking the superintendent to separate recommendation into individual positions. Dr. Thomas responded that the recommendation included all positions.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Dr. Nantz, Mr. Neild and Mr. Trahan

NAYS: Mr. Williams and Bishop Whitaker

Mr. Terry Williams questioned that some trustees changed the vote they had made at the meeting on October 15, 2009 regarding the same administrative recommendation and this was not how a Board should operate.

Ms. Brassard responded that she would hold the superintendent accountable at his evaluation.

ADJOURNMENT

President Reece asked newly appointed administrators to remain after the meeting in order that Trustees could greet them.

President Reece asked if there was any other business to come before the board; there being none, the meeting was adjourned at 9:08 p.m. November 12, 2009.

Woodrow Reece, President
Beaumont ISD Board of Trustees

Terry D. Williams, Secretary
Beaumont ISD Board of Trustees

EXHIBIT 07

BEAUMONT INDEPENDENT SCHOOL DISTRICT
Beaumont, Texas

EXHIBIT "P"
Page 1 of 1

TO : Honorable Board of Trustees

FROM : Dr. Carrol A. Thomas
Superintendent of Schools

DATE : March 15, 2010

SUBJECT : Consider and, if Appropriate, Take Action to Approve Demolition of
South Park Middle School with Non-Bond Funds

The following recommendation was approved at the November 12, 2009 board meeting.

"Representatives from Beaumont ISD Administration, Parsons, PBK Architects, and Allco evaluated the bid packages submitted for demolition of South Park Middle School. Administration and Parsons is recommending that the district approve the Allco Guaranteed Maximum Price (GMP) for the demolition of South Park Middle School in the amount of \$135,555."

Administration is recommended that demolition of South Park Middle School be paid by capital projects funds.

AGENDA:
March 18, 2010

EXHIBIT 08

**BEAUMONT INDEPENDENT SCHOOL DISTRICT
BOARD OF EDUCATION**

Regular Meeting – March 18, 2010

The Board of Education of the Beaumont Independent School District met in regular public (open) session on Thursday, March 18, 2010 at 7:15 p.m. in the Board Room of the Administration Building of the District located at 3395 Harrison Avenue in Beaumont, Jefferson County, Texas. The meeting was called to order by President Woodrow Reece.

It was found and determined that in accordance with the policies and orders of the Board, the Notice of this Meeting was posted in the Administration Building of the District in accordance with the terms and provisions of Section 551.041 and Section 551.043, V.T.C.S., and that all of the terms and provisions of those sections have been fully complied with and that the 72 hour notice required by said sections has been properly and correctly given.

ROLL CALL

Present: Woodrow Reece, President
Janice Brassard, Vice President
Terry Williams, Secretary
Dr. William Nantz, Member
Tom B. Neild, Member
Bishop Ollis E. Whitaker

Absent: Howard J. Trahan, Jr., Member

School Officials

Present: Superintendent, Dr. Carrol A. Thomas; Assistant Superintendents, Mr. Terry Ingram, Dr. Shirley Bonton, Dr. David Harris; Dr. Timothy Chargois; Executive Director of Personnel, Ms. Sybil Comeaux; Director of Finance/Business, Mr. Robert Zingelmann; Special Assistant to the Superintendent, Jessie Haynes; and Attorney, Melody Chappell

Absent: None

ESTABLISHMENT OF A QUORUM

President Woodrow Reece declared a quorum.

PLEDGE OF ALLEGIANCE

West Brook High School NJROTC presented the colors. The pledges to the United States of America flag and the Texas flag were led by Taylor Cox, a first grade student at Dishman Elementary School.

INVOCATION

The invocation was given by Alonia Runnels, a seventh grade student at Vincent Middle School.

APPROVAL OF THE MINUTES

Dr. Nantz moved, seconded by Mr. Williams to approve the minutes of the special and regular meetings held February 18, 2010

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, and Bishop Whitaker

NAYS: None

REPORTS

- 1. Status of State Comp Ed Funds Report**
- 2. Unopposed Candidates for Region 5 Board of Directors:** Place 1, James Burke, Hardin County; Place 4, Early Jeffrey, Jefferson County; and Place 7, Francis McDaniel, Jasper County

REPORT OF THE PRESIDENT OF THE BOARD OF TRUSTEES

The Board is required to announce each members continuing education credit hours during the time an election might be called; however, the trustee election cycle for Beaumont ISD is held on odd number year and there will be no election held this year.

Credit Hours are as recorded:

Woodrow Reece	19.5 hrs.
Janice Brassard	16.75 hrs.
Terry Williams	19.5 hrs.
Dr. William Nantz	10.0 hrs.
Tom B. Neild	14.5 hrs.
Howard Trahan	10.0 hrs.
Rev. Ollis E. Whitaker	19.5 hrs.

All Trustees have completed the required ours of continuing education.

REPORT OF THE SUPERINTENDENT OF SCHOOLS

- 1. Hurricane Ike and Bond 2007 Update Report and Hurricane Ike Update** – Dr. Nantz, chairman of the building and grounds committee, updated the Board on the bond construction projects. Since the inclement weather has subsided, construction crews are able to make-up time lost due to rain and projects are still on schedule. Dr. Nantz announced that the committee was unanimously recommending the school at the French site for Field/French be named the Dr. Mae E. Jones-Clark Elementary School. Dr. Thomas stated that all costs collectively are under the \$388 million program and should there be savings, those funds would be diverted to the Multi-Purpose Facility for an arena.

Hurricane Ike damage claims remain in the litigation phase.

- 2. Houston PCS Regional Spelling Bee Winner & Runner-Up Recognition** – Trustees recognized the winner and the first runner up of the Houston PBS Regional Spelling Bee held in the board room Friday, February 19, 2010. Winner Keith Favre, a 7th grade student at Odom Academy won in the 20th round spelling the championship word "mystify". The runner up is Amna Pasha, an 8th grade student at Vincent Middle School. Amna will serve as an alternate at the Houston PBS Spelling Bee, Saturday, March 27, 2010.
- 3. NAACP Recognition of BISD Trustees and Employee** – Dr. Thomas recognized President Woodrow Reece, Secretary Terry Williams and Special

Assistant to the Superintendent, Jessie Haynes for their award from the Beaumont Branch of the NAACP held February 19, 2010 for their leadership guidance and dedicated commitment to the community.

COMMUNICATIONS

1. **Phil Brooks, principal of Field Elementary, and Jackie Lavergne, principal of French Elementary**, submitted for board approval a proposal that the name of Dr. Mae E. Jones-Clark be considered for the newly constructed elementary school at the French site.

In support of the proposal the following employees and parent/teacher representatives spoke:

Yolanda Samuel, Field Elementary PTA President
Debbie King, Teacher/Field Elementary
Javannah McCully, Teacher/Field Elementary
Linda Butcher, French Elementary, PTA Representative
Stacy Harbour, Teacher, French Elementary
Libby Taylor, Teacher, French Elementary

2. **Video Memorial of Dr. Mae E. Jones-Clark** – A video was shown with comments from family and friends about the dedication and leadership of Dr. Clark.

SIGN-UP

None

ACTION ITEMS

APPROVAL OF EXHIBIT "R"

Dr. Nantz moved, seconded by Mr. Williams to approve Exhibit "R".

Approved the Name of the New School at the French Field Site (Exhibit "R") – Administration recommended that the name for the new school at the French/Field site be Dr. Mae E. Jones-Clark Elementary School as proposed by parents, CEIC, PTA and staff at French and Field Elementary School.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, and Bishop Whitaker

NAYS: None

RECESS

President Reece called for a brief recess for Trustees, administrators and patrons to greet Dr. Jones-Clark's family in attendance for the naming of the school. The meeting resumed at 8:10 p.m.

ACTION ITEMS

APPROVAL OF EXHIBITS "A.1", "A.2", "A.3", "B", "C", "D.1", "D.2", "D.3" and "E"

Dr. Nantz moved, seconded by Mr. Trahan, to approve Exhibits "A.1", "A.2", "A.3", "B", "C", and "E."

Tax Collection Report Exhibit "A.1" – Administration recommended acceptance of the Tax Collection Report in the amount of \$12,868,877.88 including certification of tax collection for the month of February 2010; tax collector monthly report of February 2010; and deposit distribution of February 2010.

(Copy of Certification of Tax Collection Report attached and made a part of these minutes.)

Business Office Report (Exhibit "A.2") – Administration recommended approval of the Business Office Report, including the general fund reports, February 2010, debt service reports, February 2010; capital projects report, February 2010; internal service funds February 2010; scholarship fund report, February 2010; and investment report, February 2010.

Amendments to 2009-2010 Budget (Exhibit "A.3") – Administration recommended approval of amendments to the following budgets:

199/9 General Fund	#082
205/0 Head Start	#083
205/0 Head Start ARRA Stimulus	#084
211/0 ESEA Title I Part A Improving Basic Programs	#085
279/0 ESEA Title II Part D ARRA Stimulus	#086
397/0 Teacher Training Reimbursement	#087
399/9 Investment Capital Fund Amelia	#088
429/0 District Awards Teachers Excellence	#089
446/0 Regional Day School for the Deaf Local	#090

Approved Waiver of Penalty and Interest of Certain Delinquent Tax Accounts (Exhibit "B") – Administration recommended approval waivers as requested by Miriam K. Johnson, Tax Assessor-Collector in the amount of \$62.99.

Approved Third Year Option for Excess Workers' Compensation Insurance (Exhibit "C.1") – Administration recommended acceptance of the Third Year Option with Frost/New York Marine & General Insurance Company in the amount of \$97,319.00 with the same limits, terms, and conditions.

Approved Proposal for Excess Workers' Compensation Insurance (Exhibit "C.2") – Administration recommended acceptance of Third Year Option from F. A. Richard with a 3% increase for Fee and Service cost of \$102,165.70.

Approved Order Authorizing the Issuance of Up to \$70,000,000 Beaumont Independent School District Unlimited Tax School Building, Series 2010A; Setting Certain Parameters for the Bonds; Authorizing Each of the Superintendent and Director of Business and Finance to Approve the Amount the Interest Rate, Price, Including the Terms Thereof and certain Other Procedures and Provisions Related Thereto; and Containing Other Matters Related Thereto (Exhibit "D.1") – Administration recommended approval of order not to exceed \$70,000,000 as a fourth installment of the total \$388,600,000 bonds voted at the 2007 election.

Approved Order Authorizing the Issuance of the Beaumont Independent School District Unlimited Tax School Building Bonds, Taxable Series 2010B (Qualified School Construction Bonds); Levying a Continuing Direct Annual Ad Valorem Tax for the payment of Said Bonds; Resolving other Matters Incident and Related to the Issuance, Sale, Payment, and Delivery of the Bonds; and Delegating Matters Relating to the Sale and Issuance of the Bonds to Authorized District Officials (Exhibit "D.2") – Administration recommended approval of order authorizing issuance up to \$14,450,000 as the fifth installment of a total \$388,600,000 bonds voted at the 2007 Election.

Approved a Reimbursement Resolution and Order Concerning Issuance of Bonds, Notes, Certificates of Obligation, or Other Tax Exempt Obligations to

Finance the Construction, Renovation, Improvement and Equipment of Existing and New School Facilities (Exhibit "D.3") – Administration recommended approval of reimbursement resolution and order to employ and pay certain professionals, acquire materials and other property for the Project and begin construction of and work on the Project prior to the completion of the issuance of the Obligations.

Approved First Reading of Additions, Revision or Deletions of (LOCAL) Policies as Recommended by TASB Policy Localized Policy Manual Update 87 (Exhibit "E") – Administration recommended acceptance of the following local policies for additions, revision or deletions: DFBB, Term Contracts – Nonrenewal; DFE, Termination of Employment – Resignation; DI, Employee Welfare; FB, Equal Education Opportunity; FFH, Student Welfare-Freedom from Discrimination, Harassment, and Retaliation.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, and Bishop Whitaker

NAYS: None

APPROVAL OF EXHIBITS "F", "G.1", "G.2", "H", "I", "J.1", "J.2", and "J.3"

Dr. Nantz moved, seconded by Mr. Williams, to approve Exhibits "F", "G.1", "G.2", "H", "I", "J.1", "J.2", and "J.3".

Approved the Smith Middle School Parking Lot Paving Projects (Exhibit "F") – Bids for the Smith Middle School parking lot paving project were received February 11, 2010. Eight (8) bids were received. Administration recommended acceptance of the proposal from Bruce's General Construction, inc. in the amount of \$573,511.66.

Approved Additional Work on Demo at Fehl Elementary (Exhibit "G.1") – Demolition costs at Fehl were approved September 17, 2001. Administration recommended approval of AAR Incorporated additional demolition costs at Fehl Elementary in the amount of \$20,825 for a total of \$78,325.00

Approved Material Testing Services at Dunbar/Ogden, Fehl/Price, and French/Field (Exhibit "G.2") – Administration recommended approval of contracts with T & N Laboratories for testing and inspection services at Dunbar/Ogden, \$40,000; Fehl/Price, \$40,000; and French/Field, \$40,000.

Approved Odom Middle School Gym Package Air Conditioning Replacement (Exhibit "H") – Administration recommended approval of the proposal from the Buy Board, Contract #296-08 from Heat Transfer Solutions in the amount of \$90,650.00

Approved Galewsky and Johnston Consulting Engineers, Inc. for Professional Services for the 2009-2010 School Year (Exhibit "I") – Administration recommended approval Galewsky and Johnson Consulting Engineers, Inc. as an approved vendor to provide professional services for miscellaneous projects for the 2009-2010 school year.

Approved the Proposal for Structural Steel Guaranteed maximum Price on the CMAR Contract for Caldwell Elementary School (Exhibit "J.1") - Administration recommended approval of Daniels Building and Construction structural steel guaranteed maximum price of \$894,166.00 and award steel contract to Postel Industries.

Approved the Proposal for Structural Steel Guaranteed Maximum Price on the CMAR Contract for Sallie Curtis Elementary School (Exhibit "J.2") – Administration recommended approval of Daniels Building and Construction

structural steel guaranteed maximum price of \$890,150.00 and award steel contract to Postel Industries.

Approved the Proposal for Guaranteed Maximum Price for South Park Middle School (Exhibit "J.3") – Administration recommended authorizing the Superintendent to execute an amendment with Allco, CMAR, to release them to sub-contract the remaining work on the new South Park Middle School guaranteed maximum price of \$24,679,985.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, and Bishop Whitaker

NAYS: None

APPROVAL OF EXHIBITS "K", "L", "M", "N", "O", "P" and "Q"

Dr. Nantz moved, seconded by Mr. Williams, to approve Exhibits "K", "L", "M", "N", "O", "P", and "Q".

Approved the BNSF Private Drive Agreement (Exhibit "K") – Administration recommended approval of at-grade crossing costs in the total amount of \$78,149.00 with agreement.

Approved Expanding BISD's PreK4 Program to Amelia Elementary School (Exhibit "L") – Administration recommended approval of request to expand the PreKindergarten Program for four (4) year old students at Amelia Elementary School.

Approved Set Up of a Primary Submitter Designee (Exhibit "M") – administration recommended approval of authorizing Dr. Timothy Chargois to act as superintendent designee for approval staff requests for access to one or more TEA web applications accessed through the Texas Education Agency Secure Environment (TEA SE).

Ratified the BISD Textbook Committee's Recommendations for Elementary Reading, Middle School and High School Literature Textbook Selections to be Implemented in the 2010-2011 School Year (Exhibit "N") – Administration recommended ratification of the following textbook selections receiving a plurality vote by the district Textbook committee:
Elementary Reading (K-5) -Journeys, K-5; Publisher: Houston Mifflin/Harcourt
English Language Arts (6-8) – Middle School Literature, 6-8; Pearson/Prentice Hall
English Language Arts (9-12) – High School Literature, 9-12; Pearson/Prentice Hall
English Language Arts/AP English (11) – AP English 11th; The Language of Composition
English Language Arts/AP English (12) – AP English 12th, Perrine's Literature: Structure, Sound, and Senses 10th Edition

Approved the District Three Year Technology Plan (Exhibit "O") – Administration recommended approval of submission outlining technology uses for the district beginning with the overall network infrastructure and encompassing all technology use district-wide.

Approved Demolition of South Park Middle School with Non-Bond Funds (Exhibit "P") – Administration recommended approval to pay for the cost of demolition of South Park Middle School with capital projects funds. Approved at the November 12, 2009 regular board meeting with a quorum present and voting was Allco with a guaranteed maximum price (GMP) in the amount of \$135,555.

Approved Proposal for Beverage and Pouring Rights (Exhibit "Q") – Administration recommended acceptance of the proposal from Pepsi with a total revenue amount of \$312,300 to be used to offset the cost of the scoreboards and marquee at the multi-purpose center.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, and Bishop Whitaker

NAYS: Mr. Neild

PERSONNEL

President Reece announced in the public (open) meeting at 8:19 p.m. that the Board would go into executive (closed) session to discuss matters of the sort described in Section 551.071 (1)(2), and Section 551.074 (a) (1) of Texas Government Code, therefore, and action taken by the Board would be in public (open) session. The meeting was reconvened at 8:41 p.m. with a quorum present and in open session at action was taken on the following:

PERSONNEL

Mr. Neild motioned, seconded by Dr. Nantz to accept the following personnel recommendations:

1. Removal of Deceased Employees from Professional Roster

Penny Franklin, Mathematics, West Brook High, effective February 17, 2010

2. Retirements

Gary Gray, Administration Annex, Bilingual/ESL/Title VI Supervisor, effective March 31, 2010

Dickie Russell-Henderson, Pietzsch-MacArthur Elementary, Level 1, effective June 5, 2010

Thylma Veen, Guess Elementary, Kindergarten, effective June 5, 2010

3. Resignations

Kelly L. Dent, Math, King Middle, effective June 4, 2010

Dena Gregory, Reading, Marshall Middle, effective June 5, 2010

Shelley Henriksen, Social Studies, Marshall Middle, effective 5, 2010

Roberta A. Nonette, Reading, King Middle, effective March 2, 2010

Katie E. Ochoa, Mathematics, Odom Academy, effective June 5, 2010

4. New Employee Contract Recommendations

Brandy Comer, Mathematics, West Brook High, effective March 1, 2010 and ending June 5, 2010

Demond R. Janise, Police Office, Administration Annex, effective March 15, 2010 and ending August 31, 2010

Jeremy White, Title I Mathematics, West Brook High, effective March 29, 2010 and ending June 5, 2010

5. Administrative and Professional Employee Contract Recommendations and Non-Renewals

49	Two-year administrative term contract(s)
32	One-year remaining administrative term contract(s)
721	Two-year term contract(s)
92	One-year term contract(s)
7	One-year term contract(s) with certification deficiencies
571	One-year remaining term contract(s)
86	Second-year probationary contract(s)
60	Third-year probationary contract(s)
33	Second-year probationary contract(s) with certification deficiencies
34	Third-year probationary contract(s) with certification deficiencies
8	One-year administrative term contract(s)
144	One-year coaching contract(s)
14	One-year coaching with certification deficiencies
1	Non-Renewal Mark Hardin, Special Education, Central High, Hired: 10/05/09, Staff Reduction

6. Administrative Contract Recommendations - None

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Bishop Whitaker

NAYS: None

Approved Joint Defense Agreement in Civil Action No. 9:07-CV-163; *Whitney Guillory v. Beaumont Independent School District and Carrol Thomas, Superintendent and Ferguson Parker, Jr., Former Band Director, In the United States District Court for the Easter District of Texas, Lufkin Division* – Dr. Nantz moved to approve settlement and Mr. Williams seconded the motion.

President Reece called for additions or corrections to the motion, there being none, he called for a vote.

YEAS: Mr. Reece, Ms. Brassard, Mr. Williams, Dr. Nantz, Mr. Neild, Mr. Trahan and Bishop Whitaker

NAYS: None

ADJOURNMENT

Superintendent Carrol Thomas recognized Mr. Terry Ingram, assistant superintendent for administration/operations, who is retiring.

President Reece asked if there was any other business to come before the board; there being none, the meeting was adjourned at 8:46 p.m. March 18, 2010.

Woodrow Reece, President
Beaumont ISD Board of Trustees

Terry D. Williams, Secretary
Beaumont ISD Board of Trustees

EXHIBIT 09

February 6, 2015

TO: ALLCO INC
(Contracting Firm)

AT: 6720 College Street
(Address)

Beaumont Texas 77706
(City, State, Zip Code)

Joe Ping
(Contractor's Representative)

Re: **NOTICE TO PROCEED, FPD PROJECT NO. 02.02.06**

PROJECT DESCRIPTION NOTICE:

Demolition of Old South Park
(Work Description)

South Park Middle School
(Work Locations)

Dear Name:

This letter will serve as your **Notice To Proceed** with the above referenced project effective **April 1st, 2010**. The Substantial Completion date and Final Completion date for the Project are as stated in the Contract Forms and Construction Documents. For this job, **Keith Schedel** of Parsons will be your Project Manager. If there are any questions regarding this matter, please contact him at (409) 617-5780.

By: Michael Babatunde
Project Manager
Parsons

Terry Ingram
Assistant Superintendent (Operations)
BISD School Board: Approved.

Copy to: PBK
" " file
" " Maintenance Dept

Copy to: Parsons
" " BISD
" " South Park

TO: ALLCO INC
(Contracting Firm)

AT: 6720 College Street
(Address)
Beaumont Texas 77706
(City, State, Zip Code)

Joe Ping
(Contractor's Representative)

Re: NOTICE TO PROCEED, FPD PROJECT NO. 02.02.06

PROJECT DESCRIPTION NOTICE:

Demolition of Old South Park South Park Middle School
(Work Description) (Work Locations)

Dear Name:

This letter will serve as your **Notice To Proceed** with the above referenced project effective April 1st, 2010. The Substantial Completion date and Final Completion date for the Project are as stated in the Contract Forms and Construction Documents. For this job, Keith Schedel of Parsons will be your Project Manager. If there are any questions regarding this matter, please contact him at (409) 617-5780.

By: Michael Babatunde
Project Manager
Parsons

Terry Ingram
Assistant Superintendent (Operations)
BISD School Board: Approved.

Copy to: PBK
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Copy to: Parsons
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