

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
March 3, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, March 3, 2009, at 6:30 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Chrisman presiding.

**City of Dallas**

Scott Carlson  
Jerry L. Christian  
Pamela Dunlop Gates – **Assistant Secretary**  
Angel Reyes  
Robert Strauss – **Vice-Chair**  
William Tsao  
William M. Velasco  
Claude Williams

**City of Garland**

Tracey M. Whitaker

**City of Irving**

John C. Danish – **Secretary**

**City of Plano**

Loretta Ellerbe

**Cities of Addison, Highland Park, Richardson, and University Park**

Raymond Noah

**Cities of Carrollton and Irving**

Randall Chrisman – **Chair**

**Cities of Dallas, Plano, Glenn Heights, and Cockrell Hill**

Faye Moses Wilkins

**Cities of Farmers Branch, Garland, and Rowlett**

Mark C. Enoch

Raymond Noah, Tracey Whitaker, Bill Velasco were absent.

General Items:

1. **Approval of Minutes:** February 24, 2009

**Mr. Williams made a motion to approve the February 24, 2009, Board of Directors' Meeting minutes with no corrections, deletions, or additions.**

**Mr. Tsao seconded the motion and it was approved unanimously.**

2. **Public Comments**

Chair Chrisman reviewed the rules that govern the Public Comments portion of the meeting, including the Code of Conduct for Citizens, News Media, and Visitors at DART Board Meetings (on file in the Office of Board Support).

The following individuals addressed the Board:

Omar Jimenez, 1639 Cedar Bluff Lane, Dallas, Texas, 75253, (214) 586-9499: Mr. Jimenez expressed dissatisfaction concerning the reliability of the recently created Lake June flex service. Mr. Jimenez said he has experienced several instances of unavailability of proper reservation assistance. Mr. Jimenez distributed a log that he had kept of the Lake June Flex 842 departure/arrival times to demonstrate his point (on file with the Office of Board Support).

Mr. Donnie Johnson, 3000 Lamar, Dallas, Texas, 75215, (214) 8541-1046: Mr. Johnson conveyed his displeasure concerning bus drivers leaving riders behind. Mr. Johnson also spoke about his frustration at not being certified to access Paratransit services.

Ms. Jearldine McDaniel, Dallas, Texas: Ms. McDaniel stated that most of the issues that had brought her to the Board of Directors' meeting had been addressed before the meeting convened. She went on to suggest that the Board should consider installing benches or increasing the number of benches at bus stops located near grocery stores.

Gary Pritchett, 2610 Allen, Apartment 2501, Dallas, Texas: Mr. Pritchett, Assistant Vice President of Procurement, took the opportunity to wish the DART Board and staff the best of luck as his nine year employment with the agency ended. Mr. Pritchett thanked the Board of Directors and Mr. Gary Thomas, President/Executive Director, for their leadership. (Mr. Pritchett's farewell speech is on file with the Office of Board Support).

Cheryl Park-Saunders, 129 Darien Drive, Mesquite, Texas, 75149, (972) 285-0922: Ms. Park-Saunders expressed general dissatisfaction with the treatment she has received from DART Police Officers, DART bus operators, and members of the Dallas Police Department.

Consent Items:

Chair Chrisman stated that Item 11., **Review of Proposed Changes to Fare Structure and Call for Public Hearing to Amend Fare Structure for Corporate Programs**, had been rendered superfluous by the approval of Item 14., **+Review of Proposed Changes to Fare Structure and Call for Public Hearing to Amend Fare Structure**, and verified that Item 11. had been removed from the Consent Items.

Ms. Wilkins made a motion to approve Consent Items 3. – 10.

3. **Contract for Outlying Station Platform Modifications to Implement the Level Boarding Initiative**

Approval of Resolution No. 090035 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, for the outlying station platform modifications to implement the level boarding initiative to Philips May Corporation in the amount of \$4,043,333, plus a supplemental work contingency of \$323,467 (8%) for unanticipated expenses, for a total authorized amount not to exceed \$4,366,800.

4. **Contract Modification for Construction Manager/General Contractor-III (CM/GC-III) Construction Services for Line Section Northwest-4 (NW-4) North Carrollton/Frankford Station Parking Lot and Street Modifications**

Approval of Resolution No. 090036 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for Line Section Northwest-4 (NW-4) North Carrollton/Frankford Station Parking Lot and Street Modifications with Archer Western-Herzog (AW-H), a Joint Venture, in an amount of \$155,905. Concurrent reductions of \$108,067 for the TxDOT utility bridges at IH-635 and NW-3 work (Resolution No. 080141) and \$3,381 for the Lovers Lane and Gilford Avenue work (Resolution No. 080198) result in the total authorized amount being increased by a net amount of \$44,457, for a new total authorized amount not to exceed \$499,599,429.

5. **Contract for Track Installation for the Thanks-Giving Square Rail Replacement Project**

Approval of Resolution No. 090037 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, for track installation for the Thanks-Giving Square Rail Replacement project to Herzog Contracting Corp. in the amount of \$1,074,882, plus a supplemental work contingency of \$85,991 (8%) for unanticipated expenses, for a total authorized amount not to exceed \$1,160,873.

**6. Authorization to Execute a Lease Agreement with City Credit Union**

**Approval of Resolution No. 090038 that authorizes the President/Executive Director or his designee to execute a two-year lease, subject to legal review, for Suite 1540 (1,412 SF) at 1401 Pacific Avenue with City Credit Union at market rates for comparable leased property.**

**7. Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel I1-21 Located in the City of Irving for Line Section Irving-1 (I-1) and Authorize Eminent Domain Proceedings if Necessary**

**Approval of Resolution No. 090039 that states:**

**Section 1: There is a public necessity for the acquisition of the property described in Exhibit 1.**

**Section 2: This property is necessary and proper for construction of the Irving Corridor and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose.**

**Section 3: The amount to be offered as just compensation for the parcel required for the Irving Corridor shall be the value of the property as determined by DART's appraisal.**

**Section 4: In the event the property owner accepts the offer of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property.**

**Section 5: Should the property owner decline the offer of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy.**

**Section 6: If the President/Executive Director or his designee is unable to negotiate the purchase of the parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute to completion eminent domain proceedings for the acquisition of the parcel for the Irving Corridor.**

**Section 7:** DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without the approval of such acquisition by the City Council of the City of Irving.

**Section 8:** DART's exercise of the power of eminent domain in acquiring the parcel described in Exhibit 1 will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

**8. Call for Public Hearing on September 2009 Service Modifications**

Approval of Resolution No. 090040 that authorizes the President/Executive Director or his designee to call a public hearing on August 14, 2009 to receive public comments on the proposed September 2009 service modifications as shown in Attachment 1.

**9. Route Performance Standards for FY 2009**

Approval of Resolution No. 090041 that approves the Route Performance Standards as shown in Exhibit 1 are hereby adopted for FY09.

**10. Approval of a Resolution Regarding the City of Plano's Proposed Parking Project Adjacent to the Parker Road LRT Station**

Approval of Resolution No. 090042 that approves DART's participation in a study of the feasibility, cost and other ramifications of potential modifications to the Parker Road Station platform to provide access to the City of Plano's proposed parking facility, contingent on funding of the study by NCTCOG or others.

Mr. Enoch seconded the motion and it was approved unanimously.

Individual Items:

**12. Authorize the Acquisition of Parcels IR-1 and IR-2 within the City of Irving (IR-1 and IR-2)**

This item was not approved by the Committee-of-the-Whole.

**13. Authorize the Acquisition of Parcel M-1 within the City of Carrollton (M-1)**

This item was not approved by the Committee-of-the-Whole.

**14. +Review of Proposed Changes to Fare Structure and Call for Public Hearing to Amend Fare Structure**

Mr. Strauss explained that the Item being considered had won unanimous approval by both the Budget and Finance Committee and the Committee-of-the-Whole.

**Mr. Strauss made a motion to approve Resolution No. 090043 that states a public hearing is called on April 14, 2009, at 6:30 p.m., in the DART Board Room to receive comments on the proposed amendments to the Fare Structure.**

**Ms. Ellerbe seconded the motion.**

Chair Chrisman reminded the Board that the understanding correlating to Resolution was that the Board would approve the actual fares and the proposed fares could be adjusted up or down according to the Board's discretion.

**Chair Chrisman called for the Board to vote and the item was approved unanimously.**

**15. +Approval of 2009 Annual Disclosure Statement**

Mr. Strauss conveyed that this Item, too, had been approved by the Budget and Finance Committee and the Committee-of-the-Whole and reminded the assembly that the approval included an addition to page 14 of the attachment to the Resolution.

**Mr. Strauss made a motion to approve Resolution No. 090044 that authorizes the President/Executive Director or his designee to issue the 2009 Annual Disclosure Statement in substantially the same form as shown in Exhibit 1 to this Resolution.**

**Mr. Danish seconded the motion and it was approved unanimously.**

Policy Items:

**16. Amendment to DART Board Policy I.07, Contract Modification Authority and Supplemental Work Contingencies**

This item was approved at the Committee-of-the-Whole and, according to procedure governing Policy Items, will be considered by the Board of Directors at the next regularly scheduled Board meeting (March 24, 2009).

Other Items:

**17. Public Comments**

There were no additional Public Comments.

**18. Identification of Future Agenda Items**

This item was considered at the Committee-of-the-Whole only.

**19. Adjournment**

There being no further business to discuss, the meeting was adjourned at 6:55 p.m.

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Gail Cook  
Board/Committee Secretary

/glc

+ Same Night Item

\* Briefing Item