

MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
March 4, 2008

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, March 4, 2008, 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**
Daniel C. Perez
Lynn Flint Shaw
Robert Strauss – **Vice-Chair**
William Tsao
William M. Velasco

City of Garland

Angie Chen Button

City of Irving

John C. Danish – **Secretary**

City of Plano

Linda Paulk

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

Ms. Chen Button, Ms. Dunlop Gates, Ms. Wilkins, Mr. Christian, and Ms. Shaw were absent.

General Items:

1. **Approval of Minutes:** February 26, 2008

Mr. Danish made a motion to approve the February 26, 2008, Board of Directors' Meeting minutes.

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

2. **Public Comments**

Chair Chrisman deferred Public Comments to the end of the meeting.

Chair Chrisman then moved to address the Consent Items.

Consent Items:

Mr. Danish made a motion to approve Consent Items No. 3 - 7.

3. **Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Line Section Southeast-1 (SE-1) Bridging Slabs**

Approval of Resolution No. 080029 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for Construction Manager/General Contractor-I (CM/GC-I) construction services for Line Section Southeast-1 (SE-1) bridging slabs with Archer-Western-Brunson-Carcon (AWBC), a Joint Venture [C-1007571-01], in an amount not to exceed \$295,058, for a new total authorized amount not to exceed \$426,812,866.

4. **Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Accommodation of City of Dallas Fair Park Link Project**

Approval of Resolution No. 080030 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review and execution of the Memorandum of Agreement between DART and the City of Dallas, for Construction Manager/General Contractor-I construction services for accommodation of the City of Dallas Fair Park Link Project, upon receipt of payment by the City of Dallas, with Archer-Western-Brunson-Carcon (AWBC), a Joint Venture [C-1007571-01], in an amount not to exceed \$1,306,893, for a new total authorized amount not to exceed \$428,119,759.

5. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel NW4-66-1 for the Northwest Corridor Line Section Northwest-4 (NW-4)**

Approval of Resolution No. 080031 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 Northwest 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 Northwest Corridor shall be the value of the property as determined by DART's appraisal.

Section 4: In the event the property owner(s) 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(s) 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.

6. **Route Performance Standards for FY 2008**

Approval of Resolution No. 080032 that adopts the Route Performance Standards, as shown in Exhibit 1, for FY 2008.

7. **Local Assistance Program (LAP)/Congestion Management System (CMS) Programming Request for the City of Irving**

Approval of Resolution No. 080033 a draft resolution that states the LAP/CMS programming request for the City of Irving, as contained in Attachment 1, is approved.

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

Individual Items:

8. ***Valuations of Select DART Rail Lines: Cotton Belt Line between Tower 60 (MP 632.27) in Fort Worth and Freeport Pkwy./Esters Road in Coppell (MP 609.34); and Denton Line between Belt Line Road (MP 744.7) and Lake Dallas (MP 729.50) and Alternatives for Sale or Lease.**

This item was for consideration at the Committee-of-the-Whole only.

9. **Approval to Distribute the Proposed Fiscal Year 2008 Twenty-Year Financial Plan to Member Jurisdictions for Review**

Mr. Enoch made a motion to Resolution No. 080034 that authorizes the President/Executive Director or his designee to distribute the proposed FY 2008 Twenty-Year Financial Plan, with the changes made at Committee-of-the-Whole, to the governing bodies of the member jurisdictions for their review.

Mr. Danish seconded the motion and it was approved by majority (8/2). Mr. Tsao and Mr. Strauss voted no.

10. **Direct Report Performance Review – President/Executive Director**

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

Chair Chrisman returned to Board to Agenda Item 2., **Public Comments**.

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 then addressed the Board:

Mr. Antonio Linzy, 7405 Chaucer Place, Dallas, Texas, 75237, (214) 407-4816: Mr. Linzy said there were an inadequate amount of restrooms available at City Place (Station). Mr. Linzy continued that he gets off work at 12:00 a.m. and it is frustrating that the restrooms that are available are locked prior to the last bus/train running for the night. Mr. Linzy stated he had a petition to submit to the Board signed by others who agree with his point-of-view.

Mr. Brad Cross, 622 Coolair Drive, Dallas, Texas, 75218, (214) 603-3403: Mr. Cross said that he was here about the construction and pre-construction of Pearl

Street Station. He said that pre-construction has included blocking off seating and cement saws were generating a great amount of dust. Mr. Cross also said the construction barricades have created an “obstacle course” and the barriers will impede handicapped individuals. Mr. Cross said he would also like to determine when he would get an answer on a potential ethics violation. He said the last he had heard, the item had been given to DART General Counsel and he was waiting on an answer. Mr. Cross closed by saying that he hoped that Vice-Chair Strauss and the Chief Financial Officer (Sharon Leary) were aware of the email request (sent to Nancy Johnson, Director of the Office of Board Support) regarding the independence issue.

Mr. Matthew Shuman, 312 Canyon Ridge Drive, Richardson, Texas, 75080, (972) 234-1330: Mr. Shuman stated that the doors of DART Headquarters were locked at 5:30 p.m. and there is not a sign explaining how the public can get into the building to attend the meeting. Mr. Shuman went on to say that he wanted to see more DART riders on the Board. He concluded by saying there are inadequate restroom facilities.

Other Items:

11. Officer Reports

Secretary Danish reminded the assembly that the Board will tour the Monroe Shops on March 20th. He continued that buses will depart from DART Headquarters at 11:00 a.m. and will return at 1:00 p.m.

12. Chair Report

Chair Chrisman said a visit to Washington D. C. is planned for next week to visit the delegation.

13. General Counsel’s Report

There was no report.

14. President/Executive Director’s Report

There was no report.

15. Communications and Public Comments

There were no additional Communications or Public Comments.

16. Adjournment

There being no further business to discuss, the meeting was adjourned at 6:38 p.m.

Gail L. Cook
Board/Committee Secretary

/glc

+ Same Night Item
* Briefing Item