

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
December 8, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, December 8, 2009, at 6:30 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Velasco presiding.

City of Dallas

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

City of Garland

Tracey M. Whitaker

City of Irving

John C. Danish – **Vice-Chair**

City of Plano

Loretta Ellerbe - **Assistant Secretary**

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

Raymond Noah

Cities of Carrollton and Irving

Randall Chrisman

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

Faye Moses Wilkins

Cities of Farmers Branch, Garland, and Rowlett

Mark C. Enoch

General Items:

1. **Approval of Minutes:** November 17, 2009

Mr. Carlson made a motion to approve the Minutes from the November 17, 2009, Board of Directors' Meeting with no corrections, deletions, or additions.

Ms. Wilkins seconded the motion and it was approved unanimously.

2. **Public Comments**

Chair Velasco 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:

Mr. Rob Roberts, 101 North Brookside Drive, #2504, Dallas, Texas, (510) 27-5441: Mr. Roberts stated that he is a daily rider of the Blue Line and related his strong dissatisfaction with the safety and security on the line. Mr. Roberts continued that he works for Veteran's Administration and rides the Blue Line home every weekday typically during the early evening hours. Mr. Roberts said that the behavior on the train of some young passengers is offensive, disruptive, and threatening to others riding the train. He concluded by petitioning the Board to intervene and place Transit Police on the trains.

Chair Velasco asked Mr. Roberts to speak with Captain Edward Golden of the DART Transit Police.

3. **Recognition of Leadership DART Graduates**

Ms. Lynda Jackson, Vice President of Human Resources, introduced the 15 individuals who had graduated on Friday, December 4th, 2009, from the first Leadership DART Program; an extensive leadership program initiated 18 months ago. (The names of the 15 graduates are on file with the Office of Board Support.)

Ms. Jackson proceeded to introduce the 15 individuals who were entering the second class of the Leadership DART program. (The names of the 15 entrants are on file with the Office of Board Support.) Ms. Jackson concluded by saying this group, in turn, would be returned to the Board as graduates of the Program in 18 months.

4. **Presentation of Mapsco Road Scholar Corporate Award**

Chair Velasco introduced Mr. Tracy Eubanks, Chief Operating Officer of MAPSCO, and Mr. Jim Welsh, MAPSCO's Director of Sales.

Mr. Eubanks explained he and Mr. Welsh were present to present DART with the first ever MAPSCO Road Scholar Award.

Chair Velasco and Mr. Gary Thomas, President/Executive Director, accepted a commemorative plaque and gift certificate connected to the Award.

5. **Citizen's Advisory Committee (CAC) Report concerning their November 19, 2009, Meeting**

Ms. Phyllis Silver, Secretary of the CAC, introduced herself and reviewed the topics discussed at the group's November 19, 2009, meeting. (Note: A written report of the meeting was provided to each Board member and is on file with the Office of Board Support).

Consent Items:

Ms. Wilkins made a motion to approve Consent Item 6.

6. **Approval of Additional Funding for the Irving Corridor (I-1/I-2) Design-Build Services Contract for a Differing Site Condition**

Approval of Resolution No. 090165 that authorizes the President/Executive Director of his designee to approve additional funding for a differing site condition for the Irving Corridor (I-1/I-2; Orange Line) design-build services contract with Kiewit, Stacy and Witbeck, Reyes, and Parsons, a Joint Venture (KSWRP) in the amount of \$172,225. This amount will be funded from existing contingency; therefore, the total authorized amount not to exceed \$447,371,910 remains unchanged.

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

Individual Items:

7. **Contract for the Purchase of Natural Gas Fuel**

Mr. Whitaker made a motion to approve a Resolution No. 090166 that authorizes the President/Executive Director or his designee, subject to legal review, to:

Section 1: Enter into an Interlocal Contract (ILC) with the Texas General Land Office (GLO) to provide DART's natural gas fuel; and execute an eight-year pricing agreement under the terms of this ILC for DART's natural gas fuel needs from FY 2013 through FY 2020, for a total authorized amount not to exceed \$86,389,758; OR

Section 2: To conduct a procurement using full and open competition following DART's established procurement procedures and to execute a contract for DART's natural gas needs from FY 2013 through FY

2020, for a total authorized amount not to exceed \$86,389,758, without further Board approval.

Mr. Christian seconded the motion and was approved by majority. (14/1; Ms. Ellerbe voted against the Item.)

8. **+Contract for Construction of Frankford Road Parking along Northwest Corridor Line Section Northwest-4 (NW-4)**

Ms. Wilkins made a motion to approve Resolution No. 090167 that authorizes the President/Executive Director or his designee to:

Section 1: Award a contract for the construction of the Frankford Road Parking along Northwest Corridor Line Section NW-4 to Omega Contracting, Inc., in the amount of \$1,611,855 for 458 parking spaces, plus a supplemental work contingency of \$128,948 (8%) for unanticipated expenses, for a total amount not to exceed \$1,740,803; and

Section 2: Exercise Bid Alternate 2 for construction of an additional 462 parking spaces, contingent upon NCTCOG Regional Transportation Council (RTC) approval of funding, in the amount of \$1,272,948, plus a supplemental work contingency of \$101,828 (8%) for unanticipated expenses, for a total amount not to exceed \$1,374,776 for a total of 920 parking spaces, for a total authorized amount not to exceed \$3,115,579 for both actions.

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

9. **+Additional Funding for the Rowlett Corridor (R-1) Design-Build Contract for a Final Design Alignment Adjustment**

Ms. Wilkins made a motion to approve Resolution No. 090168 that authorizes the President/Executive Director or his designee to approve additional funding for a final design alignment adjustment for the Rowlett Corridor (R-1; Blue Line) design-build contract with Austin Bridge & Road, LP, in an amount not to exceed \$225,000. This amount will be funded from existing contingency; therefore, the total authorized amount not to exceed \$195,364,000 will remain unchanged.

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

10. **+Additional Funding for the Rowlett Line Section (R-1) Design-Build Contract for the Rowlett Station Art & Design Program**

Mr. Wilkins made a motion to approve Resolution No. 090169 that authorizes the President/Executive Director or his designee to approve additional funding for the Rowlett Station Art & Design Program for the Rowlett Corridor (R-1; Blue Line)

design-build contract with Austin Bridge & Road, LP, contingent upon receipt of funding from the City of Rowlett, in an amount not to exceed \$85,804, to be paid by DART, and an additional amount not to exceed \$42,902, to be paid by the City of Rowlett, for a total amount not to exceed \$128,706. This amount will be funded from existing contingency; therefore, the total authorized amount not to exceed \$195,364,000 will remain unchanged.

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

11. **+Contract for Construction of Lake Highlands Station on Line Section Garland-2 (G-2) in the Blue Line Corridor**

Ms. Wilkins made a motion to approve Resolution No. 090170 that authorizes the President/Executive Director of his designee to award a contract for the construction of the Lake Highlands Station on Line Section Garland-2 (G-2) in the Blue Line Corridor with Journeyman Construction, Inc., in the amount of \$6,926,292, plus a supplemental work contingency of \$554,103 (8%) for unanticipated expenses, for a total authorized amount not to exceed \$7,480,395.

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

12. **+Contract for Line Section OC-2 Storm Water Mitigation and East Levee Repair**

Ms. Wilkins made a motion to approve Resolution No. 090171 that authorizes the President/Executive Director of his designee to award a contract for the Line Section OC-2 Storm Water Mitigation and East Levee Repair with North Texas Contracting, Inc., in the amount of \$263,700, plus a supplemental work contingency of \$26,370 (10%) for unanticipated expenses, for a total authorized amount not to exceed \$290,070.

Mr. Enoch seconded the motion and approved by majority. (12/3; Ms. Dunlop Gates, Mr. Williams, and Mr. Christian voted against the Item.)

13. **+Contract for the Construction of DART Police Facility – Monroe Shops Package No. 2**

Ms. Wilkins made a motion to approve Resolution No. 090172 that authorizes the President/Executive Director of his designee to award a contract for the construction of the DART Police Facility at Monroe Shops (Package 2) to Phillips/May Corporation for the amount of \$13,074,333, plus a supplemental work contingency of \$1,699,663 (13%) for unanticipated expenses, for a total authorized amount not to exceed \$14,773,996.

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

Ms. Dunlop Gates exited at 6:51p.m.

14. **+Additional Funding for the Track Relocation Agreement with Dallas, Garland & Northeastern Railroad (DGNO) for Signal Relocations and Freight Track Modifications in Support of the Northwest and Southeast Light Rail Transit (LRT) Corridors**

Ms. Wilkins made a motion to approve Resolution No. 090173 that authorizes the President/Executive Director of his designee to approve additional funding for the Track Relocation Agreement with Dallas, Garland, & Northeastern Railroad (DGNO) providing for additional signal relocations and freight track modifications in support of DART's Northwest and Southeast light rail transit corridors in an amount not to exceed \$4,181,898 to be paid by DART, for a new total authorized amount not to exceed \$33,139,715.

Ms. Chrisman seconded the motion and it was approved unanimously.

Ms. Wilkins asked Chair Velasco if the Board would be willing to consider the two remaining real estate items (Item 15., **+Declare Public Necessity for Parcels R1-41, R1-54, R1-92, R1-95, R1-97, R1-98 and Garland Parcel 1; Declare DART's Interests in DART Parcel 1, DART Parcel 2, and Item 16., +Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of a Permanent Access Easement for the Lake Highlands Station and Authorize Eminent Domain Proceedings if Necessary)** with a single motion. Chair Velasco did not object.

Ms. Wilkins made a motion to approve:

15. **+Declare Public Necessity for Parcels R1-41, R1-54, R1-92, R1-95, R1-97, R1-98 and Garland Parcel 1; Declare DART's Interests in DART Parcel 1, DART Parcel 2, and DART Parcel 3 surplus to DART's Mass Transit Requirements; and Authorize an Interlocal Agreement with the City of Garland**

Approval of Resolution No. 090174 that authorizes the President/Executive Director of his designee to execute an Interlocal Agreement with the City of Garland, which provides for the exchange of the City's Parcels R1-41, R1-54, R1-92, R1-95, R1-97, R1-98 and Garland Parcel 1, which are required for the construction of the Rowlett Corridor and which are described in Exhibit 1 to this Resolution, for DART's interest in DART Parcel 1, DART Parcel 2 and DART Parcel 3, which are surplus to DART's mass transit requirements and which are also described in Exhibit 1 to this Resolution, and to execute all documents and make all payments required pursuant to this Agreement; and

16. **+Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of a Permanent Access Easement for the Lake Highlands Station and Authorize Eminent Domain Proceedings if Necessary**

Approval of Resolution No. 090175 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 Lake Highlands LRT Station 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 the appraisal prepared by DART's Chief Appraiser.

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 Lake Highlands LRT Station.

Ms. Ellerbe seconded the motion and it was approved unanimously.

17. **+Increase Contract Funding for UnitedHealthcare – Group Medical Benefits**

Mr. Reyes made a motion to approve Resolution No. 090176 that authorizes the President/Executive Director of his designee to Increase contract funding with UnitedHealthcare for Group Medical Benefits [Contract No. C-1007889-01] to allow for the run-out administration fees for claim processing services in the amount of \$358,971, for a new total authorized amount not-to-exceed \$7,209,681.

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

18. *Fiscal Year 2010 Agency Goals Update and New Strategic Plan

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

19. *Update on Special Event Service fo the State Fair of Texas

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

Other Items:

20. Public Comments

There were no subsequent Public Comments.

21. Identification of Future Agenda Items

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

22. Adjournment

There being no further business to discuss, the meeting was adjourned at 6:51 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item

* Briefing Item