

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
September 9, 2008**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, September 9, 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**  
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

Jerry Christian and Loretta Ellerbe were absent.

General Items:

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

**Mr. Noah made a motion to approve the August 26, 2008, Board of Directors' Meeting minutes with no corrections, deletions, or additions.**

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

**2. Recognition of Leadership DART Participants**

Ms. Lynda Jackson, Vice President of Human Resources, provided the Board with a brief overview of this new management succession program. Ms. Jackson explained how each candidate had been extensively evaluated and then introduced those candidates that had committed themselves to the 18-month Leadership DART program.

The following individuals were introduced to the Board as those 15 candidates who would participate in Leadership DART: Kerri Babbitt, Vicki Biggers, Samuel Clark, Evan Cog, T.J. Donaghy, David Escamilla, Jessie Flores, Tadele Gelassiel, Alan Gorman, Jennifer Jones, Jessica Lennon, Kirk Maisenbacher, Susan Mullaney, Lajuan Sansom, and Dennis Story.

**3. 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).

Mr. Enoch joined the meeting at 6:36 p.m.

Chair Chrisman called Mr. Black Dallas, who had completed a Request to Address the Board card (on file with the Office of Board Support), but Mr. Dallas did not come forward or make himself known to the Board.

The following individuals addressed the Board:

Mr. Pedro Aguirre, 12700 Park Central Drive, 15<sup>th</sup> Floor, Dallas, Texas, 75251, (972) 788-1508: Mr. Aguirre identified himself as a lifetime resident of Dallas and local business owner. Mr. Aguirre stated that he represented one of the firms being considered to design and construct the (possible) DART Police facility at Monroe Shops. Mr. Aguirre expressed his thoughts concerning the contract being awarded to local owned businesses, such as his, that were 100% invested in the local community.

Mr. Afisu Olabimtan, 5123 Briargrove Lane, Dallas, Texas, 75287, (214) 748-4888: Mr. Olabimtan identified himself as a long-time resident of Dallas and also a local business owner. Mr. Olabimtan said he and Mr. Aguirre shared interest and commitment to performing the work that would be required to transform the Monroe Shops into the DART Police Facility.

Ms. Cynthia Garrison, 306 East Fifth Street, Dallas, Texas, (214) 942-6990: Ms. Garrison expressed frustration and confusion about the complicated fare structure associated with children, youth, minors, and (high school) students. Ms. Garrison stated that, recently, her 14-year old son had received a ticket for “incorrect fare” even though he had a pass that Ms. Garrison had purchased for her son which stated the pass was appropriate for children/youth between the ages of five and 14. Ms. Garrison continued that her son had been escorted from the train and ticketed because he, according to the ticketing officer, was “too tall” to be only 14 years old.

Mr. George Smartt, 18720 Wainsborough, Dallas, Texas, 75287, (972) 248-4246: Mr. Smartt identified himself as the Vice President of Dowager Utility Construction Company. He continued that Dowager Utility Construction is a minority owned sub-contractor (for Archer-Western) involved in the CMGC-I and the NWROF projects. Mr. Smartt went on to explain that Dowager Utility had not been compensated for work performed on a timely basis.

Mr. John Killian: Mr. Killian spoke to the Board regarding DART services provided for mobility impaired. He stated that On-Call Service, Paratransit Feeder Service, and Flex-Route Service were valuable commodities for any mobility challenged individual living in the Dallas area.

Chair Chrisman thanked everyone who had taken the initiative to speak to the Board. Mr. Enoch asked Chair Chrisman to provide the Board with an update concerning Mr. Smartt’s comments. Chair Chrisman agreed that this would be done.

Consent Items:

**Mr. Enoch made a motion to approve Consent Items 4. – 18.**

**4. Interlocal Agreement with Texas Department of Transportation (TxDOT) for Construction and Implementations of Light Rail Project and Managed High Occupancy Vehicles (HOV) Lanes on SH 114/Loop 12**

**Approval of Resolution No. 080132 that authorizes the President/Executive Director or his designee to execute an Interlocal Agreement with the Texas Department of Transportation (TxDOT), subject to legal review, for construction and implementations of a Light Rail Transit (LRT) section and Managed High Occupancy Vehicles (HOV) Lanes located within SH 114/Loop 12 corridors.**

**5. Approval of a Multiple Use Agreement Between DART, Texas Department of Transportation (TxDOT) and North Texas Tollway Authority (NTTA) for Parking Expansion and DART’s continued use of Property Under SH 190 (President George Bush Turnpike) at US 75 (Central Expressway)**

**Approval of Resolution No. 080133 that authorizes the President/Executive Director or his designee to execute a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) and the North Texas Tollway Authority (NTTA), subject to legal review, for the use of property under SH 190 (President George Bush**

Turnpike) at US 75 (Central Expressway) in substantially the form as shown in Attachment 1 to this resolution.

6. **Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Adjustment to Plinth Widths**

Approval of Resolution No. 080134 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 the adjustment to plinth widths with Archer-Western-Brunson-Carcon (AWBC), A Joint Venture [C-1007571-01], in an amount not to exceed \$208,000. This modification will be funded from existing contingency; therefore, the total authorized amount not to exceed \$429,250,346 remains unchanged.

7. **Contract Modification for General Engineering Consultant II (GECII) Services for Light Rail Transit (LRT) Buildout Phase II – Fiscal Year 2009 (FY09) Annual Work Program (AWP)**

Approval of Resolution No. 080135 that authorizes the President/Executive Director or his designee to execute a contract modification to a contract modification, subject to legal review, with the joint venture of Carter-Burgess, Jacobs Sverdrup, STV, Inc., and KAI Alliance (ACT21) [Contract No. 1002450-01] for the fiscal year 2009 annual work program for General Engineering Consultant services for Light Rail Transit Buildout Phase II in the amount of \$18,868,360, plus a supplemental work contingency of \$943,418 (5%) for unanticipated expenses, for a not-to-exceed amount of \$19,811,778, and a new total authorized amount not to exceed \$210,802,438.

8. **Contract Modification for Systems Integration Consultant (SIC) Services for Light Rail Transit (LRT) Buildout Phase II - Fiscal Year 2009 (FY09) Annual Work Program (AWP)**

Approval of Resolution No. 080136 that authorizes the President/Executive Director or his designee to execute a contract modification to a contract modification, subject to legal review, for the fiscal year 2009 annual work program for Systems Integration Consultant services for the Light Rail Transit Buildout Phase II to DMJM+Harris Corporation [Contract No. 1004187-01] in the amount of \$12,094,449, plus a supplemental work contingency of \$241,889 (2%) for unanticipated expenses, for a not-to-exceed amount of \$12,336,338 and a new total authorized amount not to exceed \$43,975,961.

9. **Contract Modification for Systems Design Consultant (SDC) Services for Light Rail Transit (LRT) Buildout Phase II - Fiscal Year 2009 (FY09) Annual Work Program (AWP)**

Approval of Resolution No. 080137 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for the fiscal year 2009 annual work program for Systems Design Consultant services for the Light Rail Transit Buildout Phase II with Dallas

Systems Consultants (a joint venture of Parsons Transportation Group, Inc., and Paragon Project Resources, Inc.) [Contract No. 1002803-01] in the amount of \$11,295,244, plus a supplemental work contingency of \$225,905 (2%) for unanticipated expenses, for a not-to-exceed amount of \$11,521,149, and a new total authorized amount not to exceed \$70,462,559.

10. **Contract Modification for Light Rail Vehicle (LRV) Engineering Services for the Light Rail Transit (LRT) Buildout Phase II - Fiscal Year 2009 (FY09) Annual Work Program (AWP)**

Approval of Resolution No. 080138 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for the fiscal year 2009 annual work program for light rail vehicle engineering services for the Light Rail Transit Buildout Phase II with LTK Consulting Services, Inc., [Contract No. 1008146-01] in an amount not to exceed \$2,683,425, plus a supplemental work contingency of \$80,503 (3%) for unanticipated expenses, for a total not-to-exceed amount of \$2,763,928, and a new total authorized amount not to exceed \$8,342,609.

11. **Interlocal Agreement between DART and Texas Department of Transportation (TxDOT) for Utility Bridges at IH-635 and Line Section Northwest-3 (NW-3)**

Approval of Resolution No. 080139 that authorizes the President/Executive Director or his designee to execute an agreement, substantially in the form attached to the resolution as Exhibit 1, with TxDOT for construction of two utility bridges at IH-635 and Line Section Northwest-3 (NW-3).

12. **Contract for Construction of Dilido Street Permanent Parking Lot and Senate Street Parking Lot Renovations**

Approval of Resolution No. 080140 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, for the construction of the Dilido Street Permanent Parking Lot and Senate Street Parking Lot Renovations with Philips May Corporation in the amount of \$1,101,555, plus a supplemental work contingency of \$55,078 (5%) for unanticipated expenses, for a total authorized amount not to exceed \$1,156,633.

13. **Contract Modification for Construction Manager/General Contractor-III (CM/GC-III) Construction Services – Utility Bridges at IH-635 and Line Section Northwest-3 (NW-3)**

Approval of Resolution No. 080141 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review and pending execution of the related Interlocal Agreement with Texas Department of Transportation (TxDOT), for Construction Manager/General

Contractor-III (CM/GC-III) construction services for two utility bridges at IH-635 and Line Section Northwest-3 (NW-3) with Archer Western-Herzog (AW-H), a Joint Venture, in an amount not to exceed \$1,269,025, plus a supplemental work contingency of \$101,522 (8%) for unanticipated expenses, for a new total authorized amount not to exceed \$499,384,525.

14. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels R1-53, R1-56, R1-57, R1-58, R1-59-1, R1-59-2, R1-67, R1-69, R1-70 (TE), R1-71, R1-72, R1-73, R1-75, R1-76, R1-78, R1-81-1, R1-81-2, R1-83, R1-84, R1-85, R1-86, R1-87, R1-101, R1-102, and R1-103 Located in Rowlett for the Line Section Rowlett-1 (R-1) and Authorize Eminent Domain Proceedings if Necessary**

Approval of Resolution No. 080142 that states:

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

**Section 2:** These properties are necessary and proper for construction of the Rowlett 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 parcels required for the Rowlett Corridor shall be the value of the properties as determined by DART's appraisals.

**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 parcels 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 parcels 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 parcels for the Rowlett Corridor.

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

**Section 8:** DART's exercise of the power of eminent domain in acquiring the herein described parcels 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.

**15. Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels R1-38, R1-39, R1-40-1, R1-40-2, R1-42, R1-43, R1-44, R1-45, R1-46, R1-47, R1-48-1, R1-48-2, R1-49, R1-50-1, R1-50-2, R1-51, R1-52, R1-55 and R1-93 (E) Located in Garland for the Rowlett Line Section-1 (R-1) and Authorize Eminent Domain Proceedings if Necessary**

**Approval of Resolution No. 080143 that states:**

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

**Section 2:** These properties are necessary and proper for construction of the Rowlett 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 parcels required for the Rowlett Corridor shall be the value of the properties as determined by DART's appraisals.

**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 parcels 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 parcels 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 parcels for the Rowlett Corridor.

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

**Section 8:** DART's exercise of the power of eminent domain in acquiring the herein described parcels 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

**16. Grant of a Pedestrian Walkway Easement to the City of Plano; Declare DART's Interest in the Easement Property Surplus to DART's Requirements for Construction, Operation and Maintenance of the Transit System**

Approval Resolution No. 080144 that states:

**Section 1:** DART's interest in and to the easement property described in Exhibit 1 is surplus to DART's needs and is not needed for construction, operation, or maintenance of the transit system.

**Section 2:** The President/Executive Director or his designee is hereby authorized to execute a Pedestrian Walkway Easement on the property described in Exhibit 1 to the City of Plano in substantially the form as shown in Exhibit 2 to this resolution.

**17. Contract Modification for Preliminary Engineering/ Environmental Impact Statement (PE/EIS) for Phase II (Irving/DFW Line) for the Northwest Corridor**

Approval of Resolution No. 080145 that authorizes the President/Executive Director or his designee, subject to legal review, to execute a contract modification, for the Northwest Corridor Preliminary Engineering/Environmental Impact Statement (PE/EIS) with Parsons Transportation Group, Inc., [(Contract No. C-937775-1)] in the amount of \$367,000, which includes a previously authorized supplemental work contingency of \$234,646, and new funds of \$133,354 to cover the completion of environmental and engineering work for a new total authorized amount not to exceed \$12,010,979 (\$5,059,920 for the Phase II: Irving/DFW Line).

18. **Authorization to Increase the Contract Reserve for Miscellaneous Construction Services Contracts**

Approval of Resolution No. 080146 that approves the contract reserve for miscellaneous construction services contracts, authorized by Resolution 060180, is increased by the amount of \$5,000,000, for a new total authorized amount not to exceed \$14,000,000.

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

Individual Items:

19. **Contract Modification for General Engineering Consultant-III (GEC-III) Services for Light Rail Transit (LRT) Buildout Phase IIB and Fiscal Year 2009 (FY09) Annual Work Program (AWP)**

Ms. Wilkins made a motion to approve a Resolution No. 080147 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, with The Joint Venture of Lockwood, Andrews & Newnam, Inc.; Chiang, Patel & Yerby, Inc.; Aguirre Corporation; and APM and Associates, Inc. (TRACK 3) for the fiscal year 2009 for General Engineering Consultant III services in the amount of \$10,215,116, plus a supplemental work contingency of \$306,453 (3%) for unanticipated expenses, for a not-to-exceed amount of \$10,521,569, and a total authorized amount not to exceed \$12,946,420.

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

20. **Contract for Procurement of Track Materials for Thanks-Giving Square Rail Replacement**

Ms. Wilkins made a motion to approve Resolution No. 080148 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, for procurement of track materials for the Thanks-Giving Square Rail Replacement project to Progress Rail Services in the amount of \$289,254, with a supplemental work contingency of \$14,463 (5%) for unanticipated expenses, for a total authorized amount not to exceed \$303,717.

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

21. **\*Review of FY 2008 Third Quarter Operating and Financial Performance Report**

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

22. **\*Systemwide Accessibility Plan – Status Update**

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

Other Items:

23. **Officer Reports**

There was no report.

24. **Chair Report**

There was no report.

25. **General Counsel’s Report**

There was no report.

26. **President/Executive Director’s Report**

There was no report.

27. **Communications and Public Comments**

There were no additional Communications and Public Comments.

28. **Adjournment**

There being no further business to discuss, the meeting was adjourned at 6:53 p.m.

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Gail Cook  
Board/Committee Secretary

/glc

+ Same Night Item

\* Briefing Item