

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
February 10, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, February 10, 2009, at 6:33 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

Angel Reyes was absent.

General Items:

1. **Approval of Minutes:** January 27, 2009

Mr. Enoch made a motion to approve the January 27, 2009, Board of Directors' Meeting minutes with no corrections, deletions, or additions.

Mr. Wilkins 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:

Ms. Tanza L. Lewis, 923 Claude Street, Dallas, Texas, (214) 454-6349: Ms. Lewis stated that her son was recently assaulted (resulting in physical injuries) while riding on a DART light rail vehicle. She voiced concern over the lack of adequate (DART) Police protection and passenger safety and security. She also expressed frustration at the lack of action exhibited by DART staff that she has spoken with concerning the problem.

Mr. Claude Doane: 849 Lilac Drive, Garland, Texas, 75040, (972) 272-3958: Mr. Doane stated that he wished to deliver greetings from recently appointed State Representative, Angie Chen Button, who served as a member of the DART Board for a number of years. Mr. Doane stated that Ms. Button misses her DART comrades and will not forget DART while serving her term in Austin.

Mr. Mearion Harris, P. O. Box 794244, Dallas, Texas, (214) 266-2468: Mr. Harris stated that he continued to have grave concerns relating to the integrity of Mr. Gary Thomas, President/Executive Director, and wished to know what the Board was doing to resolve his concerns.

Consent Items:

Mr. Christian made a motion to approve Consent Items 3. – 10.

3. **Interlocal Cooperation Agreement between DART and Denton County Transportation Authority (DCTA) for Construction of Freight Realignment and Platform Expansion and Related Amenities at the Trinity Mills Station on the Northwest Corridor Line Section Northwest-4 (NW-4)**

Approval of Resolution No. 090014 that authorizes the President/Executive Director or his designee to execute an interlocal cooperation agreement, substantially in the form attached to the resolution as Exhibit 1, with Denton County Transportation Authority (DCTA) for construction of freight realignment and platform expansion and related amenities at the Trinity Mills Station on the Northwest Corridor Line Section Northwest-4 (NW-4).

4. **Contract Modification for Construction Manager/General Contractor-III (CM/GC-III) Construction Services for Line Section Northwest-2 (NW-2) Access Drive Improvements and Fire Hydrant Installation**

Approval of Resolution No. 090015 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for Construction Manager/General Contractor-III (CM/GC-III) construction services for Line Section Northwest-2 (NW-2) access drive improvements and fire hydrant installation with Archer Western-Herzog (AW-H), a Joint Venture, for an amount of \$120,455. This modification will be funded from existing contingency; therefore, the total authorized amount not to exceed \$499,328,043 remains unchanged.

5. **Contract Modification for Construction Manager/General Contractor-III (CM/GC-III) Construction Services for Denton County Transportation Authority (DCTA)-related Construction**

Approval of Resolution No. 090016 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, and subject to both parties executing the related Interlocal Agreement with Denton County Transportation Authority (DCTA), for Construction Manager/General Contractor-III (CM/GC-III) construction services for DCTA-related construction with Archer Western-Herzog (AW-H), a Joint Venture, in an amount of \$226,929, for a new total authorized amount not to exceed \$499,554,972.

6. **Contract Modification for the Fare Collection System to Include Magnetic Reader/Encoders on Ticket Vending Machines (TVMs)**

Approval of Resolution No. 090017 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for the fare collection system, to include magnetic reader/encoders on the ticket vending machines, with GFI Genfare in the amount of \$169,500, for a new total authorized amount not to exceed \$8,857,112.

7. **Contract to Provide a Comprehensive Closed-Circuit Television (CCTV) System Solution on the Red, Blue, and Green Light Rail Transit (LRT) Stations**

Approval of Resolution No. 090018 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, to provide a comprehensive Closed-Circuit Television (CCTV) System solution for 48 stations to include surveillance equipment and optical network upgrades to be installed on the Red, Blue, and Green light rail transit (LRT) stations with Calence, LLC, in the amount of \$5,925,245, plus a supplemental work contingency of \$592,525 (10%) for unanticipated expenses, for a total authorized amount not to exceed \$6,517,770.

8. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel NW4-79-3 for the Northwest Corridor Line Section Northwest-4 (NW-4) and Authorize Eminent Domain Proceedings if Necessary**

Approval of Resolution No. 090019 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 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 Northwest 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 Carrollton.
- Section 8:** DART's exercise of the power of eminent domain in acquiring the herein described parcel 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.

9. Approval of a Site-Specific Shuttle Agreement with McKinney Avenue Trolley Authority (MATA)

Approval of Resolution No. 090020 that authorizes the President/Executive Director or his designee to execute a two-year site-specific shuttle agreement with the McKinney Avenue Trolley Authority, subject to legal review, in an amount not to exceed \$650,000, in substantially the form shown in Attachment 1.

10. Call for Public Hearing for State-Required Performance Audit

Approval of Resolution No. 090021 that states a public hearing is called on a date and time to be determined by the President/Executive Director, in the DART Board Room to receive comments on an independent performance audit report of the transit operations and state-required performance indicators of the Agency.

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

Individual Items:

11. 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 at the Committee-of-the-Whole.

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

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

Due to a possible conflict, Mr. Enoch recused himself and exited the meeting at 6:40 p.m.

13. +Advertisement for Bids to Lease Mineral Interests in Trinity Railway Express (TRE) Madill Corridor

Mr. Danish made a motion to approve Resolution No. 090022 that authorizes the President/Executive Director or his designee to advertise for bids to lease DART's mineral interests in the TRE Madill corridor.

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

Mr. Enoch rejoined the meeting at 6:41 p.m.

14. *Government Relations Update on 81st Session of the Texas Legislature, DART's Legislative Agenda and the Status of the Rail North Texas Initiative

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

Other Items:

15. Public Comments

There were no additional public comments.

16. Adjournment

There being no further business to discuss, the meeting was adjourned at 6:44 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item
* Briefing Item