

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
February 12, 2008**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, February 12, 2008, at 6:36 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. Shaw and Mr. Velasco were not in attendance.

General Items:

1. **Pledge of Allegiance**

Presented.

2. **Prayer**

Presented.

3. **Approval of Minutes:**                    **January 22, 2008**

**Mr. Wilkins made a motion to approve the January 22, 2008, Board of Directors' Meeting minutes with no corrections, deletions, or additions.**

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

4. **Honorary Proclamation for Philip Hale**

Mr. Michael Hubbell, Vice President of Maintenance, introduced Mr. Philip Hale, Assistant Vice President of Fleet Services, and Mrs. Pam Hale.

Mr. Hubbell stated that he had asked the Board to present Mr. Hale with the Honorary Proclamation to recognize his 34+ years of exemplary service to the community served by DART. Mr. Hubbell wished Mr. Hale success in his new position with the Hillsborough Area Rapid Transit in Tampa, Florida.

5. **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. Matthew Shuman, 312 Canyon Ridge Drive, Richardson, Texas, 75080, (214) 951-6545: Mr. Shuman said that he rides DART each day but stated that DART does not have adequate restrooms available to accommodate the riding public at its bus and train stations. Mr. Shuman said that the lack of public facilities is highly inconvenient. Mr. Shuman referred to a newspaper clipping and stated that the clipping said funds were available from the Department of Homeland Security and suggested that DART investigate using the federal funds to add restrooms to the system.

Mr. Karl Ronacher, 1749 FM 3325, Weatherford, Texas, 70087, (814) 448-9410: Mr. Ronacher stated that he commutes using TRE, light-rail, and the bus system. Mr. Ronacher said his issue was with the lack of synchronization between the bus and rail schedules. Specifically, Mr. Ronacher explained a one-minute time difference that regularly complicates and lengthens his commute (Mr. Ronacher takes bus 305 to the LRV. Bus 305 arrives at the West Irving Transit Station at 3:59 p.m. and the LRV departs at 3:58 p.m.). Mr. Ronacher asked the Board to address the problem.

Dr. Fred J. Masinga, Jr., 3425 South Street, #105, Dallas, Texas, 75224, (469) 286-9124: Dr. Masinga said that he had applied for an annual pass. He then said he had six handicapped individuals that lived in his neighborhood, some of who are blind or considered legally blind. Dr. Masinga said some of these individuals use DART's paratransit services but the sign that indicates handicapped individuals reside at the apartment complex had fallen down and, even though the problem had been reported, no one would put the sign back where it belongs. Dr. Masinga asked the Board to take steps to have the sign put back in its proper place.

Mr. Richard Escalante, 1901 Main Street, Dallas, Texas, (214) 752-8589: Mr. Escalante introduced himself as the Vice-Chancellor for Administrative Services of the University of North Texas System. Mr. Escalante said he wished to express his support for Agenda Item 10, **Service Plan Amendment for the Proposed University of North Texas Light Rail Transit (LRT) Station on the Future South Oak Cliff Light Rail Extension**. Mr. Escalante said the Station is an important part of the University of North Texas' Dallas campus. Mr. Escalante said inclusion of light rail was an integral part of the original master plan for the campus.

Mr. Jerry Brown, 3605 Wendelkin, Dallas, Texas, 75213, (214) 421-0333: Mr. Brown said that he is a business owner in South Dallas. Mr. Brown said he wished to address a problem with the Board concerning concrete dust blowing all over the community. Mr. Brown said a contractor drilling holes between Metropolitan and Hatchett Streets is producing the dust. Mr. Brown said the dust is detrimental to the community because it causes, or exacerbates, respiratory problems. Mr. Brown said he had spoken with a representative in Community Affairs but nothing has been done to decrease or eliminate the problem. Mr. Brown had pictures of the neighborhood and the dust in question. He asked the Board to investigate and correct the problem.

Mr. John Ellis Price, 7300 Houston School Road, Dallas, Texas, (972) 780-3654: Mr. Price introduced himself as the Chief Executive Officer of the University of North Texas Dallas campus. Mr. Price said he wished to echo the previous statements made by Mr. Escalante. Mr. Price said the rail station is vital to the growth and success of UNT Dallas Campus. He said he wished to thank the

Board for their consideration and support of Agenda Item 10., **Service Plan Amendment for the Proposed University of North Texas Light Rail Transit (LRT) Station on the Future South Oak Cliff Light Rail Extension**

Consent Items:

Mr. Noah made a motion to approve Consent Items No. 6 – 8.

6. **Contract Modifications Due to Requirements for Use of U. S. Flagship Vessels for Shipping for Low-Floor Sections (C-Units) for Light Rail Vehicles (LRVs)**

Approval of Resolution No. 080012 that authorizes the President/Executive Director or his designee to execute contract modifications, as needed, with Kinkisharyo International, L.L.C., for costs associated with utilizing U.S. Flagship vessels for shipment of C-units from Japan to the U.S. in amounts to be determined with each shipment, for a total not-to-exceed amount of \$1,734,200. These modifications will be funded from existing contingency; therefore, the total authorized amount not to exceed \$196,355,239 remains unchanged.

7. **Authorization to Accept the Terms, Provisions, and Conditions of City of Dallas Street Closure Ordinances for the Southeast Corridor**

Approval Resolution No. 080013 that states the Dallas Area Rapid Transit Board of Directors accepts the terms, provisions, and conditions of the City of Dallas street closure ordinances for the Southeast Corridor, as shown in Exhibit 1,

8. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels SE2-57(E), 58(E), 59(E), 60(E), 61(E), 62(E), 63(E), and 64(E) for the Southeast Corridor Line Section Southeast-2 (SE-2) and Authorize Eminent Domain Proceedings if Necessary**

Approval of Resolution No. 080014 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 Southeast 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 Southeast 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 Southeast 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 Dallas.
- 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.

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

Individual Items:

**9. Service Plan Amendment for Relocation of Lake Highlands Station**

Mr. Carlson made a motion to approve Resolution No. 080015 that states the Service Plan be amended to relocate the Lake Highlands Station from the

south side of Walnut Hill to the north side of Walnut Hill, as shown in Attachment 1.

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

**10. Service Plan Amendment for the Proposed University of North Texas Light Rail Transit (LRT) Station on the Future South Oak Cliff Light Rail Extension**

Mr. Carlson made a motion to approve Resolution No. 080016 that states the Service Plan is amended to modify station location, alignment, and grade separation modifications in the South Oak Cliff Corridor as shown in Attachment 1.

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

**11. Fiscal Year 2008 Short Term Goals for the DART Board of Directors**

Chair Chrisman stated that this item is still being considered and the Board would revisit it at the next Committee-of-the-Whole.

**12. Appointment of Regional Rail Right-of-Way Company Board Members**

Mr. Carlson made a motion to approve Resolution No. 080017 that appoints Randall Chrisman, Ray Noah and Gary C. Thomas as directors of Regional Rail Right-of-Way Company for a two-year term, commencing February 12, 2008, and ending February 11, 2010.

Ms. Paulk seconded the motion.

Mr. Danish interrupted the motion with a question concerning the term being extended from one year (as in the past) to two years. Chair Chrisman confirmed that the term was, in fact, now two years. Mr. Danish indicated he was satisfied with the response.

Chair Chrisman reviewed Mr. Carlson's motion, seconded by Ms. Paulk, and the item passed unanimously.

**13. +Direct Report Performance Reviews – Director of the Office of Board Support, Director of Internal Audit, and General Counsel**

Ms. Paulk made a motion to approve the following Resolutions:

**Resolution No. 080018: Performance Evaluation and Salary Adjustment, as presented at Committee-of-the-Whole,**

applicable to the Director of the Office of Board Support.

**Resolution No. 080019:** Performance Evaluation and Salary Adjustment, as presented at Committee-of-the-Whole, applicable to the Director of Internal Audit.

**Resolution No. 080020:** Performance Evaluation and Salary Adjustment, as presented at Committee-of-the-Whole, applicable to General Counsel.

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

**14. \*Review of FY 2007 Fourth Quarter (Year-End) Operating & Financial Performance Report**

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

**15. \*Update on Irving/Rowlett – Financing Options**

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

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

Chair Chrisman said that the Proposed Fiscal Year 2008 Twenty-Year Financial Plan would not be distributed at this time.

**17. Amendment of Trackage Rights Agreement between Dallas Area Rapid Transit, The Fort Worth Transportation Authority, and Burlington Northern Santa Fe (BNSF) Railway Company**

Chair Chrisman reminded the assembly that this item had been reconsidered at the Committee-of-the-Whole and the Board was now considering the amended (green sheet) wording.

Mr. Carlson made a motion to approve Resolution No. 080021 that states:

**Section 1: The President/Executive Director or his designee is authorized to execute an amendment of the Trackage Rights Agreement between Dallas Area Rapid Transit (DART), The Fort Worth Transportation Authority (the T) and Burlington Northern Santa Fe (BNSF) Railway Company in substantially the form attached to this resolution as Attachment 1.**

**Section 2: Execution of this amendment to the Trackage Rights Agreement is conditioned upon the T's agreement that its use of the DART-owned Cotton Belt Rail Corridor in portions of Tarrant County is conditioned upon the right of, and use by, DART, or any entity or other structure of which DART is a part, to choose to provide passenger rail service on any part of the DART-owned Cotton Belt Rail Corridor east of the entrance to DFW International Airport using any type of passenger vehicle that DART, in its sole discretion, may choose.**

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

**18. Board Directed Review of the Twenty-Year Financial Plan**

Mr. Noah stated that this item had been forwarded to the Board of Directors' on approval of the Audit Committee.

**Mr. Noah made a motion for the Board to receive the item, along with a future supplement, for such further deliberation and such further action as the Board deems necessary.**

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

**19. Twenty-Year Financial Plan Process Audit**

Mr. Noah said this item, too, had been approved by the Audit Committee and it was seeking receipt by the Board.

**Mr. Noah made a motion for the Board to receive the item for such further action as the Board deems necessary.**

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

**20. General Counsel's Report on DART's External Financial Auditor's January 22, 2008, Communication Regarding Independence Matters**

**Mr. Noah moved that the Board accept the General Counsel's Report on DART's External Financial Auditor's January 22, 2008, Communication Regarding Independence Matters which was forwarded from the Audit Committee upon its approval to the Board of Directors' for receipt and such action as they deem necessary.**

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

**21. Contract Modification for General Advertising Services**

**Ms. Button made a motion to approve Resolution No. 080022 that authorizes the President/Executive Director or his designee to execute a contract modification to exercise the third, one-year option for general advertising services with Moroch Partners, L.P., [Contract No. 1007588-01] in the amount of \$1,200,000, for a new total authorized amount not to exceed \$5,702,109.**

**Mr. Danish seconded the motion and it was approved by majority. (9/4; Mr. Christian, Ms. Dunlop Gates, Mr. Strauss, and Ms. Wilkins voted “no”.)**

Other Items:

**22. Officer Reports**

There were no reports.

**23. Chair Report**

Chair Chrisman stated that the recent meetings in Washington, D.C. were very productive. Chair Chrisman said overall the message is that DART must meet its obligations according to accepted timelines.

Chair Chrisman invited Mr. Enoch to update the Board on the state of the RTI.

Mr. Enoch reported that a previously mentioned meeting did occur on January 29<sup>th</sup> that allowed business leaders, State representatives, transportation officials and other interested parties. A plan was developed at the meeting and the Regional Transportation Council, particularly the sub-committee Chaired by Fort Worth Councilperson Jungus Jordan and Vice-Chaired by Dallas Councilperson Linda Koop, will handle moving the plan forward.

Mr. Enoch concluded by saying the plan will be discussed again on Thursday, February 14<sup>th</sup>, and he would keep the Board advised of any progress.

**24. General Counsel’s Report**

There was no report.

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

Mr. Thomas stated that the Request for Qualifications for Irving 1, Irving 2, and the Blue Line extension to Rowlett was issued earlier in the week. Mr. Thomas said DART had hosted a Design/Build forum on Monday, February 11<sup>th</sup>, and 150 participants attended. He continued that firms of all sizes and from all disciplines had mixed including architects, engineers, contractors, etc. Mr. Thomas said that there is a pre-proposal meeting scheduled for February 19<sup>th</sup>

and another mixer on March 1<sup>st</sup>. He concluded that the due date on the RFQ is March 10<sup>th</sup>.

**26. Communications and Public Comments**

There were no additional Communications and Public Comments.

**27. Adjournment**

There being no further business to discuss, the meeting was adjourned at 7:06 p.m.

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Gail L. Cook  
Board/Committee Secretary

/glc

+ Same Night Item

\* Briefing Item