

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
May 12, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, May 12, 2009, at 6:32 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

Mark Enoch and Raymond Noah were absent.

General Items:

1. **Approval of Minutes:** April 28, 2009

Mr. Danish made a motion to approve the April 28, 2009, ~~Committee of the Whole~~ Board of Directors' Meeting minutes with no corrections, deletions, or additions.

Ms. Ellerbe 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. Fannie Criddle, 7501 Chesterfield Drive, #913, Dallas, Texas, 75237, (972) 709-7641: Ms. Criddle stated that she had originally wished to speak to the Board concerning the Paratransit fare increase. She went on to say that after she had arrived she had discovered that the Board had decided not to increase the Paratransit fare.

Mr. James Harris, 5606 Shadycrest Trail, Dallas, Texas, 75241, (214) 374-8755: Mr. Harris distributed documents for the Board's review (a copy was not provided for the file), explaining that the documents pertained to the Defined Benefit Retirement Committee, of which he had been a member for 12 years. Mr. Harris related circumstances that caused him to believe the Defined Benefit Retirement Committee had been by-passed, which was prohibited according to established protocol.

Chair Chrisman recognized four more individuals had pre-registered to address the Board. He reminded these individuals that, according to the records, they had addressed the Board at the last meeting (refer to 04-28-2009 Board of Directors' Minute) and were obliged, according to the By-Laws, to wait until the Board had finished all other business (refer to Agenda Item 11., **Public Comments**) to speak again.

Consent Items:

Ms. Ellerbe made a motion to approve Consent Items 3. – 5.

3. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels SE-1-62 (TE) & SE-1-139 (TE) for the Southeast Corridor Line Section Southeast-1 (SE-1) and; Declaration and Sale of Surplus Properties, Parcels SE-1-129, SE-1-130, and SE-1-131**

Approval of Resolution No. 090062 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 public use for a public purpose.

Section 3: The amount to be offered as just compensation for the parcel required for the Southeast Corridor shall be the value of the properties 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: The interest of DART in and to the subject tracts described and shown on Exhibit 2 is hereby declared surplus to DART.

Section 6: The President/Executive Director or his designee is authorized to take such action and execute such documents as shall be necessary to convey the subject tracts, as shown on Exhibit 2, "as is" "where is" without warranties, and DART will retain a Noise and Vibration Easement from Rickey Williams and Simple Faith International, for fair market value as determined by appraisal.

4. **Bus Shuttle Access Agreement with Raytheon Company**

Approval of Resolution No. 090063 that authorizes the President/Executive Director or his designee, subject to legal review, to execute a three year shuttle

bus access agreement with Raytheon Company, in substantially the form as shown in Exhibit 1.

5. **Call for Public Hearing for a Service Plan Amendment to Modify a Grade Separation on the Northwest to Irving/DFW Corridor Light Rail Transit (LRT) Extension**

Approval of Resolution No. 090064 that authorizes the President/Executive Director or his designee to schedule and give notice of a public hearing to receive public comments on the proposal to modify the grade separation of Century Center Boulevard along the Northwest to Irving/DFW Corridor LRT Extension.

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

Individual Items:

6. **Leasing of Mineral Interests in Trinity Railway Express (TRE) Madill Corridor**

Mr. Danish stated that this item had just secured unanimous approval at the Revenue Committee.

Mr. Danish made a motion to approve Resolution No. 090065 that authorizes the President/Executive Director or his designee to execute, subject to legal review, an oil and gas lease with Trinity East Energy, LLC for development of mineral interests in the TRE Madill corridor.

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

7. **Approval of September 2009 Service Modifications**

Mr. Tsao prefaced the item by explaining that the item had made its way successfully through the Planning Committee and made a motion to approve Resolution No. 090066 that authorizes the President/Executive Director or his designee to implement the service modifications on September 14, 2009 as described in Attachment 1.

Ms. Wilkins seconded the motion and it was by majority. (12/1; Ms. Dunlop Gates voted against this item).

8. **Review of Proposed Changes to Fare Structure and Approval to Amend Fare Structure**

Chair Chrisman stated that, in deference to Ms. Dunlop Gates, the Board would be asked to approve the item in two different segments: a vote would be made to

approve amending the Fare Structure *including* the Corporate Pass portion and another vote would apply to approve amending the Fare Structure *excluding* the Corporate Pass program.

Ms. Dunlop Gates made a motion to approve amending the Fare Structure including the Corporate Portion.

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

Chair Chrisman reiterated that the next vote would consider approving amendment of the Fare Structure excluding the Corporate Pass program.

Ms. Ellerbe made a motion to approve amending the Fare Structure excluding the Corporate Pass program.

Mr. Danish seconded the motion.

Chair Chrisman verified, again, that the members of the Board understood the nature of the vote and received no objection to proceeding.

The Board voted in favor by majority (8/5) to approve Ms. Ellerbe's motion, seconded by Mr. Danish, to approve amending the Fare Structure excluding the Corporate Pass program. (Mr. Whitaker, Mr. Christian, Ms. Wilkins, Ms. Dunlop Gates, and Mr. Williams opposed the item.)

The approval of both motions eliminated the need for the item to remain separated and created the following Resolution:

Resolution No. 090067 adopts the amended Fare Structure, as shown in Exhibit 1 to this Resolution, as effective on September 14, 2009.

9. Call for Public Hearing to Amend Free Fares and Fares for Special Programs, Except for the Corporate Program

Mr. Carlson made a motion to approve Resolution No. 090068 that approves calls for a public hearing on June 23, 2009, at 6:30 p.m., in the DART Board Room, to receive comments on potential changes to the Free Fares and Special Programs categories of the Fare Structure.

Mr. Williams seconded the motion and it was approved by majority. (10/3; Mr. Christian, Ms. Wilkins, and Ms. Dunlop Gates voted against the Item).

10. **Adoption of Fiscal Year 2010 Board Goals**

Ms. Dunlop Gates made a motion to approve Resolution No. 090069 that adopts the goals listed on Exhibit 1 of this Resolution for Fiscal Year 2010.

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

Other Items:

11. **Public Comments**

Chair Chrisman reminded those individuals waiting to address the Board that the same guidelines, described earlier during Item 2., **Public Comments**, remained in effect.

Ms. Emily Stock-Dain, 12121 Coit Road, #324, Dallas, Texas, 75251, (972) 663-1800, x1912: Ms. Stock thanked the members of the Board who had voted against approving the amendment of Fare Structure (Item 8., **Review of Proposed Changes to Fare Structure and Approval to Amend Fare Structure**). Ms. Stock said the approval of the actual fare increase had not been properly publicized and the general public was unaware that the actual increase was to be formally approved at this particular meeting.

Ms. Billie Johnson, P. O. Box 74622, 7621 McCollum, Dallas, Texas, 75252, (972) 922-0814: Ms. Johnson stated that she wished to arrange a meeting with Mr. Gene Gamez, Sr. Assistant General Counsel, and Mr. Frank Jennings, Vice President of Transportation, concerning information that she has requested but had not yet obtained relative to pending litigation.

Chair Chrisman consulted with General Counsel and responded that the information Ms. Johnson wanted was available and that the agency would be in contact with her.

Ms. Sherlyn Mbakwe, 2225 Swansee, Dallas, Texas, 75233, (214) 333-8297: Ms. Mbakwe stated that she wished to update the Board concerning Customer Service employees who had been terminated under objectionable circumstances and who had still not returned to work. Ms. Mbakwe distributed a document to the Board (on file with the Office of Board Support) and provided additional details concerning the sequence of events that had resulted in the Customer Service Representatives being terminated.

Mr. Larry Knott, 4206 Swiss Avenue, Dallas, Texas, (214) 878-1641: Mr. Knott identified himself as the Executive Vice President of Labor Local #1338. Mr. Knott stated he, too, wished to update the Board concerning the six Customer

Service Representatives who had been terminated. Mr. Knott referenced an email, written to Ms. Sue Bauman, Vice President of Marketing and Communications, on May 6th that explained specific actions that applied to and had a detrimental effect upon the original grievance filed by the Customer Service Representatives, which lead to their (respective) terminations.

Dr. Terry Prohaska, PhD., 2601 Frankford Road, #261, Dallas, Texas, 75287, (972) 992-0351: Dr. Prohaska said that he had serious concerns about the Service Modifications, as just approved by the Board. Dr. Prohaska continued that there is only one bus (400) available on Sunday in the Carrollton/Farmers Branch area and the 400 actually only transported passengers from Carrollton to Irving and did not make local stops. Mr. Prohaska advised that after the Service Modifications took effect, only one bus (331) will serve the Carrollton area on Saturday because the Service Modification included deleting the 333 route. Dr. Prohaska said route 333 would be necessary to provide adequate feeder service to the soon to open light rail service.

Chair Chrisman thanked all the Public Speakers for providing the Board with their feedback and congratulated Mr. Strauss, Chair of the Budget and Finance Committee, the members of the Budget and Finance Committee, and all the other members of the Board for tempering the economically necessary fare structure with compassion.

12. Identification of Future Agenda Items

There were no future agenda items identified for this Committee.

13. Adjournment

There being no further business to discuss, the meeting was adjourned at 6:54 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item
* Briefing Item