

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
May 13, 2008**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, May 13, 2008, at 6:31 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

**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

**Mr. Enoch was absent.**

General Items:

**1. Approval of Minutes:            April 22, 2008**

**Mr. Noah made a motion to approve the amended April 22, 2008, Committee-of-the-Whole Meeting minutes.**

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

**2. DART Police Week Proclamation**

Mr. Victor Burke, Executive Vice President of Operations, presented representatives of the DART Police with a formal Proclamation recognizing May 11<sup>th</sup> through May 17<sup>th</sup>, 2008, as Police Week. Mr. Burke continued that the purpose of the Proclamation was to honor the men and women, in and out of uniform, who serve the DART Police Department.

Sergeant Don Hyder accepted the Proclamation, with thanks, on behalf of Chief Spiller, the DART Police Department, and all the member cities that the DART Police Department serves.

**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).

The following individuals addressed the Board:

Ms. Jeraldine McDaniel: Ms. McDaniel stated that she was concerned about rumored changes DART planned on making to Route 405. Ms. McDaniel said she had heard that DART planned on making the 405 a “feeder bus” to serve the Green Line and she objected to any plans along those lines. Ms. McDaniel also expressed dissatisfaction with construction in West Dallas that makes accessing the 405 bus challenging for anyone with mobility issues.

Consent Items:

**Mr. Christian made a motion to approve Consent Items 4 – 15.**

**4. Contract for General Engineering Consultant-III (GEC-III) Services for Light Rail Transit (LRT) Buildout Phase IIB and Fiscal Year 2008 (FY08) Annual Work Program (AWP)**

Approval of Resolution No. 080056 that authorizes the President/Executive Director or his designee to:

**Section 1:** Award a contract, subject to legal review, for general engineering consultant-III services for Buildout Phase IIB to The Joint Venture of Lockwood, Andrews & Newnam, Inc., Chiang, Patel & Yerby, Inc., AGUIRRE Corporation, APM and Associates, Inc., and URS Corporation (TRACK 3).

**Section 2:** Approve the Fiscal Year 2008 (FY08) Annual Work Program for general engineering consultant-III services with The Joint Venture of Lockwood, Andrews & Newnam, Inc., Chiang, Patel & Yerby, Inc., AGUIRRE Corporation, APM and Associates, Inc., and URS Corporation (TRACK 3) in the amount of \$3,927,529, plus a supplemental work contingency of \$180,666 (4.6%) for unanticipated expenses, for a total authorized amount not to exceed \$4,108,195.

**5. Contract Modification for Construction Manager/General Contractor-III (CM/GC-III) Construction Services – Line Section Northwest-3 (NW-3) Box Culvert Loading Changes**

Approval of Resolution No. 080057 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-3 (NW-3) box culvert loading changes with Archer Western-Herzog (AW-H), a Joint Venture, in a not-to-exceed amount of \$137,296. This modification will be funded from existing contingency; therefore, the total authorized amount not to exceed \$497,563,978 remains unchanged.

**6. Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Installation of Closed-Circuit TV (CCTV) Conduit at Stations Along Northwest and Southeast Corridor Line Sections Northwest-1B (NW-1B), Southeast-1 (SE-1), and Southeast-2 (SE-2)**

Approval of Resolution No. 080058 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review and approval of the FY 2008 Twenty-Year Financial Plan or amendment to the FY 2007 Twenty-Year Financial Plan, for Construction

Manager/General Contractor-I (CM/GC-I) construction services for the installation of closed-circuit TV (CCTV) conduit at stations along Northwest and Southeast Corridor Line Sections Northwest-1B (NW-1B), Southeast-1 (SE-1), and Southeast-2 (SE-2) with Archer-Western-Brunson-Carcon (AWBC), A Joint Venture [C-1007571-01], in an amount of \$591,005, for a new total authorized amount not to exceed \$428,710,764.

7. **Contract Modification for Construction Manager/General Contractor-III (CM/GC-III) Construction Services - Installation of Closed-Circuit TV (CCTV) Conduit at Stations Along Northwest Corridor Line Sections Northwest-2 (NW-2), Northwest-3 (NW-3), and Northwest-4 (NW-4)**

Approval of Resolution No. 080059 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review and approval of the FY 2008 Twenty-Year Financial Plan or amendment to the FY 2007 Twenty-Year Financial Plan, for Construction Manager/General Contractor-III (CM/GC-III) construction services for the installation of closed-circuit TV (CCTV) conduit at stations along Northwest Corridor Line Sections Northwest-2 (NW-2), Northwest-3 (NW-3), and Northwest-4 (NW-4) with Archer Western-Herzog (AW-H), a Joint Venture, in an amount not to exceed \$450,000, for a new total authorized amount not to exceed \$498,013,978.

8. **Agreement between DART and Dallas Market Center Operating, L.P. for Construction of a Pedestrian Bridge Facility at the Market Center LRT Station on the Northwest Corridor Line Section Northwest-1B (NW1-B)**

Approval of Resolution No. 080060 that authorizes the President/Executive Director or his designee to execute an agreement, substantially in the form attached to the resolution as Exhibit 1 and subject to legal review, with Dallas Market Center Operating, L.P., for construction of a pedestrian bridge facility at the Market Center LRT Station on the Northwest Corridor Line Section Northwest-1B (NW1-B).

9. **Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Market Center Pedestrian Bridge Facility**

Approval of Resolution No. 080061 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review and approval of agreement with Dallas Market Center, for Construction Manager/General Contractor-I (CM/GC-I) construction services for the Market Center pedestrian bridge facility with Archer-Western-Brunson-Carcon (AWBC), a Joint Venture [C-1007571-01], in an amount of \$539,582 for a new total authorized amount not to exceed \$429,250,346.

**10. Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Line Section Southeast-2 (SE-2) Retaining Wall Adjustment**

Approval Resolution No. 080062 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 Line Section Southeast-2 (SE-2) retaining wall adjustment with Archer-Western-Brunson-Carcon (AWBC), A Joint Venture [C-1007571-01], in an amount not to exceed \$263,400. This amount will be funded from existing contingency; therefore, the total authorized amount not to exceed of \$429,250,346 will remain unchanged.

**11. Multiple Use Agreement between DART and Texas Department of Transportation (TxDOT) for Use of Highway Right-of-Way at US 75 and Bryan Street as part of the Southeast Corridor Line Section Southeast-1 (SE-1)**

Approval of Resolution No. 080063 that authorizes the President/Executive Director or his designee to execute a Multiple Use Agreement, substantially in the form required by TxDOT and attached to the resolution as Exhibit 1, with TxDOT for use of highway right-of-way at US 75 and Bryan Street, which is part of the Southeast Corridor Line Section SE-1.

**12. Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel SE2-65(E) for the Southeast Corridor Line Section Southeast-2 (SE-2)**

Approval of Resolution No. 080064 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 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 parcel required for the Southeast Corridor shall be the value of the property as determined by DART's appraisal.

**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 parcel in accordance with DART's Real Estate Policy.

**13. Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels NW4-20 and 20(E) for the Northwest Corridor Line Section Northwest-4 (NW-4) and Authorize Eminent Domain Proceedings if Necessary**

Approval of Resolution No. 080065 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 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 parcels required for the Northwest 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 Northwest 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 Carrollton.

**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.

**14. Contract Modification for the Deep Ellum Gateway Art Project to Incorporate an Assignment and Assumption Agreement**

Approval of Resolution No. 080066 that authorizes the President/Executive Director or his designee to execute a contract modification for the Deep Ellum Gateway Art Project with Reel FX, Inc., to incorporate an Assignment and Assumption Agreement for the contract with Brad Oldham, Inc.

**15. Interlocal Agreement with Texas Department of Transportation (TxDOT) on License Agreement for Sharing Intelligent Transportation Systems (ITS) Data**

Approval of Resolution No. 080067 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 and substantially in the form attached to this resolution as Attachment 1, to obtain Dallas District's DalTrans Intelligent Transportation Systems (ITS) information by allowing DART to become a client on the DalTrans Software and to provide office staff to operate the HOV System in the DalTrans Transportation Management Center (TMC).

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

Individual Items:

**16. Support for the DFW Regional Rail Coalition Business Plan Study of the Rail Corridor from Irving through Carrollton to Frisco and Approval of Funding**

Mr. Carlson made a motion to approve Resolution No. 080068 that states:

**Section 1:** The Dallas Area Rapid Transit Board of Directors supports the development of the DFW Regional Rail Coalition Business Plan Study of the rail corridor from Irving through Carrollton to Frisco.

**Section 2:** The President/Executive Director or his designee is authorized to expend funds in support of the development of the DFW Regional Rail Coalition Business Plan Study for rail corridor from Irving through Carrollton to Frisco in an amount not to exceed \$35,00.

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

**17. \*Rail North Texas Update**

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

Other Items:

**18. Officer Reports**

There was no report.

**19. Chair Report**

Chair Chrisman welcomed Mr. Angel Reyes, newly appointed by the City of Dallas to serve as a member of the DART Board of Directors.

Chair Chrisman also said that DART was playing host to a large group from National Transit Institute (NTI), which is affiliated with the FTA. The purpose of the meeting is for NTI to learn more about the DART system and for DART to learn more about NTI.

**20. General Counsel's Report**

There was no report.

**21. President/Executive Director's Report**

Mr. Thomas stated that the rail procurement was issued today for both Irving and Rowlett.

Mr. Thomas added that several Board members had expressed an interest in the drill shaft load tests relating to the Belt Line Grade Separation project in Irving (refer to Project Management Committee meetings of 03-25-2008 and 04-22-2008). He continued that the load tests would be conducted on Friday, May 16<sup>th</sup>,

and anyone who wished to attend could contact Mr. Tim McKay, Senior Vice President of Project Management, for additional information.

Mr. Thomas also touched briefly on the NTI training seminar and said the participants, who are from all over the country, had provided many positive comments about DART.

Mr. Thomas added that Partners in Mobility would meet May 27-28 in Austin, Texas and the Greater Dallas Planning Council plans on hosting a Public Private Partnership discussion panel on June 19. He finished by saying that DART will play host to a FTA Construction Round-Table and FTA Public Private Partnership Summit in the fall.

**22. Communications and Public Comments**

There were no additional Communications and Public Comments.

**23. Adjournment**

There being no further business to discuss, the meeting was adjourned at 6:46 p.m.

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Gail L. Cook  
Board/Committee Secretary

/glc

+ Same Night Item

\* Briefing Item