

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
October 13, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, October 13, 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

Tracey Whitaker was absent.

General Items:

1. **Approval of Minutes:** September 22, 2009

Mr. Enoch made a motion to approve the September 22, 2009, Board of Directors' Meeting Minutes with no corrections, deletions, or additions.

Mr. Danish 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:

1. Ms. Mischele Brown, 3800 Commerce, Dallas, Texas, (214) 821-4888: Ms. Brown identified herself as the Property Manager for the Mitchell Lofts located in Dallas, Texas. Ms. Brown stated that residents were concerned with the amount of noise being generated by the newly opened section of the Green Line. She went on to say that because the light rail service begins at 4:45 a.m. and ends at 12:45 a.m. the noise is disrupting the quality of life of the residents.
2. Mr. Ted Kerr, Jr., 5332 Corinthian Bay Drive, Plano, Texas, (469) 466-4100: Mr. Kerr appeared and stated he wished to address the Board on the same topic as the previous speaker, Ms. Brown.
3. Ms. Shirley Gilpin, 3811 William DeHars, #901, Irving, Texas, (214) 603-2300: Ms. Gilpin said that she had "a problem" with a DART bus driver (note: *the driver's name could not be understood*) who refused to allow Ms. Gilpin to board a DART bus. Ms. Gilpin went on to say that she and this particular driver have a history and the recent service changes had placed she and the driver on the same route/timetable. Ms. Gilpin explained that prior orders from law enforcement that forbade Ms. Gilpin from inhabiting the same space as the driver had expired and there was no legal reason why she should be prevented from riding the bus that best suited her schedule.
4. Mr. Randall Kindall, 1232 Asperman, Dallas, Texas, (214) 376-3369: Mr. Kindall stated that he was very concerned about the lack of security on the Blue Line from Morrell Station to the end of the line. He said that he is a frequent passenger of the Blue Line and the Morrell Station attracts a large number of young people who routinely upset other passengers and attempt to destroy DART owned property.

Consent Items:

Chair Chrisman reminded the Board that Item 5., Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels 37A, 37B, 37D, and 37E Located in the City of Irving for the Line Section Irving-2 (I-2), had been removed from the Consent Agenda during Committee-of-the-Whole and would be considered with the other Individual Items.

Mr. Enoch made a motion to approve Consent Items 3., 4., 6, and 7.

3. Authorize the Acquisition of Parcels IR-1 and IR-2 within the City of Irving

Approval of Resolution No. 090134 that authorizes and directs the President/Executive Director or his designee to purchase the properties described in Exhibit 1 to this resolution for the values and deal points stated in the confidential packet in accordance with DART's Real Estate Policy, and to execute all necessary legal instruments and to pay necessary expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property.

4. Authorize the Acquisition of Parcels M-1 and M-2 within the City of Carrollton

Approval of Resolution No. 090135 that authorizes and directs the President/Executive Director or his designee to:

Section 1: Negotiate the purchase of the property known as Parcel M-1 for the value in the confidential packet described in Exhibit 1 to this resolution in accordance with DART's Real Estate Policy, and to execute all necessary legal instruments and to pay title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property.

Section 2: Negotiate the purchase of the property known as Parcel M-2 for the value in the confidential packet described in Exhibit 2 to this resolution in accordance with DART's Real Estate Policy, and 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.

6. **Authorization to Accept Conveyance of Real Property in Lieu of Closing Existing At-Grade Road Crossings**

Approval of Resolution No. 090136 that authorizes and directs the President/Executive Director or his designee to accept on behalf of DART the conveyance of a 2.177-acre parcel of land in the Town of Fairview, as delineated on Attachment 1.

7. **Grant to ONCOR an Aerial Easement and Right-of-Way for Overhead Electrical Transmission and Communication Lines**

Approval of Resolution 090137 that authorizes the President/Executive Director or his designee to execute a permanent aerial easement and right-of-way on and over the property described in Exhibit 1 to ONCOR for overhead electrical transmission and communication lines at fair market value.

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

Individual Items:

5. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels 37A, 37B, 37D, and 37E Located in the City of Irving for the Line Section Irving-2 (I-2)**

Ms. Wilkins stated that the Rail Program Development Committee had approved this item unanimously. Ms. Wilkins explained that suggestions for clarifying the terms and conditions of the ILA (Inter-Local Agreement) with Irving had been made by the Committee-of-the-Whole, but she remained willing to support the actual item currently before the Board.

Ms. Wilkins made a motion to approve Resolution No. 090136 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 Irving 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 Irving Corridor shall be the value of the property as determined by appraisals prepared by independent

Real Estate appraisers and reviewed by DART's Chief appraiser.

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.

Mr. Enoch seconded the motion and it was approved by majority. (11/3; Mr. Strauss, Mr. Williams, and Ms. Gates abstained from the vote.)

8. Election of DART Board Officers

Chair Chrisman stated the Board would proceed with electing new DART Board Officers for the positions of Chair, Vice Chair, Secretary, and Assistant Secretary.

Chair Chrisman continued that the Board By-Laws require that Board Officers be elected at the annual meeting of the Board, which is the first regular meeting in the month of October. He said that the Board would shortly elect a Board Chair, a Board Vice Chair, Secretary, and Assistant Secretary and explained that the specific procedure for electing officers is established in Rule 1 (on file with the Office of Board Support) of the DART Board Rules of Procedure. He confirmed that each of the Board members had been provided a copy of that Rule and then proceeded to read the Rule aloud in its entirety (on file with the Office of Board Support).

Mr. Noah moved to suspend the requirement that voting be conducted using the electronic voting system, and that paper ballots be used for this year's election of Board Officers.

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

Chair Chrisman stated that the motion had passed, the rule was suspended, and paper ballots would be used.

Chair Chrisman reviewed the procedure for nominating an individual for each position and also explained how the paper ballots should be completed.

Chair Chrisman then reviewed exactly how the ballots would be collected and tabulated. He then reviewed the voting requirements and the way in which the balloting would proceed.

Chair Chrisman asked if there were any questions. No reply was heard.

Chair Chrisman stated that the floor was open for nominations for the position of Board Chair.

Mr. Carlson nominated Mr. Velasco for the position of Chairman of the DART Board of Directors'.

Mr. Strauss nominated Mr. Tsao for the position of Chairman of the DART Board of Directors'.

Chair Chrisman asked if there were any other nominations for the position of Chair of the Board? No additional nominations were heard.

Chair Chrisman instructed the members of the Board to complete their ballots and await Mr. Hyattye Simmons, DART General Counsel, or Ms. Nancy Johnson, Director of the Office of Board Support, to collect them.

Mr. Simmons and Ms. Johnson collected and tabulated the votes.

Chair Chrisman stated that Mr. Velasco had been elected as the Chairman of the DART Board of Directors'.

Chair Chrisman explained that the Board members were being provided another ballot to consider the position of Vice-Chair and the same procedure would apply.

Chair Chrisman stated that the floor was open for nominations for the position of Board Vice-Chair.

Mr. Noah nominated Mr. Danish for the position of Vice-Chair of the DART Board of Directors'.

Chair Chrisman asked if there were any other nominations?

Mr. Tsao nominated Ms. Wilkins for the position of Vice-Chair of the DART Board of Directors'.

Chair Chrisman asked if there were any additional nominations and no additional nominees were forthcoming.

Chair Chrisman reminded the Board that the same procedure to collect individual ballots would be repeated.

Chair Chrisman announced that Mr. Danish had been elected as Vice-Chair of the DART Board of Directors'.

Chair Chrisman stated that the election would continue to decide who would occupy the position of Secretary and opened the floor for nominations. Chair Chrisman instructed the Board to

Mr. Williams nominated Mr. Strauss for the position of Secretary of the DART Board of Directors.

Chair Chrisman nominated Mr. Carlson for the position of Secretary of the DART Board of Directors.

Chair Chrisman asked if there were any other nominees for the position of Secretary. No response was heard.

Chair Chrisman instructed the Board to vote. The first ballot resulted in a tie and, according to the Board's Bylaws, Chair Chrisman asked for additional nominees or if either of the two candidates wished to withdraw. No reply followed.

A second ballot was distributed and, upon compilation, the second ballot also produced a tie.

A third ballot was distributed. Chair Chrisman asked, again, if there were any new nominees for Secretary or if either Mr. Strauss or Mr. Carlson wished to withdraw. No reply was received.

The third ballot was completed and tabulated.

Chair Chrisman announced that Mr. Carlson had been elected Secretary of the DART Board of Directors'.

Mark Enoch left the meeting at 7:13 p.m.

Chair Chrisman stated he was ready to entertain nominations for the position of Board Assistant Secretary.

Mr. Danish nominated Ms. Ellerbe for the position of Board Assistant Secretary.

Chair Chrisman asked for other nominations and heard none.

Ms. Dunlop Gates moved to close nominations, nominate, and elect Ms. Ellerbe by acclamation.

Mr. Danish seconded the motion to close, nominate, and elect Ms. Ellerbe by acclamation and the motion passed unanimously.

Chair Chrisman asked for all those in favor of electing Ms. Ellerbe as Assistant Secretary of the DART Board of Directors' by acclamation to vote by saying "aye". The Board voted unanimously in favor of Ms. Ellerbe assuming the position of Assistant Secretary.

Chair Chrisman thanked all present for their patience during the Election of Officers. He followed by saying he had thoroughly enjoyed serving as Chair of the DART Board and could not easily express how grateful he was to work with the other members of the Board and DART Staff.

Policy Items:

9. Approval of Amendments to DART Board Bylaws and DART Rules of Procedure

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

Other Items:

10. Public Comments

There were no subsequent Public Comments.

11. Identification of Future Agenda Items

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

12. Adjournment

There being no further business to discuss, the meeting was adjourned at 7:13 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item

* Briefing Item