

MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
April 14, 2009

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, April 14, 2009, at 6:30 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 William Velasco were absent.

General Items:

1. **Approval of Minutes:** March 24, 2009

Mr. Danish made a motion to approve the March 24, 2009, Board of Directors' Meeting minutes with no corrections, deletions, or additions.

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

2. **Public Hearing: Lease of Mineral Interest in the TRE Madill Corridor**

Chair Chrisman established himself as the Hearing Officer and reviewed the guidelines that would govern the Public Hearing (on file in the Office of Board Support). Chair Chrisman stated that DART did not receive a request for hearing impaired services and, as a result, a sign-language interpreter was not available. Chair Chrisman continued that Spanish translation services were available; the translator repeated this announcement in Spanish. There was no reply in reaction to these announcements.

Chair Chrisman that the Public Hearing would be divided into two parts: the first part would consist of a brief overview regarding the Mineral Lease provided by DART Technical Staff and the Public Hearing would follow the presentation. Chair Chrisman continued, reviewing the specific guidelines (as established in a DART Board Resolution) that would apply to the Public Hearing.

Chair Chrisman introduced Mr. Wayne Friesner, Vice President of Commuter Rail, who made the technical presentation.

Mr. Friesner reviewed the sequence of events that had produced the proposed mineral lease and details concerning the terms of proposed lease into the record (on file with the Office of Board Support).

Mr. Friesner concluded the technical presentation.

Chair Chrisman announced that the Public Hearing was being recorded by a court reporter and, as a result, all comments received would be recorded as a matter of Public Record.

Chair Chrisman stated that it was 6:34 p.m. on Tuesday, April 14, 2009, and the Public Hearing was being held pursuant to the requirements of Section 71.004 of the Texas Natural Resources Code and the Public Hearing was formally open to receive comments.

Chair Chrisman stated that, to date, DART had received no written comments on the above issue. He added that any written comments received by the end of the Public Hearing would be added to the total.

Chair Chrisman stated that he did not have any requests to address the Board on this particular matter and asked if any person present wished to speak. One person in the audience, who had not completed a 'Request to Address the Board' card, indicated that he wished to speak on the matter; Chair Chrisman allowed the person to do so (refer to the Public Record produced by the Court Reporter on file with the Office of Board Support).

Chair Chrisman asked if there were any other individuals who wished to speak, or submit a written comment, regarding the Lease of Mineral Interest in the TRE Madill Corridor. Chair Chrisman received no reply to his inquiry.

Chair Chrisman advised all present that any comments made after the Public Hearing would not be a part of the Record of the proceedings and closed the Hearing at 6:37 p.m.

3. Public Hearing: Amendment of Fare Structure

Chair Chrisman stated that the next Public Hearing concerned Amendment to Fare Structure. He established himself as the Hearing Officer and reviewed the guidelines that would govern the Public Hearing (on file in the Office of Board Support). Chair Chrisman stated that DART did not receive a request for hearing impaired services and, as a result, a sign-language interpreter was not available. Chair Chrisman continued that Spanish translation services were available; the translator repeated this announcement in Spanish. There was no reply in reaction to these announcements.

Chair Chrisman stated that the Public Hearing would be divided into two parts: the first part would consist of a brief overview regarding the Amendment of Fare Structure by DART Technical Staff and the Public Hearing would follow the presentation. Chair Chrisman continued, reviewing the specific guidelines (as established in a DART Board Resolution) that would apply to the Public Hearing.

Chair Chrisman introduced Mr. Nate Hallett, Treasurer of DART Finance, who made the technical presentation.

Mr. Hallett reviewed the nature and scope of the Amendment to Fare Structure (on file with the Office of Board Support) and concluded his presentation.

Chair Chrisman announced that the Public Hearing was being recorded by a court reporter and, as a result, all comments received would be recorded as a matter of Public Record.

Chair Chrisman stated that it was 6:45 p.m. on Tuesday, April 14, 2009, and, according to the requirements set forth in DART's enabling legislation, the Public Hearing on September 2009 Fare Change Proposal was open to receive comments.

Chair Chrisman stated that, to date, DART had received 198 written comments on the stated issue. He added that any written comments received by the end of the Public Hearing would be added to the total.

Chair Chrisman stated that the Board would begin to receive comments at this point and reminded the individuals waiting to speak about the applicable time limits and rules.

A total of 28 'Request to Address the Board' cards were received and a total of 30 individuals spoke (refer to the Public Record produced by the Court Reporter on file with the Office of Board Support).

Mr. Noah excused himself at 6:56 p.m.

Mr. Reyes exited the meeting at 7:15 p.m.

Chair Chrisman asked if there were any other individuals who wished to speak, or submit a written comment, regarding the Amendment of Fare Structure. At this last appeal, Chair Chrisman received no reply.

Chair Chrisman advised all present that any comments made after the Public Hearing would not be a part of the Record of the proceedings and closed the Hearing at 8:05 p.m.

4. Public Hearing: September 2009 Service Changes

Chair Chrisman stated that the next Public Hearing concerned September 2009 Service Changes and also established himself as the Hearing Officer. Chair Chrisman reviewed the guidelines that would govern the Public Hearing (on file in the Office of Board Support) and went on to say that DART did not receive a request for hearing impaired services and, as a result, a sign-language interpreter was not available. Chair Chrisman continued that Spanish translation services were available; the translator repeated this announcement in Spanish. There was no reply in reaction to these announcements.

Chair Chrisman stated that the Public Hearing would be divided into two parts: the first part would consist of a brief overview regarding the Amendment of Fare Structure by DART Technical Staff and the Public Hearing would follow the presentation. Chair Chrisman continued, reviewing the specific guidelines (as established in a DART Board Resolution) that would apply to the Public Hearing.

Chair Chrisman introduced Mr. Robert Smith, Assistant Vice President of Service Planning and Development, who executed the technical presentation.

Mr. Smith reviewed the details of the September 2009 Service Changes (on file with the Office of Board Support) and concluded his presentation.

Chair Chrisman announced that the Public Hearing was being recorded by a court reporter and, as a result, all comments received would be recorded as a matter of Public Record.

Chair Chrisman stated that it was 8:10 p.m. on Tuesday, April 14, 2009, and, according to the requirements set forth in DART's enabling legislation, the Public Hearing on September 2009 Service Change Proposals was open to receive comments.

Chair Chrisman stated that, to date, DART had received 128 written comments on the stated issue. He added that any written comments received by the end of the Public Hearing would be added to the total.

Chair Chrisman stated that the Board would begin receiving comments and reminded the individuals waiting to speak about the applicable time limits and rules.

A total of 15 'Request to Address the Board' cards were received and a total 20 of the pre-registered speakers addressed the Board (refer to the Public Record produced by the Court Reporter on file with the Office of Board Support).

Chair Chrisman asked if there were any other individuals who wished to speak regarding the September 2009 Service Changes and seven individuals in attendance, who had not completed a 'Request to Address the Board' card, indicated that they did, in fact, have comments pertaining to the Service Changes. Chair Chrisman allowed the individuals to speak (refer to the Public Record produced by the Court Reporter on file with the Office of Board Support).

Chair Chrisman, again, asked if anyone present wished to speak, or submit written comments, on this issue and no one replied at this juncture.

Chair Chrisman advised all present that any comments made after the Public Hearing would not be a part of the Record of the proceedings and closed the Hearing at 8:55 p.m.

Chair Chrisman thanked the individuals who had attended and participated in the three Public Hearings.

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 addressed the Board:

Mr. Derrick Mitchem, P. O. Box 151548, Dallas, Texas, 75315, (214) 421-4100: Mr. Mitchem stated that he only wished to confirm that the members of the Board were in receipt of a letter and its companion documents (copies on file with the Office of Board Support) and stated that his issue could be discussed with Mr. Gary Thomas, President/Executive Director, outside of the formal meeting.

Mr. Leslie Allen Davis, 3035 East Ledbetter, #408, Dallas, Texas, 75216, (972) 333-2480: Mr. Davis related his general dissatisfaction with the management of the agency (as a whole) and especially in light of the current economic challenges facing the nation.

Mr. Dave Brady, P. O. Box 472291, Garland, Texas, (214) 773-4587: Mr. Brady suggested that members of the Board, and staff, review updated employment/demographic trends available from the Brookings Institute web site. Mr. Brady continued that he believed the information would benefit the agency's planning process.

Ms. Sheryln Mbakwe, 2225 Swansee, Dallas, Texas, 75232, (214) 333-8291: Ms. Mbakwe identified herself as having been employed by DART for 17 years. Ms. Mbakwe distributed documents to the Board (on file with the Office of Board Support) associated with the dismissal of seven Customer Service Representatives from the Customer Service Department. Ms. Mbakwe went on to explain the significance of each of the documents as they relate to the termination of these seven individuals.

Mr. Mearion Harris, Dallas, Texas, (214) 941-8391: Mr. Harris stated that he continued to question the executive leadership of DART and submitted a document to the members of the Board (on file with the Office of Board Support) relating to what Mr. Harris sees as inappropriate use of tax payer dollars involving the 2004 Bryon Nelson Golf Tournament.

Mr. Larry Knott, 4206 Swiss, Dallas, Texas, (214) 868-1641: Mr. Knott identified himself as the Executive Vice President of Amalgamated Transit Union, Local 1338, and long-term DART employee. Mr. Knott expanded on Ms. Mbakwe's earlier comments relating to the discharge of seven individuals from the Customer Service department. Mr. Knott appealed to Chair Chrisman and to DART Board's sense of justice and asked for the matter to be investigated and reinstate the affected employees.

Mr. Danish asked permission to ask Mr. Knott a question. Chair Chrisman replied that Mr. Danish was aware the Board was not to interact with the speakers and assured Mr. Danish that the Board would look into the referenced matter. Mr. Danish stated he did not wish to interact with Mr. Knott, per se; he only sought to clarify Mr. Knott's testimony. Chair Chrisman cautioned Mr. Danish to proceed with great care.

Mr. Danish asked if Mr. Knott was testifying that the process of filing a grievance allowed other people (such as a Union Steward) to sign documents on behalf of the grievant. Mr. Knott replied that Mr. Danish was correct, the employee or the (Union) representative could sign the grievance form and referred Mr. Danish to review the "personnel policy under 8.8". Mr. Danish thanked Mr. Knott and rested.

Chair Chrisman stated that he had no more pre-registered speakers. Mr. Mitchem, the first speaker during the Public Comments, objected, stating that he was not confident that the Board was in possession of all the documents he had prepared for their (respective) review. The Board and Mr. Thomas, President/Executive Director, satisfied Mr. Mitchem concern by physically showing him that they were, in fact, in receipt of the materials.

Consent Items:

Mr. Carlson made a motion to approve Consent Items 6. & 7.

6. Financial Standards for FY 2010 Budget and Twenty-Year Financial Plan Process

Approval of Resolution No. 090052 that states the Financial Standards for the FY 2010 Budget and Twenty-Year Financial Plan process as shown in Exhibit 1 to this Resolution are approved.

7. Contract for Construction of Parking Expansion at the Glenn Heights Park and Ride

Approval of Resolution No. 090053 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, for the construction of parking expansion at the Glenn Heights Park and Ride to Phillips/May, Inc., in the amount of \$911,333, plus a supplemental work contingency of 91,133 (10%) for unanticipated expenses, for a total authorized amount not to exceed \$1,002,466.

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

A female who, initially, did not identify herself stood and stated that she wished to address the Board. Chair Chrisman recognized her and replied that she would be given an opportunity to speak at after the Board's remaining business had been addressed.

Individual Items:

8. +Leasing of Mineral Interests in Trinity Railway Express (TRE) Madill Corridor

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

9. ***Review of Board Strategic Priorities and FY 2010 Board Goals**

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

Other Items:

10. **Public Comments**

Chair Chrisman recognized the unidentified female and said it was now appropriate for her to address the Board.

Ms. Latonia Odom, 6319 Delbert Drive*, Dallas, Texas, 75207: Ms. Odom identified herself as previously employed by DART as a Customer Service Representative. She continued that she was one of the individuals who had been terminated, as previously discussed by Ms. Mbakwe and Mr. Knott. Ms. Odom stated that the sequence of events that occurred which resulted in her and five co-workers being dismissed were highly irregular and incomprehensible.

*Ms. Odom did not complete a 'Request to Address the Board' card. As a result, her correct street address is not verifiable.

11. **Identification of Future Agenda Items**

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

12. **Adjournment**

There being no further business to discuss, the meeting was adjourned at 9:26 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item

* Briefing Item