

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
November 17, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, November 17, 2009, at 6:33 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Velasco presiding.

**City of Dallas**

Scott Carlson - **Secretary**  
Jerry L. Christian  
Pamela Dunlop Gates  
Angel Reyes  
Robert Strauss  
William Tsao  
William M. Velasco - **Chair**  
Claude Williams

**City of Garland**

Tracey M. Whitaker

**City of Irving**

John C. Danish – **Vice-Chair**

**City of Plano**

Loretta Ellerbe - **Assistant Secretary**

**Cities of Addison, Highland Park, Richardson, and University Park**

Raymond Noah

**Cities of Carrollton and Irving**

Randall Chrisman

**Cities of Dallas, Plano, Glenn Heights, and Cockrell Hill**

Faye Moses Wilkins

**Cities of Farmers Branch, Garland, and Rowlett**

Mark C. Enoch

Scott Carlson and Loretta Ellerbe were absent.

General Items:

1. **Approval of Minutes:** November 10, 2009

**Mr. Noah made a motion to approve the Minutes from the November 10, 2009, Board of Directors' Meeting with no corrections, deletions, or additions.**

**Ms. Dunlop Gates seconded the motion and it was approved unanimously.**

2. **Public Comments**

Chair Velasco 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. Jedediah Smalling, 4802 Gaston Avenue, Dallas, Texas, 75246, (214) 223-5779: Mr. Smalling expressed concern over the recent changes to bus route 519. Mr. Smalling stated that route 519 is the only route that travels down Garland Road where his employer is located. Mr. Smaller said he currently catches the 519 at Abrams/Gaston or Richmond/Gaston and travels to Peavy Road/Gaston. Mr. Smalling also mentioned a problem identifying the availability of shuttle buses.

Chair Velasco asked Mr. Smalling to speak to Mr. Rob Smith, Assistant Vice President of Service Planning and Assessment. Mr. Smalling complied with Chair Velasco's request.

Consent Items:

**Mr. Chrisman made a motion to approve Consent Items 3. - 7.**

3. **Initiation of Litigation to Recover Property Damage**

**Approval of Resolution No. 090157 that approves the recommendation of General Counsel to initiate litigation against Jorge Tavera and Refugio Tavera.**

4. **Approval of an Agreement with the North Central Texas Council of Governments (NCTCOG) for funding of an Enhanced Employer Trip Reduction (ETR) Program**

**Approval of Resolution No. 090158 that authorizes the President/Executive Director or his designee to execute an agreement with the North Central Texas**

Council of Governments (NCTCOG) for the funding of the ETR program in substantially the form shown in Exhibit 1 attached to this resolution.

5. **Contract for Medicare Advantage (HMO) Plan for Retiree Medical Benefits**

Approval of Resolution No. 090159 that authorizes the President/Executive Director or his designee to execute a one-year contract, subject to legal review, for a Medicare Advantage HMO Plan for Retiree Medical Benefits to Aetna in a total authorized amount not to exceed \$483,971 (\$346,119 DART cost and \$137,852 Retiree cost).

6. **Exercise Contract Option for Passenger Facility Vertical Lift Equipment Maintenance**

Approval of Resolution No. 090160 that authorizes the President/Executive Director or his designee to execute a contract option for passenger facility vertical lift equipment maintenance with Southwest Elevator Company, dba AVL Elevator Company [Contract No. C-1010981-01] to:

Section 1: Exercise the second, one-year option.

Section 2: Increase the not-to-exceed amount by \$370,175, for a new total authorized amount not to exceed \$1,389,925.

7. **Exercise Contract Option for Janitorial Services for DART Bus and Rail Transit Facilities**

Approval of Resolution No. 090161 that authorizes the President/Executive Director or his designee to execute a contract option for janitorial services for DART bus and rail transit facilities with Entrust One Facility Services, Inc., [Contract No. C-1009439-01] to:

Section 1: Exercise the fourth, one-year option.

Section 2: Increase the not-to-exceed amount by \$2,000,000, for a new total authorized amount not to exceed \$9,141,179.

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

Individual Items:

8. **Exercise a One-Year Contract Option for Operational Insurance Broker Services**

Ms. Dunlop Gates prefaced the item by explaining that the Item had been approved by the majority of the Administrative Committee and by the

majority of the Committee-of-the-Whole.

**Ms. Dunlop Gates made a motion to approve Resolution No. 0901612 that authorizes the President/Executive Director or his designee to exercise a one-year contract option for Operational Insurance Broker Services with McGriff, Seibels & Williams of Texas, Inc., (Contract No. 1011851-01) and to increase the not-to-exceed amount by \$68,000, for a new total authorized amount not to exceed \$272,000.**

**Mr. Reyes seconded the motion and it was approved by majority. (11/1; Mr. Williams voted against this item.)**

**9. Contract for Agency Advertising Services**

Ms. Dunlop Gates noted that the Item did not appear on the Consent Agenda because Ms. Ellerbe, fellow Board member and member of the Administrative Committee, abstained from the vote when the item was considered by the Administrative Committee. Ms. Dunlop Gates continued that the majority of the Administrative Committee had voted in favor of the Item as well as it receiving the approval of the Committee-of-the-Whole.

**With that said, Ms. Dunlop Gates made a motion to approve Resolution No. 090163 that authorizes the President/Executive Director or his designee to award a three-year contract for general advertising services to Concussion, LLP, for a total authorized amount not to exceed \$7,208,400.**

**Mr. Chrisman seconded the motion and it was approved by majority. (11/1; Mr. Williams voted against the item.)**

**10. \*Final Status Report for Fiscal Year 2009 Agency Goals**

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

Policy Items:

**11. Amendment of DART Board Policy No. III.10, Service Standards: Performance Measures**

**Mr. Tsao made a motion to approve Resolution No. 090164 which amends DART Board Policy No. III.10, Service Standards: Performance Measures is hereby amended to read as shown in Exhibit 1 to this resolution.**

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

Other Items:

**12. Public Comments**

There were no subsequent Public Comments.

**13. Identification of Future Agenda Items**

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

**14. Adjournment**

There being no further business to discuss, the meeting was adjourned at 6:39 p.m.

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Gail Cook  
Board/Committee Secretary

/glc

+ Same Night Item

\* Briefing Item