

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
January 22, 2008**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, January 22, 2008, at 6:33 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Shaw presiding.

City of Dallas

Scott Carlson
Jerry L. Christian
Pamela Dunlop Gates
Daniel C. Perez
Lynn Flint Shaw - **Chair**
Robert Strauss - **Secretary**
William Tsao
William M. Velasco

City of Garland

Angie Chen Button

City of Irving

John C. Danish – **Assistant Secretary**

City of Plano

Linda Paulk

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

Raymond Noah

Cities of Carrollton and Irving

Randall Chrisman – **Vice Chair**

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

Faye Moses Wilkins

Cities of Farmers Branch, Garland, and Rowlett

Mark C. Enoch

General Items:

1. **Pledge of Allegiance**

Presented.

2. **Prayer**

Presented.

3. **Approval of Minutes: January 8, 2008**

Mr. Carlson made a motion to approve the January 8, 2008, Board of Directors' Meeting minutes with no corrections, deletions, or additions.

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

4. **Committee Advisory Reports**

a. Citizen Advisory Committee (CAC)

Mr. Jim Abadie, immediate past Chair of the CAC, introduced the new CAC Chair, Mr. Claude Doane. Chair Shaw thanked Mr. Abadie for his excellent service to the community.

Mr. Doane provided an overview of the Committee Advisory Committee meeting of January 17, 2008. Mr. Doane introduced the other newly elected officers of the CAC: Mr. Robert Ganson, Vice-Chair, and Mr. David Brady, Secretary.

b. Paratransit Accessibility Advisory Group (PAAG)

Ms. Toya Thompson provided the Board with a synopsis of the last PAAG meeting that had taken place on Friday, January 18th. Ms. Thompson said that the PAAG group had discussed a variety of topics, including membership, participation, and PEAC (Paratransit Education and Advisory Committee). Ms. Thompson said several DART staff members had been in attendance and provided relevant and useful information.

Chair Shaw thanked Ms. Thompson and the group that she represents for their service to the community.

5. **PAAG Most Valuable Driver Award**

Mr. Victor Burke introduced Mr. Curtis Smith as winner of PAAG's Most Valuable Driver award for Winter, 2007. Mr. Burke said that Mr. Smith's exemplary performance had earned the award. Mr. Curtis expressed his appreciation and said that he enjoys his job.

Mr. Burke introduced Mr. Cuauhtémoc de Labra, PAAG's Most Valuable Driver Of The Year. Mr. Burke said that Mr. de Labra had earned the award by maintaining exceptional driving and attendance records. Mr. de Labra expressed his thanks and stated that he enjoys working for DART where the rule is "safety first".

6. **Public Comments**

Chair Shaw reviewed the Code of Conduct for Citizens, News Media, and Visitors at DART Board Meetings (on file in the Office of Board Support) that would govern the public comments portion of the meeting.

Mr. Mearin Harris, a member of the general public, stated that he wished to speak. Chair Shaw explained that because Mr. Harris had already addressed the Board within the previously described 30-Day timeframe, he would speak at the end of the meeting (Agenda Item No. 24., **Communications and Public Comments**) rather than at the beginning. Mr. Harris acceded.

Consent Items:

Mr. Enoch made a motion to approve Consent Items No. 7 – 13.

7. **Contract for Financial Advisory Services**

Approval of Resolution No. 080004 that authorizes the President/Executive Director or his designee to award, subject to legal review, a five-year contract for financial advisory services to Estrada Hinojosa & Company, Inc., for a total authorized amount not to exceed \$3,575,000.

8. **Authorization of a Unilateral Resolution of the Amalgamated Transit Union, Local 1338, 2007 General Grievance**

Approval of Resolution No. 080005 that authorizes the President/Executive Director or his designee, subject to legal review, to:

Section 1: Resolve the 2007 General Grievance filed by Amalgamated Transit Union (ATU), Local 1338, pursuant to DART's meet

and confer obligations with a unilateral multi-year financial arrangement; and

Section 2: Implement, at DART's unilateral discretion and consistent with the requirements of DART's Financial Standard G7, an additional 1% increase to base wages funded from the sales tax reserve contingent upon sales tax and farebox revenues as outlined in Attachment A to this Resolution and calculated on the most current budget and financial plan.

9. Contract for Light Rail Vehicle Power Supply Converter Assemblies

Approval of Resolution No. 080006 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, for light rail vehicle power supply converter assemblies to Transtechnik Corporation, USA, in the total authorized amount not to exceed \$318,024.

10. Contract for Bus Entrance Door Motor Kit

Approval of Resolution No. 080007 that authorizes the President/Executive Director or his designee to award a two-year contract for bus entrance door motor kits to North American Bus Industries (NABI) in a total authorized amount not to exceed \$529,831.

11. Contract Modification for Packaged Oils and Greases

Approval of Resolution No. 080008 that authorizes the President/Executive Director or his designee to execute a contract modification for packaged oils and greases with Jesse P. Taylor Oil Company [Contract No. C-1009869-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$101,729, for a new total authorized amount not to exceed \$276,158.

12. Contract Modification for Packaged Oils and Greases

Approval Resolution No. 080009 that authorizes the President/Executive Director or his designee to award a contract for high occupancy vehicle (HOV) truck in-service preparation to Priority Public Safety Equipment, Inc., in a total authorized amount not to exceed \$271,608.

13. Contract Modification for Miscellaneous Filters

Approval of Resolution No. 080010 that authorizes the President/Executive Director or his designee to execute a contract modification for miscellaneous filters with Stewart & Stevenson [Contract No. C-1010028-01] to increase the not-to-exceed amount by \$160,000, for a new total authorized amount not to exceed \$1,033,189.

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

Individual Items:

14. +A Resolution of the Dallas Area Rapid Transit (DART) Board Intent to Provide Light Rail Service from Bachman Station to DFW Airport

Mr. Danish introduced the item, saying that the proposed resolution reaffirms the Board's honest intent to provide light rail services according to the details contained in the resolution.

Next, **Mr. Danish motioned to approve Resolution No. 080011 that states:**

Section 1: The DART Board reaffirms its goal of meeting its commitments to open new service in the order in which those services appear in DART's long-range planning documents.

Section 2: The DART Board reaffirms its intent to provide all planned Light Rail Service in a timely and financially prudent manner in conjunction with DART's Twenty Year Financial Plan, with a goal of maintaining previously stated completion dates and quality of infrastructure.

Section 3: The DART Board reaffirms its commitment to the cities in the DART service area to improve communications on the development of financially necessary modifications to its future Light Rail services plans.

Mr. Noah seconded the motion.

A member of the general public in attendance interrupted the motion and stated that he wished to speak. Chair Shaw told the individual that he would be allowed to speak during the Public Comments (Agenda Item 24.) at the end of the meeting. Mr. Harris, first heard during Item 6., **Public Comments**, interjected that he objected to the proceedings. He stated that people were waiting to speak and the people may have something to say that would influence the vote of the Board but the people were not being permitted to speak before the vote. Chair Shaw told Mr.

Harris that he was out of order. The unidentified male agreed with Mr. Harris and re-stated his wish to speak. Chair Shaw cautioned the unidentified person that he was out of order as well.

Chair Shaw summarized that Mr. Danish's motion, seconded by Mr. Noah, was on the floor for consideration. The Board voted and the item passed unanimously.

Chair Shaw then allowed Mr. Herbert Gears, the Mayor of the City of Irving, to address the Board concerning Resolution No. 080011, **+A Resolution of the Dallas Area Rapid Transit (DART) Board Intent to Provide Light Rail Service from Bachman Station to DFW Airport.** Mayor Gears complimented the Board on the quality review of the situation and the commitments that had been reiterated with the passage of the Resolution. He added that he appreciated that all member cities were included in the Resolution.

Mayor Gears presented the Board with 11,354 signatures contained on a petition (on file with the Office of Board Support) gathered from citizens of Irving during the past 16 days. Mayor Gears thanked the Board for passing Resolution 080011 and for the opportunity to experience design/build.

15. Fiscal Year 2008 Short Term Goals for the DART Board of Directors

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

16. Approval of DART's Legislative Agenda for the 81st Session of the Texas Legislature

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

17. *Update on Irving/Rowlett – Financing Options and Project Schedule

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

18. *Amendment of Trackage Rights Agreement between Dallas Area Rapid Transit, The Forth Worth Transportation Authority, and Burling Northern Santa Fe (BNSF) Railway Company

Chair Shaw said that the item had been approved at Committee-of-the-Whole contingent upon additional changes in the wording. Those changes, Chair Shaw said, were not yet finalized. As a result, Chair Shaw said the Board would reconsider the item at the next Board meeting (February 12, 2008).

19. Contract Modification for General Advertising Services

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

Other Items:

20. Officer Reports

There were no reports.

21. Chair Report

With Chair Shaw's permission, Mr. Enoch, immediate past Chair, brought the Board up-to-date on the Regional Transit Initiative. Mr. Enoch said that several meetings, taking place over a span of several months, had produced interest in several (large) businesses that wished to provide input on alternative funding. Mr. Enoch said a meeting to discuss options, involving all interested parties, is planned for January 29th in Irving.

Mr. Enoch continued that the final presentation from the Irving meeting will be forwarded to the RTC Committee, headed by Jungus Jordan and Linda Koop.

Chair Shaw extended birthday congratulations to Ms. Button, who will recognize a birthday in February.

22. General Counsel's Report

There was no report.

23. President/Executive Director's Report

There was no report.

24. Communications and Public Comments

Chair Shaw told Mr. Harris that it was now appropriate to address the Board.

Mr. Harris referenced recent newspaper articles and Chair Shaw told Mr. Harris that he was violating the Code of Conduct that prohibits personal attacks. Chair Shaw advised Mr. Harris that general comments would be allowed but the Board would not entertain personal attacks. Mr. Harris expressed concern about funding as it applied to past, present, and future light rail construction.

The unidentified male who had expressed a wish to speak during Agenda Item No. 14., **A Resolution of the Dallas Area Rapid Transit (DART) Board Intent**

to Provide Light Rail Service from Bachman Station to DFW Airport,
addressed the Board.

He identified himself as Jordan Weiledge (13250 Emily Road, #826, Dallas, Texas, 75240, (214) 570-8447) and said that riders had to wait too long between buses. Mr. Weiledge said the wait was particularly uncomfortable during the winter months. Mr. Weiledge said increasing the hours when riders can contact customer service would be beneficial.

Mr. Kenneth Day, President of the Amalgamated Transit Union, also addressed the Board. Mr. Day expressed his thanks to the Board for approving **Authorization of a Unilateral Resolution of the Amalgamated Transit Union, Local 1338, 2007 General Grievance** (Resolution No. 080005). Mr. Day said he and the organization he represents appreciated the hard work demonstrated by DART staff and support from the Board, particularly Ms. Dunlop Gates. Ms. Dunlop Gates, in turn, commended Mr. Thomas, Mr. Day, and Mr. Benjamin Gomez, Executive Vice President of Administration, for their concentrated efforts, which had resulted in the item being approved.

25. Adjournment

There being no further business to discuss, the meeting was adjourned at 7:06 p.m.

Gail L. Cook
Board/Committee Secretary

/glc

+ Same Night Item

* Briefing Item