

MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
June 22, 2010

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, June 22, 2010, at 6:30 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, Mark Enoch, Angel Reyes, and Robert Strauss were absent.

1. **Approval of Minutes:** **June 15, 2010**

Ms. Ellerbe made a motion to approve the Minutes from the June 15, 2010, Board of Directors' Meeting with no corrections, deletions, or additions.

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

2. **CAC (Citizens Advisory Committee) Report on their June 17, 2010, Meeting**

Mr. Bernard Williams introduced himself, explaining that Mr. Bob Ganson, Chair of the CAC, was unavailable. Mr. Williams reviewed the details of the group's June 17th, 2010, meeting and asked the Board to refer to the written report concerning the meeting (on file with the Office of Board Support) which had been provided to each member of the DART Board.

Mr. Williams concluded by saying the CAC would sorely miss Mr. John Killian, CAC Committee member, who died on June 14, 2010.

3. **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 with the Office of Board Support).

The following individuals addressed the Board concerning Item 17., **Amendments to DART's Board Policy L03, Non-Discrimination Employment Policy Statement**; each expressed the need for the Board to rework the Policy to clearly indicate gender identity/gender expression as a protected class via the Policy.

1. Ms. CeCe Cox, 4060 Amherst Avenue, Dallas, Texas, 75225, (214) 540-4425.
2. Mr. Mike LoVuolo, 616 Chrisher Avenue, Dallas, Texas, 75223, (214) 394-2050.
3. Dr. Stephen Sprinkle, 3141 Maple Leaf Avenue, Dallas, Texas, 75233, (817) 614-9494.
4. Mr. Chris Luna, P. O. Box 1523, Dallas, Texas, (214) 570-4883.
5. Ms. Lisa Shepps, 2411 Princeton, Austin, Texas, (512) 809-0050.
6. Mr. Randall Terrell, 809 West 12th, Austin, Texas, 78701, (512) 474-5475.
7. Ms. Rebecca Solomon, 2525 North Henderson, #121, Dallas, Texas, 75206, (214) 883-4696.
8. Mr. John Loza, 2334 Lucas, Dallas, Texas, 75214, (214) 957-8387.
9. Ms. Erin Moore, 324 Easton, Dallas, Texas, 75218, (214) 341-1985.

The following individual also addressed the Board:

Mr. Curtis Wright, 9355 Forest Lane, #226, Dallas, Texas, 75243, (972) 671-8278, extension 220: Mr. Wright explained that he was a long-time DART passenger and stated that, due to his extensive use, he is “the best DART passenger” in Dallas. Mr. Wright went on to suggest that the Board should consider sponsoring a contest to find and reward “the best DART passenger” based on (for example) how many bus routes, train lines, or a combination of both a contestant takes in a day or week. Mr. Wright said it would be good public relations for the agency, especially if the contestants were filmed as navigated their way through different modes and areas of the DART system.

Chair Velasco stated that 30 minutes had elapsed since the beginning of the Public Comments and that, as previously explained, the remainder of the Speakers would be heard at the end of the meeting.

Chair Velasco moved the Board to consider Item 17., **Amendments to DART’s Board Policy I.03, Non-Discrimination Employment Policy Statement**, prior to its other business.

Policy Items:

17. Amendments to DART’s Board Policy I.03, Non-Discrimination Employment Policy Statement

Mr. Williams said that the Item had been discussed and approved by the Economic Opportunity and Diversity Committee. He said the Item then moved forward to the Committee-of-the-Whole where it was passed by majority.

Mr. Tsao made a motion to amend Section 2. of Resolution No. 950155 deleting the word “except” as represented in the revised (blue sheet) Attachment 2.

Mr. Tsao continued that the intention of the DART Board is to adopt language that will unequivocally prohibit any discrimination against persons based upon gender identity and gender expression.

Mr. Noah seconded the motion.

Mr. Danish was recognized by the Chair and expressed his support for the Item.

Chair Velasco called the question and **Mr. Tsao’s motion, seconded by Mr. Noah, was unanimously approved.**

Consent Items:

Mr. Chrisman made a motion to approve Consent Items 4. – 14.

4. Exercise a Contract Option for Cellular/Walkie-Talkie and Wireless Broadband Services

Approval of Resolution No. 100072 that authorizes the President/Executive Director or his designee to exercise a contract option for Cellular/Walkie-Talkie and Wireless Broadband Services with Sprint Solutions Inc., dba Sprint Nextel Communications [Contract No. C-1015655-01], through the Texas Department of Information Resources (DIR), to:

Section 1: Exercise the second, one-year option; and

Section 2: Increase the not-to-exceed amount by \$300,000, for a new total authorized amount not to exceed \$849,000.

5. Initiation of Litigation to Recover Property Damage

Approval of Resolution No. 100073 that authorizes the General Counsel to initiate litigation against Jose Luis Varela and Jose L. Varela, Sr.

6. Increase Contract Funding for Contract to Overhaul Three Trinity Railway Express 1988 EMD F-59PH Locomotives and Paint Two 2001 EMD F-59PHI Locomotives

Approval Resolution No. 100074 that authorizes the President/Executive Director or his designee to increase contract funding for the settlement of a claim, DART Docket No. 10-001, with the contractor for the overhaul of three Trinity Railway Express (TRE) 1988 EMD F-59PH locomotives and painting of two 2001 EMD F-59PHI locomotives with Transportation Technology, Inc., (TTI) in an amount not to exceed \$1,249,210, for a new total authorized amount not to exceed \$3,819,819.

7. Contract for New Trash Receptacles

Approval of Resolution No. 100075 that authorizes the President/Executive Director or his designee to award a two-year contract for new trash receptacles to BKM Total Office of Texas, LLC, for a total authorized amount not to exceed \$576,114 for the two-year base period.

8. Exercise Contract Option to Rebuild Bus Air Starters

Approval of Resolution No. 100076 that authorizes the President/Executive Director or his designee to exercise a contract option to rebuild bus air starters with Marek's Generator Starter and Alternator [Contract No. C-10144615-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$56,000, for a new total authorized amount not to exceed \$293,246.

9. Exercise Contract Option for Bus Vapor Door Components

Approval of Resolution No. 100077 that authorizes the President/Executive Director or his designee to exercise a contract option for bus vapor door components with North American Bus Industries (NABI) [Contract No. C-1014420-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$104,775, for a new total authorized amount not to exceed \$377,020.

10. Contract for On Call Construction Services

Approval of Resolution No. 100078 that authorizes the President/Executive Director or his designee to:

Section 1: Establish a contract reserve for on call construction services contracts in a total authorized amount not to exceed \$12,500,000.

Section 2: Award a three-year contract to Lemco Construction Services in a minimum amount of \$250,000.

Section 3: Award a three-year contract to 3i Construction in a minimum amount of \$250,000.

Section 4: Award a three-year contract to Chavez Concrete Cutting in a minimum amount of \$250,000.

Section 5: Award a three-year contract to Phillips/May Corporation in a minimum amount of \$250,000.

11. Contract for Nova Bus Air Conditioning Parts

Approval of Resolution No. 100079 that authorizes the President/Executive Director or his designee to award a two-year contract for Nova bus air

conditioning parts to NAZ Parts & Equipment Supply, Inc., for a total authorized amount not to exceed \$1,329,907.

12. Contract for Super Light Rail Vehicle Brake Parts

Approval of Resolution No. 100080 that authorizes the President/Executive Director or his designee to award a two-year contract with one, one-year option for super light rail vehicle brake parts to Wabtec Passenger Transit for a total authorized amount not to exceed \$1,070,292.

13. Contract for the Upgrading of the Signals System Microprocessors for the Light Rail Starter System

Approval of Resolution No. 100081 that authorizes the President/Executive Director or his designee to award a one-year contract for the upgrading of the signals system microprocessors for the light rail transit starter system to Stantec Consulting Services, Inc., for a total authorized amount not to exceed \$795,490.

14. Contract for Nova Bus Engine Accessories

Approval of Resolution No. 100082 that authorizes the President/Executive Director or his designee to award a two-year contract for Nova bus engine accessories to Prevost Car (U.S.), Inc., for a total authorized amount not to exceed \$396,780 for the base period.

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

Individual Items:

15. * 2010 Special Event Service to the State Fair of Texas

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

16. * Update on the June Regional Transportation Council Meeting

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

Other Items:

18. Public Comments

Chair Velasco reminded the assembly that the rules and procedures, previously explained during Item 2., remained enforce.

The following individual addressed the Board:

Ms. Cathy Moss, Box 134352, Dallas, Texas, 75313, (214) 777-3897: Ms. Moss described an incident which occurred on May 14th as she and two children attempted to board the TRE. Ms. Moss said a Transit Officer detained Ms. Moss because, according to the Officer, she had the wrong type of ticket for TRE and eventually confiscated the tickets. Ms. Moss explained her frustrated efforts to lodge a complaint against what she views as unnecessarily harsh treatment at the hands of the Officer and be reimbursed for the tickets that were confiscated.

These individuals addressed the Board to express approval of the Board passing Item 17., **Amendments to DART's Board Policy I.03, Non-Discrimination Employment Policy Statement.**

1. Mr. Rafael McDonnell, 2701 Reagan Street, Dallas, Texas, 75219, (214) 528-0144.
2. Ms. C. D. Curvin, No Address Stated, No Speaker Card On File.
3. Ms. Pamela Curry, P. O. Box 190166, Dallas, Texas, 75219, (214)528-2447.
4. Mr. Michael Robinson, No Address Stated, No Speaker Card On File.
5. Ms. Kelli Busey, 108 Juniper Drive, Arlington, Texas, 76018, (972) 693-1988.

The following individual addressed the Board concerning other sentiments relative to the approval of Item 17., **Amendments to DART's Board Policy I.03, Non-Discrimination Employment Policy Statement.**

Ms. CeCe Cox, 4060 Amherst Avenue, Dallas, Texas, 75225, (214) 540-4425: Ms. Cox said that she had heard Mr. Tsao's motion and the motion called for the Board to adopt unequivocal language that would protect gender identity under DART's Non-Discrimination Employment Policy. Ms. Cox indicated that she had obtained a copy of the revised (blue sheeted) Attachment 2. Chair Velasco said the word "except" had been removed from Section 2. of the Policy. Ms. Cox said she urged the Board to avoid potential litigation by eliminating the ambiguity from the Policy; the ambiguity, she said, remained even though the word "except" had been removed because the revised Policy now read "to the extent permitted by Federal and/or Texas law" and there is "extent" because there is no protection (for gender identity/gender expression) under Federal or State law. Ms. Cox asked the Board to re-examine the language and support the motion that was made that said the language would be "unequivocal" in having prohibitions on discrimination against people based on gender identity and gender expression.

19. Identification of Future Agenda Items

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

20. Adjournment

There being no further business to discuss, the meeting was adjourned 7:22 p.m.

Gail Cook
Board/Committee Secretary

+ Same Night Item
* Briefing Item