

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
September 22, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, September 22, 2009, at 6:34 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

Robert Strauss and Jerry Christian were absent.

General Items:

1. **Approval of Minutes:** September 8, 2009

Mr. Ellerbe made a motion to approve the September 8, 2009, Board of Directors' Meeting Minutes with no corrections, deletions, or additions.

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

Chair Chrisman stated that he wished to consider those Items requiring action from the Board prior to hearing any other business.

**Consent Items:**

Mr. Enoch made a motion to approve Consent Items 4. - 12.

4. **Contract Extension: Exercise Option for Employee Life Insurance Plans**

Approval of Resolution No. 090121 that authorizes the President/Executive Director or his designee to award a one-year contract option for third-party administration of DART's life insurance plan for employees and eligible dependents to Standard Insurance Company for a total authorized amount not to exceed \$7,604,336.

5. **Contract for Annual Trapeze Software Maintenance**

Approval of Resolution No. 090122 that authorizes the President/Executive Director or his designee to award a three-year contract in the amount of \$1,814,437, plus a 10% contingency of \$184,443 for annual maintenance costs for anticipated new software modules, to Trapeze Software Group, Inc., for a total authorized amount not to exceed \$2,028,880.

6. **Execute Option Year for Annual Software Maintenance with Hansen Information Technologies (formerly SPEAR Technologies)**

Approval of Resolution No. 090123 that authorizes the President/Executive Director or his designee to execute a contract option for an annual software maintenance agreement (SWMA) with Hansen Information Technologies to:

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

Section 2: Increase the not-to-exceed amount by \$137,684, for a new total authorized amount not to exceed \$271,360.

7. **Contract for Legislative Counsel Services**

Approval of a Resolution No. 090124 that authorizes DART's General Counsel to execute a 4-year legal services contract with the firm of Graydon Gibson & Brown, L.L.P., for legislative representation services in Austin serving as DART's Legislative Counsel from October 1, 2009, through September 30, 2013, in an amount not to exceed \$624,000.

8. **Advance Funding Agreements with Texas Department of Transportation (TxDOT) for Advance Funding for Projects Using Funds Held in the State Highway 121 Subaccount (Regional Toll Road funds)**

Approval of Resolution No. 090125 that authorizes the President/Executive Director or his designee to execute one or more Advance Funding Agreements with the Texas Department of Transportation (TxDOT) in substantially the form as shown in Attachment 1 to this resolution, for projects using funds held in the State Highway 121 Subaccount (Regional Toll Road funds).

9. **Exercise Contract Option for Bus and Light Rail Vehicle Paints**

Approval of Resolution No. 090126 that authorizes the President/Executive Director or his designee to execute a contract option for bus and light rail vehicle paints with Sherwin Williams Automotive [Contract No. C-1013242-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$110,000, for a new total authorized amount not to exceed \$440,000.

10. **Increase Contract Funding for Supply and Delivery of Diesel Fuel**

Approval of Resolution No. 090127 that authorizes the President/Executive Director or his designee to: to execute a contract option to rebuild bus alternators with Marek's Generator, Starter, and Alternator Service, [Contract No. C-1012960-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$89,723, for a new total authorized amount not to exceed \$382,217.

11. **Exercise Contract Option to Rebuild Bus Alternators**

Approval of Resolution No. 090128 that authorizes the President/Executive Director or his designee to execute a contract option to rebuild bus alternators with Marek's Generator, Starter, and Alternator Service, [Contract No. C-1012960-01], as follows:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$89,723, for a new total authorized amount not to exceed \$382,217.

12. **Annual Funding for FY 2010 Trinity Railway Express (TRE) Operations and Maintenance Services**

Approval of Resolution No. 090129 that authorizes the President/Executive Director or his designee to provide funding to the Trinity Railway Express operation and maintenance service contract with Herzog Transit Services, Inc. [Contract No. C-1008316-01], in the amount of \$19,106,178 for operations, and \$10,639,890 for capital maintenance and reimbursable construction support, plus a supplemental contingency of \$892,382 (3%) for unanticipated expenses, for a total not-to-exceed amount of \$30,638,451 as funding for year five (FY 2010), for a new total authorized amount not to exceed \$143,209,901.

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

Individual Items:

13. **Approval of Fiscal Year (FY) 2010 Annual Budget and Twenty-Year Financial Plan**

Mr. Noah stated that based on the recommendation of the Committee-of-the-Whole he moved approval of Resolution No. 090130, which approves and adopts the FY 2010 Annual Budget in the amount of \$1,666,150,926, as reflected in Chart 1, and Resolution 090131, which approves and adopts the FY 2010 Financial Plan, as shown in Exhibit 1.

**CHART 1**

Operating Budget	\$402,771,189
Capital Budget	1,140,016,737
Net Debt Service Budget	123,363,000
<b>Total FY 2010 Annual Budget</b>	<b>\$1,666,150,926</b>

Mr. Tsao seconded the motion and it was approved by majority. (11/2; Mr. Carlson and Mr. Enoch voted against the item.)

Policy Items:

**14. Amendment and Reaffirmation of DART Board Policy II.04, Investment Policy, and Approval of DART's FY 2010 Investment Strategy, and Designation of Investment Officers**

Mr. Noah made a motion to approve Resolution No. 090132 and Resolution No. 090133.

**Resolution 090132, Investment Policy, states:**

**Section 1:** In accordance with the Texas Public Funds Investment Act, DART Board Policy II.04, Investment Policy, has been reviewed, and the amended Policy as shown in Exhibit 1 to this Resolution is approved and shall become effective on October 1, 2009.

**Section 2:** The FY 2010 Investment Strategy as shown in Exhibit 2 to this Resolution is adopted and shall become effective on October 1, 2009; and

**Resolution No. 090133 states:**

Individuals in the following positions as Investment Officers to invest DART funds in accordance with DART's Investment Policy and internal procedures, and are additionally authorized to take all actions necessary to establish required accounts for investment activities:

Officer	Authority Level
Chief Financial Officer	Unlimited
Treasurer	Unlimited
Assistant Treasurer	Unlimited
Treasury Operations Manager	Limited, as designated in DART Funds Administration Manual

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

**15. Amendments to the DART Board Bylaws and the DART Board Rules of Procedure.**

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

Chair Chrisman returned to the remaining business still awaiting the Board's attention.

**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 individual addressed the Board:

- a) Dr. Bonnie Hurd, 9215 Bruton Road, #231, Dallas, Texas, (214) 381-1631: Dr. Hurd stated that passengers were in great need of more Transit Police on both buses and trains. Dr. Hurd continued that additional (Transit) Police would curtail or eliminate offensive behavior and language she, personally, has witnessed.

Mr. Enoch left the meeting at 6:40 p.m.

- b) Ms. Ruby Nickell, 3333 Edgewood Street, #1316, Dallas, Texas, (214) 565-0397: Ms. Nickell stated that she, too, had experienced passengers acting and speaking very inappropriately while riding DART vehicles. Mr. Nickell went on to express concern that DART had recently discontinued Route 35 at Singleton Street. Ms. Nickell said the change to Route 35 forces passengers to wait up to 45 minutes for a bus or forces the impatient passengers to catch a bus to Westmoreland, transfer to light rail to get downtown, and then transfer back to another bus just to get back home.
- c) Ms. Karina Quintanilla: Ms. Quintanilla identified herself as an active DART employee currently working in Customer Service. Ms. Quintanilla explained a sequence of events that she believes resulted in her receiving a Final Written Warning; Ms. Quintanilla distributed copies of the document in question to each member of the Board. Ms. Quintanilla related details concerning the employee relations matter.

d) Mr. John Killian, 829 Melba, Dallas, Texas: Mr. Killian stated that, currently, a stanchion prevents wheelchair-equipped passengers from easily accessing the (level-boarding) C-Car insert vehicles. He continued that (baby) strollers also take up most of the available room in the C-Cars and suggested the agency making the C-Car insert vehicles a "quiet car", thereby freeing up the space and improving the atmosphere for mobility impaired passengers.

3. **Citizen Advisory Committee (CAC): report concerning their August 20<sup>th</sup>, 2009, meeting**

Mr. Bob Ganson, Chair of the CAC, reviewed the highlights of the Committee's last meeting and distributed a Report (on file with the Office of Board Support) delineating the topics that were discussed.

Mr. Reyes left the meeting at 6:37 p.m.

Other Items:

16. **Public Comments**

There were no subsequent Public Comments.

17. **Identification of Future Agenda Items**

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

18. **Adjournment**

There being no further business to discuss, the meeting was adjourned at 6:51 p.m.

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Gail Cook  
Board/Committee Secretary

/glc

+ Same Night Item

\* Briefing Item