

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
February 23, 2010**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, February 23, 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

Mark Enoch and Angel Reyes were absent.

General Items:

1. **Approval of Minutes:** February 9, 2010

Mr. Noah made a motion to approve the Minutes from the February 9, 2010, Board of Directors' Meeting with no corrections, deletions, or additions.

Mr. Danish 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 with the Office of Board Support).

The following individuals addressed the Board:

Daryl Coby, P. O. Box 561811, Dallas, Texas, 75336, (214) 929-2105: Mr. Coby stated that he has been harassed by two DART bus drivers since January 12, 2010. Mr. Coby related details of the incidents. He also submitted a written account of the events to each member of the Board (on file with the Office of Board Support).

Chair Velasco asked Mr. Coby to speak with Captain Edward Golden, DART Transit Police, and Mr. Frank Jennings, Vice President of Transportation. He did so.

Ms. Pamela Curry, P. O. Box 190166, Dallas, Texas, 75219, (214)528-2447: Ms. Curry stated she was acquainted with a long-time DART employee who recently completed a gender transition. According to Ms. Curry, last fall the DART employee sought a legal change of gender marker only to have the court order vacated by DART attorneys. Ms. Curry stated the incident is the culmination of six years of discrimination, bigotry, and harassment that nurtures a hostile work environment. Mr. Curry continued that DART's non-discrimination policy does not speak to gender identity/expression and the agency should not spend tax payer dollars to disparage long-term, trans-gender employees.

Mr. Dave Brady, P. O. Box 472291, Garland, Texas, 75047, (214) 773-4584: Mr. Brady spoke to the Board regarding challenges associated with riders who can choose whether or not they wish to use DART to commute to/from work.

Mr. Rafael McDonnell, 2701 Reagan Street, Dallas, Texas, 75219, (214) 528-0144: Mr. McDonnell echoed many of the same sentiments expressed earlier by Ms. Curry and asked the Board to investigate why DART attorneys interfered in a family court matter (i.e.; DART employee seeking gender marker change). Mr.

McDonnell urged the Board to revise DART's non-discrimination Policy to include gender identity and gender expression.

Ms. Patti Fink, 324 Easton Road, Dallas, Texas, 75218, (214) 418-6019: Ms. Fink identified herself as the President of the Dallas Gay and Lesbian Alliance (DGLA). Ms. Fink referred to an article that had recently appeared in the 'Dallas Voice' which reported DART attorneys wrongly interfered with the legal process undertaken by the long-time DART employee to change gender marker. Ms. Fink said that the Dallas Voice article had received a great deal of attention in the gay and lesbian community and urged the Board to revisit DART's Non-Discrimination Policy to add gender identity and gender expression protections. Ms. Fink also submitted a formal letter that detailed DGLA's stance on the issue (on file with the Office of Board Support).

Ms. Erin Moore, 324 Gaston, Dallas, Texas, 75214, (214) 341-1985: Ms. Moore identified herself as the President of the Stonewall Democrats of Dallas and reiterated the previously expressed statements concerning the report that DART attorneys reversed a court ordered gender marker change. She petitioned the Board to recognize the need to revise its Non-Discrimination Policy to include gender identify and gender expression and to bring the agency in-line with other governmental entities that have included gender identity/expression in their protective Policies.

3. Citizens' Advisory Committee (CAC) Report Concerning Their February 18, 2010, Meeting

Mr. Bob Ganson, current Chair of the CAC, touched on the highlights of the February 18th meeting and called attention to the detailed, written report (on file with the Office of Board Support) concerning the meeting, which had been provided to each member of the DART Board.

Consent Items:

Ms. Ellerbe made a motion to approve Consent Items 4. – 6.

4. Exercise the Contract Option for Paratransit Vehicle Business System Annual Software Maintenance

Approval of Resolution No. 100015 that authorizes the President/Executive Director or his designee to execute a contract option for paratransit vehicle business system annual software maintenance with GreyHawk Technology, Inc., [Contract No. C-1006930-1] to:

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

Section 2: Increase the not to exceed amount by \$39,802, for a new total authorized amount not to exceed \$257,657.

5. Contract for Annual Lawson Software Maintenance

Approval of Resolution No. 100016 that authorizes the President/Executive Director or his designee to award a contract in the amount of \$1,281,021, plus a 10% contingency of \$128,102 for annual maintenance costs for anticipated new software modules, to Lawson Software, Inc., for a total authorized amount not to exceed \$1,409,123.

6. Contract for Miscellaneous Liquefied Natural Gas Engine Fuel System Parts

Approval of Resolution No. 100017 that authorizes the President/Executive Director or his designee to award a two-year contract for miscellaneous liquefied natural gas engine fuel system parts to North American Bus Industries in a total authorized amount not to exceed \$284,803 for the two-year base period.

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

Individual Items:

7. Exercise Contract Option for Employee Medical Services and Substance Abuse Program

Mr. Carlson made a motion to approve a Resolution No. 100018 that authorizes the President/Executive Director or his designee to execute a contract option for the Employee Medical Services and Substance Abuse Program with U.S. HealthWorks Medical Group of Texas, Inc., (Contract No. 1009283-01) to exercise the second, one-year option and to increase the not-to-exceed amount by \$180,000 for a new total authorized amount not to exceed \$885,550.

Mr. Noah seconded the motion and it was approved majority. (12/1; Mr. Williams opposed the Item.)

8. Use of Outside Counsel in the Appeal of Railroad Retirement Board Decision, Docket No. 05-CO-0038

Mr. Whitaker made a motion to approve Resolution No. 100019 that authorizes the General Counsel to continue the engagement of the firm of K&L Gates, LLP to seek reconsideration of the Railroad Retirement Board Decision, Docket No. 05-CO-0038 and the possible appeal in that matter, in the additional amount of \$10,000, for a new total authorized amount not to

exceed \$90,000 for DART's share of the fees for the request for reconsideration and possible appeal.

Ms. Ellerbe seconded the motion and it was approved by majority. (11/2; Mr. Williams and Mr. Danish voted against the Item.)

9. Contract for Transportation Department Uniforms

Mr. Christian made a motion to approve Resolution No. 100020 that authorizes the President/Executive Director or his designee to award a three-year contract for uniforms and alteration services for operators, supervisors, and station monitors to Davis Apparel Shop in a total authorized amount not to exceed \$1,958,901.

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

10. *Review of FY 2010 First Quarter Operating and Financial Performance Report

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

Other Items:

11. Public Comments

There were no subsequent Public Comments.

12. Identification of Future Agenda Items

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

13. Adjournment

There being no further business to discuss, the meeting was adjourned 6:53 p.m.

Gail Cook
Board/Committee Secretary

+ Same Night Item
* Briefing Item