

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
September 23, 2008**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, September 23, 2008, at 6:42 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

Jerry Christian, William Tsao, Claude Williams and William Velasco were absent.

General Items:

1. Approval of Minutes: September 9, 2008

Mr. Strauss made a motion to approve the September 9, 2008, Board of Directors' Meeting minutes with no corrections, deletions, or additions.

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

2. Citizen Advisory Committee (CAC)

Mr. Claude Doane, Chairman of the Citizen Advisory Committee, referred the Board to a formal report summarizing the group's September 18, 2008, meeting (on file with the Office of Board Support) which had been furnished to each Board member. He then related that the group had passed a Resolution (on file with the Office of Board Support) because of on-going concern relating to continued cuts in bus service. Mr. Doane said the meeting also included a DART staff presentation on the Rosa Parks Plaza and a presentation conducted by NCTCOG on Rail North Texas.

3. 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).

Ms. LaSonya Page, 926 Indian Creek Trail, Dallas, Texas, 75241, (214) 299-3837: Ms. Page identified herself as a DART employee. Ms. Page related a sequence of events that had occurred while performing her duties as a Bus Operator which caused a serious misunderstanding with her supervisor. Ms. Page stated that, due to her experience, the agency needed to focus on improving the employee/supervisor relationship.

Grandmother J., Dallas, Texas, 75235: Grandmother J stated she was a new DART rider. She continued that she was concerned about inappropriate responses of DART employees to emergency situations. Grandmother J. explained that, recently, she witnessed a heated exchange between two groups of passengers; the DART Police were summoned and Grandmother J.'s foot was crushed by a DART bus's wheelchair lift as the Officers diffused the potentially dangerous altercation. Grandmother J. added that the DART drivers and DART Police Officers did not render aid.

Mr. Steve Freedman, 1401 Elm Street, Suite 3470, Dallas, Texas, 75202, (214) 749-7028: Mr. Freedman identified himself as a Principal of Premier Gems, a jewelry company who had contracted with DART's Employee Activity Committee (EAC) for several years. Mr. Freedman explained that his company is

owed \$60K by the EAC and wished to make the Board aware of the still outstanding debt.

Ms. Jearldine McDaniel, 2600 Sylvan, Dallas, Texas, 75212: Ms. McDaniel stated that she wished access to DART's Paratransit services due to recently diagnosed health concerns that impact her ability to walk to fixed route buses.

Consent Items:

Chair Chrisman reminded the assembly that Item 4., **Contract Extension: Exercise Contract Options for Employee Health and Welfare (Medical, Dental, and Vision) Plans**, had been revised during Committee-of-the-Whole and the upcoming vote would apply to the (pink sheet) revised version as distributed.

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

4. Contract Extension: Exercise Contract Options for Employee Health and Welfare (Medical, Dental, and Vision) Plans

Approval of Resolution No. 080149 that authorizes the President/Executive Director or his designee, subject to legal review, to execute the second year option of contracts for the administration of self-insured health, dental, and vision care insurance plans for DART employees, retirees, and their eligible dependents for one-year terms beginning January 1, 2009, with:

Section 1: UnitedHealthcare for Exclusive Provider Organization (EPO) and Choice Plus (high deductible) health plans, retiree indemnity plan, basic vision benefits, flexible spending accounts (FSA), COBRA, HIPAA, and retiree premium billing, for fees for a not-to-exceed amount of \$1,480,000, for a new total authorized amount not to exceed \$6,850,710;

Section 2: Delta Dental for a dental plan for fees for a not to exceed amount of \$125,000 for a new total authorized amount not to exceed \$600,000; and

Section 3: Eye Med Vision Care LLC for a vision plan for fees for a not-to-exceed amount of \$20,000, new total authorized amount not to exceed \$85,000.

5. **Contract Extension: Exercise the Final One-Year Option for Annual Software Maintenance Agreement**

Approval of Resolution No. 080150 that authorizes the President/Executive Director or his designee to execute the final option year of the five-year software maintenance agreement with Trapeze Software Group, Inc., for a total not-to-exceed amount of \$579,352. This will bring the total contact award for the proceeding four years and the requested option year to a total authorized amount not to exceed \$2,314,543.

6. **Contract Modification for Construction Manager/General Contractor-I (CM/GC-I) Construction Services – Adjustment to Plinth Widths**

Approval of Resolution No. 080151 that authorizes the President/Executive Director or his designee to execute a contract extension, subject to legal review, to exercise the first, one-year option for employee life and AD&D coverage with Standard Insurance Company for an additional \$1,509,000, increasing the total authorized amount not to exceed \$6,074,336. DART cost for basic coverage in 2009 is approximately \$415,000, and employee and retiree cost for supplemental life and AD&D insurance coverage in 2009 is estimated at \$1,094,000.

7. **Reaffirmation of DART's Investment Policy and Approval of FY 2009 Investment Strategy**

Approval of Resolution No. 080152 that states:

Section 1: DART Board Policy II.04: Investment Policy has been reviewed and remains in effect.

Section 2: The FY 2009 Investment Strategy as shown in Exhibit 1 to this Resolution is adopted and effective as of October 1, 2008.

8. **Approval of Quarterly Disclosure Update**

Approval of Resolution No. 080153 that authorizes the President/Executive Director or his designee to issue the Quarterly Disclosure Update dated September 23, 2008, as shown in Exhibit 1 to this Resolution.

9. **Annual Funding for FY 2009 Trinity Railway Express (TRE) Operations and Maintenance Services**

Approval of Resolution No. 080154 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, to the Trinity Railway Express operation and maintenance service

contract with Herzog Transit Services, Inc. [Contract No. C-1008316-01], in the amount of \$20,462,377 for operations, and \$11,481,637 for capital maintenance and reimbursable construction support, plus a supplemental contingency of \$958,320 (3%) for unanticipated expenses, for a total not-to-exceed amount of \$32,902,334 as funding for year four (FY 2009), for a new total authorized amount not to exceed \$108,571,450.

10. Contract for Light Rail Vehicle Pantograph Overhaul Parts

Approval of Resolution No. 080155 that authorizes the President/Executive Director or his designee to award a two-year and six-month contract, subject to legal review, for light rail vehicle pantograph overhaul parts to Transtech of S.C., Inc., in a total authorized amount not to exceed \$778,289.

11. Exercise Contract Option for Passenger Facility Vertical Lift Equipment Maintenance

Approval of Resolution No. 080156 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, 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 first, one-year option.

Section 2: Increase the not-to-exceed amount by \$381,700, for a new total authorized amount not to exceed \$1,019,750.

12. Increase Contract Funding for Bus and Light Rail Vehicle Paints

Approval of Resolution No. 080157 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for bus and LRV paints with Sherwin-Williams Automotive [Contract No. C-1013242-01], to increase the not-to-exceed amount by \$110,000, for a new total authorized amount not to exceed \$330,000.

13. Approval of February 2009 Service Modifications

Approval of Resolution No. 080158 that authorizes the President/Executive Director or his designee to implement the service modifications on or after February 16, 2009 as described in Attachment 1 attached to the Resolution.

14. **Contract Modification to Increase the Number of Vans in the CART Vanpool Program**

Approval of Resolution No. 080159 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for the lease, maintenance and delivery of multi-passenger vans in support of the DART Vanpool Program with Enterprise Leasing Company of DFW to:

Section 1: Increase the Vanpool Fleet by 22 to 167 vehicles with Enterprise Leasing Company of DFW [Contract No. C-1009165-01].

Section 2: Increase the contract amount by \$2,260,555 for a new total authorized amount not to exceed \$5,846,955.

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

Individual Items:

15. **Approval of Fiscal Year (FY) 2009 Annual Budget**

Mr. Strauss made a motion to approve the FY 2009 Annual Budget, via Resolution No. 080160, in the amount of \$1,627,974,662.

Operating Budget	\$374,810,070.
Capital Budget	1,181,197,262.
Net Debt Service Budget	74,967,330.
Total FY 2009 Annual Budget	\$1,627,974,662

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

16. **Approval to Distribute the Proposed Fiscal Year 2009 Twenty-Year Financial Plan to Member Jurisdictions for Review and to Suspend the Board's Standing Rule Relating to Approval of a Final Financial Plan Prior to Commencement of the Fiscal Year**

Mr. Strauss made a motion to approve a Resolution No. 080161 that states:

Section1: The President/Executive Director or his designee is authorized to distribute the proposed FY 2009 Twenty-Year Financial Plan to the governing bodies of the member jurisdictions for their review.

Section 2: The Board's standing rule that requires approval of a final financial plan prior to commencement of the fiscal year is suspended in order to provide additional time for the Board to review the Proposed FY 2009 Twenty-Year Financial Plan.

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

17. +Contract for Purchase and Installation of Traffic Signal Priority (TSP) System

Chair Chrisman reminded the Board that this item had been revised (pink sheet) and their vote would apply to the revised version.

Ms. Dunlop Gates made a motion to approve a draft Resolution that authorizes the President/Executive Director or his designee, subject to legal review, to award a contract for the construction and installation of the TSP system to Mass Electric Construction Company for \$2,207,000, plus a supplemental work contingency of \$176,560 (8%) for unanticipated expenses, for a total authorized not to exceed \$2,383,560.

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

18. +Adoption of Fiscal Year 2009 Agency Goals

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

19. State Legislative Agenda and Government Relations Update

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

20. *Status Report on Owner Controlled Insurance Program (OCIP) and American International Group (AIG) Coverages on Agency Insurance Programs

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

Other Items:

21. Officer Reports

There was no report.

22. Chair Report

Chair Chrisman extended birthday congratulations to Ms. Ellerbe.

23. General Counsel's Report

There was no report.

24. President/Executive Director's Report

Mr. Gary Thomas drew the Board's attention to the Fall, 2008, edition of 'The Green Line' report (copy of file with the Office of Board Support), which had been distributed to each member of the Board. He summarized by stating that the agency was within twelve months of opening the next section of the Green Line and celebratory "Grand Opening" events were already in the final stages of planning.

25. Communications and Public Comments

There were no additional Communications and Public Comments.

26. Adjournment

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

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item
* Briefing Item