

AGENDA ITEM NO. 1

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
February 24, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, February 24, 2009, at 6:30 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

Mark Enoch and Tracey Whitaker were absent.

General Items:

1. Approval of Minutes: February 10, 2009

Mr. Noah made a motion to approve the February 10, 2009, Board of Directors' Meeting minutes with no corrections, deletions, or additions.

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

2. Public Hearing: State Required Performance Audit

Chair Chrisman reviewed the guidelines that would govern the Public Hearing (on file in the Office of Board Support). Chair Chrisman stated that DART did not receive a request for hearing impaired services and, as a result, a sign-language interpreter was not available. Chair Chrisman continued that Spanish translation services were available; the translator repeated this announcement in Spanish. There was no reply to these announcements.

Chair Chrisman established himself as the Hearing Officer and stated that the Public Hearing would be divided into two parts: the first part would consist of a brief overview by DART Technical Staff and then the Public Hearing would commence. Chair Chrisman recapped the rules and guidelines (on file with the Office of Board Support) that would apply to the Public Hearing. He continued that the Hearing was being recorded by a court reporter and all comments would be a matter of public record.

Chair Chrisman stated it was 6:31 p.m. on Tuesday, February 24, 2009, and according to the requirements set forth in DART's enabling legislation the public hearing on State-Required Performance Audit was open to receive comments. He continued that, to date, DART had received one written comment on the issue. He added that any comments received by the end of the Hearing will be added to the total.

Chair Chrisman said the Board would receive comments at this point and reminded the assembly there is a three-minute limit in which to make comments and the comments were to be directly related to the performance audit.

Chair Chrisman stated that there were no speakers signed up to speak and asked if any person was present who wished to speak. No one responded to his entreaty.

Chair Chrisman introduced Mr. David Leininger, Senior Vice President/Chief Financial Officer, as the member of DART's technical staff who would provide the formal overview on the item.

Mr. Leininger took the lectern and reviewed particulars of the State Required Performance Audit (on file with the Office of Board Support).

Chair Chrisman thanked Mr. Leininger and asked if any person present would like to submit written comments for inclusion into the public record; he received no reply. Chair Chrisman stated that any comments made after the close of the public hearing will not be made apart of the record of the proceedings.

Chair Chrisman stated that, since there were no other public speakers or written comments, the Public Hearing was officially closed at 6:37 p.m.

3. Public Comments

There were no public comments.

4. Citizen Advisory Committee Report - CAC

Mr. Bob Ganson, Chair of the CAC, reviewed the highlights of the Committee's last meeting and invited the Board to review the prepared Report (on file with the Office of Board Support) of the meeting at their leisure.

Consent Items:

Mr. Noah made a motion to approve Consent Items 5. – 14.

5. Exercise the Final Option Year of the Multi-Year Lawson Software Maintenance Agreement

Approval of Resolution No. 090023 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for the final option year of the multi-year software maintenance agreement with Lawson Software, Inc., in a not-to-exceed amount of \$367,215, for a new total authorized amount not to exceed \$1,587,176.

6. Contract for Laser Printer Toner and Other Printer Supplies

Approval of Resolution No. 900024 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, for laser printer toner and other printer supplies to Corporate Express Imaging & Computer Graphic Supplies, a Staples Company, for a total authorized amount not to exceed \$508,704.

7. Exercise Contract Option for General Advertising Services

Approval of Resolution No. 090025 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, with Moroch Partners, L.P., [Contract No. 1007588-01] to:

Section 1: Exercise the final modified option period beginning March 1, 2009, and ending September 30, 2009; and

Section 2: Increase the not-to-exceed amount by \$1,200,000; for a new total authorized amount not to exceed \$6,902,109.

8. Exercise the Contract Option for Records Management and Off-Site Storage

Approval of Resolution No. 090026 that authorizes the President/Executive Director or his designee to execute a contract modification with Iron Mountain Information Management, Inc., [Contract No. 1009911-01] to:

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

Section 2: Increase the not-to-exceed amount by \$180,397

For a new total authorized amount not to exceed \$489,337.

9. Increase Contract Funding for 12-Volt Maintenance-Free Batteries

Approval of Resolution No. 090027 that authorizes the President/Executive Director or his designee to execute a contract modification, subject to legal review, for 12-volt maintenance-free batteries with CARCON Merchants, LLC, [Contract No. C-1012145-01] to increase the not-to-exceed amount by \$132,786, for a new total authorized amount not to exceed \$380,358.

10. Contract to Replace the Air Handling Units at the S&I Facility

Approval of Resolution No. 90028 that authorizes the President/Executive Director or his designee to award a six-month contract to replace air-handling units at the S&I Facility to DMI Corporation, Decker Mechanical, in an amount not to exceed \$364,877, plus a supplemental contingency of \$18,244 (5%) for unanticipated expenses, for a total authorized amount not to exceed \$383,121.

11. Exercise Contract Option to Rebuild Destination Sign Components

Approval of Resolution No. 090029 that authorizes the President/Executive Director or his designee to execute a contract option to rebuild destination sign components with Transit Destination Sign Service, LP, [Contract No. C-1011541-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$185,628, for a new total authorized amount not to exceed \$631,676.

12. Contract for Armed Security Guard Services at DART Facilities and Stations

Approval of Resolution No. 090030 that authorizes the President/Executive Director or his designee to award a three-year contract, subject to legal review, for armed security guard services for DART facilities and stations with Ruiz Protective Service, Inc., for a total authorized amount not to exceed \$3,768,889.

13. Increase Contract Funding for the Non-Revenue Vehicle (NRV) Fuel and Fuel Management System

Approval of Resolution No. 090031 that authorizes the President/Executive Director or his designee to execute a contract modification for an increase in funding without an extension of time for the non-revenue vehicle fuel and fuel management system with Fuelman of DFW [Contract No. C-1013637-01 to increase the not-to-exceed amount by \$815,800, for a new total authorized amount of \$2,821,962.

14. Declaration of Spur Track Right of Way in the Arlington Park Industrial District as Surplus and Authorization to Convey

Approval of Resolution No. 090032 that states:

Section 1: The spur track right-of-way in the Arlington Park Industrial District, as identified on Attachment 1, is hereby declared to be surplus to the needs of DART.

Section 2: The President/Executive Director or his designee is authorized to proceed with the conveyance of the surplus property in accordance with Chapter 272 of the Texas Local Government Code and subject to Federal Transit Administration (FTA) review and concurrence.

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

Individual Items:

15. **+Termination of Comerica Bank 1997 Light Rail Vehicle Defeased Lease Transaction**

Mr. Strauss made a motion to approve Resolution No. 090033 which authorizes the President/Executive Director or his designee to:

Section 1: Execute all documents necessary to terminate the defeased lease transaction with Comerica Bank for 18 light rail vehicles.

Section 2: Pay an amount not to exceed \$650,000 to complete the termination of the lease.

Mr. Noah seconded the motion and it was approved by majority. (10/3; Mr. Velasco, Mr. Williams, and Mr. Tsao voted against the item.)

16. ***Government Relations Update on 81st Session of the Texas Legislature, DART's Legislative Agenda, and the Status of the Rail North Texas Initiative**

This item was discussed at the Committee-of-the-Whole only.

17. **Support for Expansion of Regional Rail in North Texas**

Mr. Carlson made a motion to approve Resolution No. 090034 which states:

Section 1: The DART Board reaffirms its commitment to expanding meaningful public transit in North Texas through existing transit authorities, as agreed to by DART, Denton County Transportation Authority, and the Fort Worth Transportation Authority in the "Joint Recommendation for Regional Rail in North Central Texas."

Section 2: The DART Board affirms its support for the funding of new regional rail projects with locally determined fees or other locally determined funding sources.

Section 3: The DART Board requests an exemption from any local option fees that would have a negative fiscal impact on an existing transit authority.

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

Other Items:

18. Public Comments

There were no additional Public Comments.

19. Identification of Future Agenda Items

This item was discussed at the Committee-of-the-Whole only.

20. Adjournment

There being no further business to discuss, the meeting was adjourned at 6:42 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item

* Briefing Item