

MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
August 26, 2008

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, August 26, 2008, at 6:35 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, William Velasco, Robert Strauss, and Tracey Whitaker were absent.

General Items:

**1. Approval of Minutes: August 12, 2008**

**Mr. Williams made a motion to approve the August 12, 2008, Board of Directors' meeting Minutes with no corrections, deletions, or additions.**

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

**2. Public Hearing for February 2009 Service Modifications**

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 in reaction 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 that would apply to the Public Hearing.

Chair Chrisman introduced Mr. Robert Smith, Assistant Vice President of Service Planning and Development, who made the technical presentation.

Mr. Smith said the Public Hearing was focused on bus route modifications proposed for implementation on February 16, 2009. He continued that proposed changes address service reviews for affected areas, service efficiency, frequency improvements, and operations in customer feedback. Mr. Smith said the route changes covered in the Public Hearing are those with modifications to at least 25% of their alignment or those with major change to destinations along the route. Proposed changes will affect routes in Addison, Garland, Irving, Plano, Richardson, Rowlett, and Dallas. Signification changes include the following:

- Expand route 347 service to seven days per week and modify route alignment.
- Initiate a new route 452 bi-directional service in the Legacy area and new service on portions of Spring Creek.
- Service frequency adjustments on routes 164, 515, and 583.
- Discontinuation of special trips on routes 205 and 410.
- Replace service on routes 316, 342, 557, 570, 760, and the east Plano on-call service with new Garland/Rowlett east Plano Pleasant Grove and Telecom Flex Services in new weekday services on route 347.
- Modify service on portions of routes 164, 451, and 519, with portions of these routes replaced by other services.
- Discontinue portions of route 522 with service extended to Davis and Bishop.
- Discontinue all service on route 438 and Saturday service on route 8.

- Discontinue service to portions of 567 mid-day except for the Hamilton Park portion with the discontinued part served by the North Dallas On-Call.

Mr. Smith stated that nine pre-public community meetings were held at various locations throughout the DART service area in order to present information and receive public input concerning the proposed modifications. Mr. Smith stated that, due to feedback received at these meetings, two changes have already been made to the proposed service modifications. Specifically, he said, Route 8 service will not be replaced by Uptown Flex Service and will continue regular Monday/Friday operation and Route 452 will operate on Parker Road between Coit and Custer and not relocate service to Spring Creek. Mr. Smith said these two service modifications were the most common issue heard during the community meetings.

Mr. Smith continued that after tonight's Public Hearing, DART staff would re-evaluate the proposed changes in light of the public input. He concluded by saying final recommendations would be made to the Board at the September 23, 2008, Board of Directors' meeting.

Chair Chrisman announced that the Public Hearing was being recorded by a court reporter and, as a result, all comments received would be recorded as a matter of Public Record.

Chair Chrisman stated that it was 6:40 p.m. on Tuesday, August 26, 2008, and, according to the requirements set forth in DART's enabling legislation, the Public Hearing on February 2009 Service Change Proposals was open to receive comments.

Chair Chrisman stated that, to date, DART had received 33 written comments on the above issue. He added that any written comments received by the end of the Public Hearing would be added to the total. Chair Chrisman reminded the individuals waiting to speak about the applicable time limits and rules.

A total of eight 'Request to Address the Board' cards were received and a total of 13 individuals spoke (refer to the Public Record produced by the Court Reporter on file with the Office of Board Support).

Chair Chrisman asked if there were more individuals who wished to speak. An individual who had already spoke (refer to the Public Record produced by the Court Reporter on file with the Office of Board Support) indicated he had more to say. Chair Chrisman informed the individual that he could speak during the Public Comments portion of the meeting. The individual stated that he understood that he would be given an opportunity to speak again.

Chair Chrisman then asked if there was anyone present who wished to submit written comments and heard no reply.

Chair Chrisman then called the Public Hearing to a close at 7:10 p.m. and thanked everyone who participated and attended the Hearing.

### **3. Committee Advisory Reports (CAC)**

Mr. Bob Ganson, Vice-Chair of the CAC, gave a brief report that recapped the last two meetings of the group. He added that in the July meeting the CAC took a tour of the Green Line construction sites and all participants were impressed. He continued that in August the group enjoyed a presentation by Mr. Jack Wierzinski, Director of Economic Development, which focused on transit-oriented developments.

### **4. 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 individuals addressed the Board:

Mr. John Killian: Mr. Killian spoke to the Board about introducing transitional training for those individuals currently using paratransit services. This would involve training and educating individuals on how to use fixed route services or feeder route services.

Mr. Curtis Goode: Mr. Goode stated that he accesses DART services at the Lake June Transit Center. He rides his bicycle to the Center and said that it is not equipped with a bicycle rack. Mr. Goode said the Center does have a bike locker, but there is only one locker and a rental fee applies. He said due to the lack of a bike rack many cyclists secure their bikes to a nearby fence only to be chastised by DART personnel. He concluded by saying that the drivers need to be educated about being more “cycle friendly”.

Ms. Debbie Mosley: Ms. Mosley stated that more DART Police should be placed on nighttime trains. She said that young people ride the trains that exhibit objectionable and illegal behavior. Ms. Mosley said more trains are also needed at rush hour due to over crowding caused by increased gasoline prices.

Ms. Sheila James, 4605 Elm Point Drive, Balch Springs, Texas: Ms. James spoke about the addition of bike racks on the buses and trains. She reiterated that there is no real bicycle storage facility at the Lake June Transit Center. She suggested that some of the larger intersections could also be equipped with bicycle racks. Ms. James also said that more trash containers are necessary in order for riders to dispose of their rubbish.

Ms. Phillis Servello, 3500 Hillridge, Plano, Texas: Ms. Servello stated that there were inadequate restroom facilities at the Parker Road Station and the West Plano Station. Ms. Servello said males frequently go into the ladies restroom due to lack of availability and she expressed concern for the safety of children who are sent into the ladies room unattended. Ms. Servello continued that the lack of available facilities also cause individuals to urinate in inappropriate places. Ms. Servello said riders are offended by the residual odor.

Consent Items:

Mr. Noah made a motion to approve Consent Item 5. – 13.

5. Exercise Contract Option Year for Printing of DART Bus/Rail Customer Timetables

Approval of Resolution No. 080117 that authorizes the President/Executive Director or his designee to execute a contract modification to:

1. Exercise the first, one-year option.
2. Increase the not-to-exceed amount by \$587,415 for a new total authorized amount not to exceed \$1,076,583.

6. Contract for Agency-wide Local and Wide Area Data Network Equipment Upgrades

Approval of Resolution No. 080118 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, to Solid IT Networks, Inc., in the amount of \$1,545,361, with a 10% contingency of \$154,536 for future network expansions, for a total authorized amount not to exceed \$1,699,897.

7. Use of Outside Counsel in Support of DART's Construction of the Irving and Rowlett Line Sections

Approval of Resolution No. 080119 that authorizes the General Counsel is authorized to continue the engagement of Michael Albers and the firm of Hunton & Williams in support of DART's Construction of the Irving and Rowlett Line Sections, in an additional amount of \$35,000, for a total amount not to exceed \$85,000.

8. Modification of Trinity Railway Express (TRE) Operations and Maintenance Service Contract for Fuel and Additional Car Miles

Approval of Resolution No. 080120 that authorizes the President/Executive Director or his designee to execute a contract modification to execute a modification to the Trinity Railway Express operation and maintenance service contract with Herzog Transit Services, Inc., [Contract No. C-1008316-01], subject to legal review, to increase contract funding for FY 2008 in the amount of \$1,126,000 by:

Section 1: Authorizing an additional not-to-exceed amount of \$576,000; and

Section 2: Using supplemental contingency in the amount of \$550,000, for a new total authorized amount not to exceed \$75,669,116.

9. **Increase Contract Funding for Bus Engine Lubricating Oils**

Approval of Resolution No. 080121 that authorizes the President/Executive Director or his designee to execute a contract modification to execute a contract modification to increase contract funding for bus engine lubricating oils with Jesse P. Taylor Oil Company [Contract No. C-1009413-01] by a not-to-exceed amount of \$118,840, for a new total authorized amount not to exceed \$1,186,874.

10. **Contract for System-Wide Landscape Management**

Approval of Resolution No. 080122 that authorizes the President/Executive Director or his designee to award a three-year contract, subject to legal review, for system-wide landscape management to Valley Crest Landscape Maintenance, Inc., in a total authorized amount not to exceed \$3,836,889.

11. **Contract for Miscellaneous Bus Brake Parts**

Approval of Resolution No. 080123 that authorizes the President/Executive Director or his designee to award a two-year contract for miscellaneous bus brake parts to NABI, Inc., in a total authorized amount not to exceed \$361,293.

12. **Exercise Contract Option for Exhaust Gas Recirculation Emissions Reduction Parts**

Approval of Resolution No. 080124 that authorizes the President/Executive Director or his designee to execute a contract modification for EGR emissions reduction parts with Cummins Southern Plains, Ltd., [Contract No. C-1010804-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$109,261, for a new total authorized amount not to exceed \$1,176,499.

13. **Contract for Bus Brake Drums**

Approval of Resolution No. 080125 that authorizes the President/Executive Director or his designee to award a two-year contract for bus brake drums to Vehicle Maintenance Program, Inc., in a total authorized amount not to exceed \$273,421.

Ms. Dunlop Gates seconded the motion and it was approved unanimously.

Individual Items:

14. **Approval of Federal Transit Administration (FTA) Subrecipient Agreement with the Dallas County Utility and Reclamation District (DCURD)**

Mr. Noah made a motion to approve Resolution No. 080126 that states:

**Section 1:** The President/Executive Director or his designee is authorized to execute a Federal Transit Administration (FTA) Subrecipient Agreement in substantially the same form as shown in Exhibit 1 to the Resolution with DCURD for 49 U.S.C. § 5307 Funds for planning and environmental activities associated with the Las Colinas Area Personal Transit (APT) system.

**Section 2:** DCURD is responsible for the 20% local match for receipt of the grant funds and for an administrative fee for up to \$40,000 to reimburse DART for administrative expenses.

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

15. **Contract for Procurement of Track Materials for Thanksgiving Square Rail Replacement**

This item was deferred.

16. **Contract for 115 RE Continuous Welded Rail for the Irving Corridor**

Ms. Wilkins made a motion to approve Resolution No. 080127 that authorizes the President/Executive Director or his designee to award a contract, subject to legal review, for procurement of track materials for the Thanksgiving Square Rail Replacement project to Progress Rail Services in the amount of \$298,254, with a supplemental work contingency of \$14,463 (5%) for unanticipated expenses, for a total authorized amount not to exceed \$303,717.

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

17. **Review of Amendment to FY 2008 Twenty-Year Financial Plan Relating to Settlement of the Appeal of Martin K. Eby Construction Company, Including Related Pass Through Claims, and the Interlocal Agreement with Texas Department of Transportation (TxDOT) for construction and Implementation of a Light Rail Project and Managed High Occupancy Vehicle (HOV) Lanes on SH 1214/Loop 12**

Mr. Noah made a motion to approve Resolution No. 080128 that amends the FY 2008 Twenty-Year Financial Plan as shown in Exhibit 1 to the Resolution.

Ms. Dunlop Gates seconded the motion and it was approved unanimously.

18. **Settlement of the Appeal of Martin K. Eby Constrction Company, Inc., DART Docket No. 06-002, Including the Pass Through Claims of ATS Drilling L.P.**

Ms. Dunlop Gates made a motion to approve Resolution No. 080129 that states:

**Section 1:** the President/Executive Director or his designee is authorized to execute a settlement agreement, subject to legal review, resolving all claims between DART and Martin K. Eby Construction Company, Inc., in the Appeal of Martin K. Eby Construction Company, Inc.; DART Docket No. 06-002, and the lawsuit Dallas Area Rapid Transit v. Colonial American Casualty and Surety Company and Fidelity and Deposit Company of Maryland; Civil Action No. 3-05CV1405-B, In The United States District Court For the Northern District of Texas, Dallas Division.

**Section 2:** The President/Executive Director or his designee is authorized to execute a settlement agreement, subject to legal review, resolving the disputed pass through claims made by ATS Drilling L.P., in DART Contract Appeal No. 06-002.

**Section 3:** The President/Executive Director or his designee is authorized to fund these settlements from DART's Financial Reserve pursuant to the agreement reached by the parties which satisfies the criteria discussed in closed session.

Ms. Wilkins seconded the motion.

Mr. Noah asked for clarification, confirming that this Resolution dealt with the Settlement and the prior item dealt with the amendment of the Financial Plan.

Chair Chrisman asked the Board to vote on the motion made by Ms. Dunlop Gates and seconded by Ms. Wilkins. **The Board did so and the item was approved unanimously.**

19. **Approval of State Legislative Agenda for the 81<sup>st</sup> Regular Session of the Texas Legislature**

Chair Chrisman confirmed that the Board was considering the Legislative Agenda as revised (pink sheet) during the preceding Committee-of-the-Whole.

**Ms. Dunlop Gates made a motion to approve Resolution No. 080130 that approves the State Legislative Agenda for the 81<sup>st</sup> Regular Session of the Texas Legislature as reflected in Attachment 1 to the resolution.**

Mr. Carlson interrupted the vote to, again, confirm that the Board was being asked to consider the revised (pink sheet) version of the Legislative Agenda, which included the caveat that due diligence should be undertaken with all State Representatives.

**Mr. Carlson seconded the motion and it was approved by majority. (11/1; Mr. Christian opposed)**

**20. \*System-Wide Accessibility Plan – Status Update**

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

Policy Item

**21. Amendment of Joint Development Policy and Adoption of Transit-Oriented Development Policy**

Mr. Danish summarized the history of this item, stating that it was approved unanimously by the Transit-Oriented Development Committee as a means of creating a close partnership with the member cities to identify and implement TOD opportunities.

**Mr. Danish followed with a motion to approve a draft Resolution that states the title of the DART Board policy IV.03, Joint Development Policy, is changed to “Transit-Oriented Development Policy” and the text of the Policy is amended to read as set out in Exhibit 1 to this Resolution.**

**Mr. Christian seconded the motion and it was approved unanimously.**

Other Items:

**22. Officer Reports**

There was no report.

**23. Chair Report**

There was no report.

**24. General Counsel’s Report**

There was no report.

**25. President/Executive Director’s Report**

There was no report.

**26. Communications and Public Comments**

There were no additional Communications and Public Comments.

**27. Adjournment**

There being no further business to discuss, the meeting was adjourned at 7:33 p.m.

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Gail L. Cook  
Board/Committee Secretary

/glc

+ Same Night Item  
\* Briefing Item