

**MINUTES  
DALLAS AREA RAPID TRANSIT  
BOARD OF DIRECTORS'  
May 26, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, May 26, 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

Scott Carlson, Loretta Ellerbe, Mark Enoch, Ray Noah, and William Tsao were absent.

Chair Chrisman stated that he wished the Board to first address all its action items prior to hearing any other matters.

General Items:

1. **Approval of Minutes:** May 12, 2009

**Mr. Christian made a motion to approve the corrected May 12, 2009, Board of Directors' Meeting minutes.**

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

Consent Items:

**Ms. Wilkins made a motion to approve Consent Items 5. - 8.**

5. **Contract to Rebuild Bus Annunciation System Components**

**Approval of Resolution No. 090070 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, to rebuild bus annunciation system components to Clever Devices Ltd. in a total authorized amount not to exceed \$672,416 for the two-year base period.**

6. **Contract for Supply and Delivery of Bus Replacement Glass**

**Approval of Resolution No. 090071 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, for supply and delivery of bus replacement glass to Prevost Car (US) Inc. in a total authorized amount not to exceed \$383,390.**

7. **Contract for Miscellaneous Bus Cummins Engine Parts**

**Approval of Resolution No. 090072 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, for miscellaneous bus Cummins engine parts to Cummins Southern Plains, L.L.C., in a total authorized amount not to exceed \$2,474,953 for the two-year base period.**

8. **Exercise Contract Option for Miscellaneous Light Rail Vehicle Propulsion Parts**

**Approval of Resolution No. 090073 that authorizes the President/Executive Director or his designee to execute a contract option for miscellaneous light**

rail vehicle (LRV) propulsion parts with Carcon Merchants, L.L.C., [Contract No. C-1011784-01] to:

**Section 1:** Exercise the one-year option.

**Section 2:** Increase the not-to-exceed amount by \$793,728, for a new total authorized amount not to exceed \$2,122,034.

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

Individual Items:

**9. \*Review of FY 2009 Second Quarter Operating and Financial Performance Report**

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

**10. +Approval of Quarterly Disclosure Update as of March 31, 2009**

Mr. Strauss prefaced the item by reminding the Board that, earlier in the day, the item had secured unanimous approval by both the Budget and Finance Committee and the Committee-of-the-Whole.

**Mr. Strauss made a motion to approve Resolution No. 090074 that authorizes the President/Executive Director or his designee to issue the Quarterly Disclosure Update dated May 26, 2009, in substantially the same form as shown in Exhibit 1 to this Resolution.**

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

**11. +Approval to Amend the FY 2009 Twenty-Year Financial Plan**

Mr. Strauss said this item, too, had been approved (unanimously) by Budget and Finance and Committee-of-the-Whole.

**Mr. Strauss made a motion to approve Resolution No. 090075 that amends the FY 2009 Twenty-Year Financial Plan as shown in Exhibit 1 to this Resolution.**

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

**12. +Approval to Amend and Restate the Sixth Supplemental Debt Resolution**

Mr. Strauss confirmed that this item had also been unanimously approved by Budget and Finance and Committee-of-the-Whole and recommended its approval by the Board. He added that he wished the record to reflect the difficulty of this

particular task and Mr. David Leininger, Senior Vice President and Chief Financial Officer, and his staff should be commended and congratulated on the result of their diligent effort.

**Mr. Strauss made a motion to approve Resolution No. 090076 that amends and restates the Sixth Supplemental Debt as shown in Exhibit 1 to this Resolution.**

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

Chair Chrisman moved the Board to consider its other business.

## **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 individuals addressed the Board:

Ms. Rotini Holman, 12250 Abrams, #1244, Dallas, Texas, 75243, (214) 342-2695: Ms. Holman identified herself as the Recording Secretary for Amalgamated Transit Union (ATU) Local 1338. Ms. Holman stated that the Board was in possession of information confirming that it is accepted practice for Union Officers and Representatives to sign grievances for employees. Ms. Holman said the practice has never been questioned in the past but she was terminated for her employment for doing so. Ms. Holman asked the Board to review the sequence of events that culminated in her termination.

Ms. Sherlyn Mbakwe, 2225 Swansee, Dallas, Texas, 75232, (214) 982-7347: Ms. Mbakwe thanked the Board for intervening in the previously recorded discharge of six Customer Service Representatives. Ms. Mbakwe stated the six individuals had been reinstated to their positions but wished to address the Board this night concerning Ms. Rotini Holman. Ms. Mbakwe provided each member of the Board three distinct packets of documents that validated signature protocols within the Union structure. In closing, Ms. Mbakwe stated that Ms. Homan had been terminated for doing something that was clearly done all the time and asked the Board to investigate and reinstate Ms. Homan.

## **3. Citizen Advisory Committee Report concerning their May 21, 2009, Meeting**

Mr. Bob Ganson, Chairman of the Citizens Advisory Committee, provided a verbal and written (on file with the Office of Board Support) overview of the Committee's last meeting which took place on May 21<sup>th</sup>, 2009.

In closing, Mr. Ganson commended the Board for approving the Fare Structure and reminded the Board they were welcome to attend CAC meetings.

**4. DART Poster Contest Award Recognition**

Ms. Janie Pena, Assistant Vice President of External Affairs, introduced the Board to the subject, explaining that DART's Education Outreach department had hosted the competition for children in K-12<sup>th</sup> grades.

Ms. Pena yielded to Ms. Jessica Lennon, Manager of Education Outreach, to recognize the following award winners: Jacques Jackson (1<sup>st</sup> grade, 1<sup>st</sup> Prize), Nataly Leyva (1<sup>st</sup> grade, Runner-Up), Jaiceona Finley (3<sup>rd</sup> grade, 1<sup>st</sup> Prize), Marcus Cobin (2<sup>nd</sup> grade, Runner-Up), Vyllette Surita (2<sup>nd</sup> grade, Honorable Mention), Jasziel Tristan (4<sup>th</sup> grade, 1<sup>st</sup> Prize), Daniel Valles (5<sup>th</sup> grade, Runner-Up), Terrence Heard (5<sup>th</sup> grade, Honorable Mention), Chaquilla Hicks (5<sup>th</sup> grade, Honorable Mention), Karla Vasquez (6<sup>th</sup> grade, 1<sup>st</sup> Prize), Destiny Fisher (8<sup>th</sup> grade, Runner-Up), Emmanuel White (8<sup>th</sup> grade, Honorable Mention), Kathryn Coffey (10<sup>th</sup> grade, 1<sup>st</sup> Prize), Krissa Myers (10<sup>th</sup> grade, Runner-Up), and Luis Lopez (9<sup>th</sup> grade, Grand Prize Winner).

Chair Chrisman thanked the students, parents, family members, teachers, administrators, and all other speakers for attending and moved the Board back to finish its unheard business.

Policy Item:

**13. Amendment of DART Board Policy I.05, Records Management Policy**

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

Other Items:

**14. Public Comments**

Chair Chrisman reminded those individuals waiting to address the Board that the same guidelines, described earlier during Item 2., **Public Comments**, remained in effect.

The following individuals addressed the Board:

Ms. Sandra Tinsley, 1009 Bumble Bee, Lancaster, Texas, (469) 487-4677: Ms. Tinsley referred the Board to a letter she had authored on May 25, 2009, (on file with the Office of Board Support) a copy of which had been provided to them. Ms. Tinsley described certain actions and conversations that took place on March 6, 2009, involving her co-workers and superiors that Ms. Tinsley stated are relevant and germane to six Customer Service Representatives being terminated.

Mr. Larry Knott, 4206 Swiss, Dallas, Texas, (214) 868-1641: Mr. Knott identified himself as the Executive Vice President of Amalgamated Transit Union (ATU) Local 1338 and a long-term DART employee. Mr. Knott thanked the Board for being proactive and returning six Customer Service Representatives to their positions. Mr. Knott stated that Ms. Rotini Holman was the only employee involved in the situation who had not been returned to active status. Mr. Knott asked for the Board to investigate the matter and reinstate Ms. Holman.

Ms. Dewana Jones: Ms. Jones stated she was concerned with Veolia/DART. Ms. Jones explained her employment (with Veolia) had been terminated because she had used her (personal) cell phone to contact dispatch. She went on that she had been informed that Veolia and DART had "zero tolerance" for operators using cell phones, but did not think and did not agree that "zero tolerance" should include using one's cell phone to contact dispatch when no other alternative was available. Ms. Jones asked the Board to review the matter and, if nothing else, provide employees with a better definition of "zero tolerance".

**15. Identification of Future Agenda Items**

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

**16. Adjournment**

There being no further business to discuss, the meeting was adjourned at 7:04 p.m.

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Gail Cook  
Board/Committee Secretary

/glc

+ Same Night Item  
\* Briefing Item