

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
May 27, 2008**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, May 27, 2008, 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

City of Garland

Angie Chen Button

City of Irving

John C. Danish – **Secretary**

City of Plano

Linda Paulk

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

~~Raymond Noah, Mark Enoch, Linda Paulk, and Angie Chen Button were absent.~~

Mark Enoch, Linda Paulk, and Angie Chen Button were absent. Mr. Raymond Noah was required to attend the Addison City Council meeting, where his reappointment to the DART Board of Directors' was considered.

General Items:

1. **Approval of Minutes:** **May 13, 2008**

Ms. Wilkins made a motion to approve the amended May 13, 2008, Board of Directors' Meeting minutes.

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

2. **Recognition of DART Board Member Daniel C. Perez**

Chair Chrisman introduce Mr. Daniel Perez and added that Mr. Perez had been appointed by the City of Dallas to serve on the DART Board in November 2006. Chair Chrisman said Mr. Perez had chaired the Ethics Committee and had been an active participant of the DART Board.

Mr. Perez expressed his appreciation for the recognition and thanked the DART Board for the many hours they had spent together. He concluded by complimenting Mr. Gary Thomas, President/Executive Director, on the excellent caliber of his staff.

3. **Committee Advisory Reports: Citizen Advisory Committee (CAC)**

Mr. Claude Doane, Chair of the CAC, thanked Mr. Perez for his service to the community and provided a brief overview of the group's last meeting. He said the primary focus of the meeting was to develop a work plan for the year with an eye towards harmonizing with the DART Board's goals.

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:

Roscoe A. Betz, 206 Huntley Street, Dallas, Texas, 75214, (214) 824-1040: Mr. Betz stated he wished to discuss the employee parking garage on Peak Street. Mr. Betz said the parking garage causes severe flooding in the immediate neighborhood and, in particular, to a low-income apartment complex within two blocks of Caldwell Street. Mr. Betz related that the apartment complexes have been flooded three times by the DART parking garage damming up the surface water and attempts to correct the problem from recurring have been ineffective.

Consent Items:

Mr. Christian made a motion to approve Consent Items 5 - 12.

5. Contract Modification for a Two-Year Extension of the Project Professional Liability Policy for Light Rail Transit (LRT) Build-Out Phase II

Approval of Resolution No. 080069 that authorizes the President/Executive Director or his designee to execute a contract modification with Willis of Texas, Inc., [Contract No. 1011780-02] in the amount of \$1,959,000 to pay the additional premium to Zurich American Insurance Company resulting from increases in construction costs and to extend the policy for an additional 24 months to cover all professional services required to complete the remaining work on the light rail expansion for a new total authorized amount not to exceed \$8,080,275.

6. Use of Outside Counsel in Millwee-Jackson J.V. v. Dallas Area Rapid Transit and City of Dallas, Cause No.04-07287-E

Approval of Resolution No. 080070 that authorizes General Counsel is authorized to continue the engagement of Eric McNeil in litigation styled Millwee-Jackson J.V. v. Dallas Area Rapid Transit and City of Dallas, Cause No.03-07287-E, in an amount not to exceed \$65,000.00.

7. Approval of Depository Bank Disbursement Officers and Signature Authorizations

Approval of Resolution No. 080071 that states:

Section 1: Individuals in the following positions are designated as Disbursement Officers, authorized to disburse DART funds through their signatures or approvals on accounts payable checks, payroll checks, Automated Clearing House (ACH) electronic payments, and wire transfers; and:

President/Executive Director
Executive Vice President, Operations
Chief Financial Officer
Vice President, Finance
Treasurer/Controller
Assistant Treasurer
Senior Manager, General Accounting
Cash Manager (repetitive wire transfers only)

Section 2: A facsimile signature of the President/Executive Director is sufficient authorization for disbursement checks and Automated Clearing House (ACH) electronic payments under \$100,000.

Section 3: Disbursement checks and Automated Clearing House (ACH) electronic payments of \$100,000 or more will require the facsimile signature of the President/ Executive Director and the manual signature of one Disbursement Officer.

Section 4: Individuals in the following positions are authorized to transfer funds to and from the following accounts: General Operating, System Expansion and Acquisition Fund (SEAF), Financial Reserve, Master Insurance Reserve, and Regional Rail Right-of-Way.

**Chief Financial Officer
Vice President, Finance
Treasurer/Controller
Assistant Treasurer
Senior Manager, General Accounting
Cash Manager**

Section 5: The President/Executive Director or his designee is authorized to execute the necessary agreements with DART's depository bank to effectuate this change.

Section 6: This resolution will take effect upon notification to the depository bank.

8. Approval of Quarterly Disclosure Update

Approval of Resolution No. 080072 that authorizes the President/Executive Director or his designee to issue the Quarterly Disclosure Update dated May 27, 2008, as shown in Exhibit 1 to this Resolution.

9. Call for Public Hearing and Approval of Submission of Fiscal Year 2008 Grant Applications and Amendment

Approval of Resolution No. 080073 that authorizes that states:

Section 1: A public hearing is called on June 30, 2008, at 12:00 p.m. and 6:00 p.m. in the DART Board Room to solicit public comments on the projects for the FY 2008 Grant Applications.

Section 2: Subsequent to the public hearing, the President/Executive Director or his designee is authorized to execute and file applications for Federal and local assistance on behalf of DART, as designated recipient, with the Federal Transit Administration for Federal assistance authorized by 49 USC Chapter 53, Title 23, United States Code; or other Federal statutes authorizing a project administered by the Federal Transit Administration.

Section 3: The President/Executive Director or his designee is authorized to execute and file with its grant applications the annual certifications and assurances and other documents the Federal Transit Administration and Regional Transportation Council require before awarding a Federal or Local assistance grant agreement.

Section 4: The President/Executive Director or his designee is authorized to execute the grant agreements with the Federal Transit Administration and Regional Transportation Council on behalf of DART.

10. Contract for Wheelchair Lift Components

Approval of Resolution No. 080074 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, for wheelchair lift components to Neopart, L.L.C., in a total authorized amount not to exceed \$289,269.

11. Contract Modification for Rebuilding Bus Annunciation System Components

Approval of Resolution No. 080075 that authorizes the President/Executive Director or his designee to execute a contract modification for rebuilding bus annunciation system components to Clever Devices, Ltd., [Contract No. C-1010246-1] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$297,439, for a new total authorized amount not to exceed \$876,130.

12. Contract for Nova Bus Exterior Body Panels

Approval of Resolution No. 080076 that authorizes the President/Executive Director or his designee to award a two-year contract, subject to legal review, for Nova bus exterior body panels to Prevost Car (U.S.), Inc., in a total authorized amount not to exceed \$1,533,401.

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

Individual Items:

13. Initiation of Litigation to Recover Property Damage

Ms. Dunlop Gates made a motion to approve Resolution No. 080077 that authorizes General Counsel to initiate litigation against DeShannon L. Roberts and Annie Washington is approved.

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

14. Approval of Fifth Supplemental Debt Resolution

Mr. Strauss made a motion to approve Resolution No. 080078 which approves the Fifth Supplemental Debt Resolution.

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

15. Contract Modification for Liquefied Natural Gas Fuel

Mr. Carlson made a motion to approve Resolution No. 080079 that authorizes the President/Executive Director or his designee to execute a contract modification for liquefied natural gas (LNG) fuel with Clean Energy [Contract No. C-1008776-01] to:

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

Section 2: Increase the not-to-exceed amount by \$18,168,057, for a new total authorized amount not to exceed \$33,596,757.

Mr. Tsao seconded the motion and it was approved by majority. Mr. Christian, Ms. Wilkins, and Ms. Dunlop Gates voted “no”.

16. Joint Memorandum of Understanding Between Dallas Area Rapid Transit, Denton County Transportation Authority, Fort Worth Transportation Authority, and North Central Texas Council of Governments for Coordination of Transportation Services in North Central Texas

Mr. Carlson made a motion to approve Resolution No. 080080 that authorizes the President/Executive Director or his designee to execute an Joint Memorandum of Understanding, in substantially the form attached to this Draft Resolution as Exhibit 1, and subject to legal review, between Dallas Area Rapid Transit, Denton County Transportation Authority, Fort Worth Transportation

Authority, and North Central Texas Council of Governments for coordination of Transportation Services in North Central Texas.

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

17. **Authorization to Negotiate with the Fort Worth Transportation Authority and the Denton County Transportation Authority for Access to DART-Owned Rail Corridors**

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

18. ***Review of FY 2008 Second Quarter Operating & Financial Performance Report**

This item was for consideration at Committee-of-the-Whole only.

19. ***Government Relations Update**

This item was for consideration at Committee-of-the-Whole only.

20. ***Board Retreat Information**

This item was for consideration at Committee-of-the-Whole only.

21. ***Paratransit Service Information**

This item was for consideration at Committee-of-the-Whole only.

Other Items:

22. **Officer Reports**

There was no report.

23. **Chair Report**

Chair Chrisman stated that the recent meeting with the Bond rating agencies went well.

24. **General Counsel's Report**

There was no report.

25. President/Executive Director's Report

Mr. Thomas said DART would participate in Partners in Mobility in Austin, Texas, and also looked forward to the rapidly approaching APTA Rail Conference. He said DART's rail operators and rail mechanics would be competing against other transit properties throughout the country during the APTA Conference.

Mr. Thomas added that he had received a telephone call from FTA Administrator, Jim Simpson, regarding DART receiving additional discretionary Federal funds. Mr. Thomas believes the funds described by Mr. Simpson are new funds, over and above previously requested discretionary funds.

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 6:44 p.m.

Gail L. Cook
Board/Committee Secretary

/glc

+ Same Night Item
* Briefing Item