

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
April 14, 2009**

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, April 28, 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

Loretta Ellerbe, Claude Williams, Robert Strauss, and William Velasco were absent. William Tsao was also absent but traveling on DART related business.

General Items:

1. **Approval of Minutes:** April 14, 2009

Mr. Danish made a motion to approve the April 14, 2009, Board of Directors' Meeting minutes with no corrections, deletions, or additions.

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

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. Suzanne Whalen, 9411 Mixon Drive, #127, Dallas, Texas, 75220, (214) 357-2829: Ms. Whalen thanked the Board for deciding not to increase the Paratransit fare to \$4.00 and offered several suggestions to improve the equity of Paratransit fares in the future.

Ms. Liz Rochester, 6825 Larmanda Street, #135, Dallas, Texas, 75231, (214) 221-5591: Ms. Rochester thanked the Board for not increasing the Paratransit fare to \$4.00 (per ride). Ms. Rochester spoke to the Board about the less than accommodating realities she, personally, has experienced traveling in a wheel chair via fixed route services.

Mr. Tom Nowak, 9441 Brentgate, Dallas, Texas, 75238, (214) 553-1699: Mr. Nowak stated the he represented a group of Lake Highland residents who live in the Lake Highland's North Sub-Division. Mr. Nowak said that the residents of this community were very displeased that DART had changed its previously communicated plans by incorporating east access points to the Lake Highland Transit Station.

Ms. Rhonda Hasley, 4522 Abbott, #12, Dallas, Texas, 75205, (214) 522-9817: Ms. Hasley, too, expressed her gratitude to the Board for their decision not to increase Paratransit Fare to \$4.00. Ms. Hasley explained that she is a frequent Paratransit passenger and, due to safety and security, explained why Paratransit service far exceeds fixed route for disabled individuals.

Ms. Billie Johnson, P. O. Box 741622, Dallas, Texas, 75374, (972) 922-0814: Ms. Johnson stated that she has been accused of assaulting a DART bus driver and had also been assaulted by a DART Police Officer. Ms. Johnson expressed frustration over the lack of action and responsiveness to either situation.

Mr. Keith Caballa, 4517 N. O'Connor, #1134, Irving, Texas, 75062, (940) 597-8512: Mr. Caballa thanked the Board for deciding not to increase the Paratransit Fare to \$4.00. Mr. Caballa stated that the new Paratransit Identification cards did not allow the owner of the card to travel carte blanche. He said the new card states on the back that the card is not valid after TRE's West Irving Station.

Mr. John Killian, 829 Melba, Dallas, Texas, (214) 941-1215: Mr. Killian thanked the Board for reconsidering increasing the Paratransit Fare.

Mr. Terry Prohaska, 2601 Frankford Road, #2601, Dallas, Texas, 75287, (972) 992-0351: Mr. Prohaska echoed the previous sentiments regarding the unchanged Paratransit Fare. Mr. Prohaska asked the Board to also investigate improving the handicapped access at the agency's (regular/fixed route) bus stops.

Mr. Jay Yarbrough, 9541 Angleridge, Dallas, Texas, 75238, (214) 342-8787: Mr. Yarbrough stated that he is a resident of Lake Highlands. Mr. Yarbrough spoke to the Board concerning the changed plans for the Lake Highlands Station which calls for east access points for buses, etc.

Mr. Douglas Malcom, 327 Hillside, Richardson, Texas, (972) 234-0288: Mr. Malcom stated he has ridden the DART LRT for a year and has never, personally, had anyone confirm that he had a valid ticket. Mr. Malcom continued that he has also never seen anyone check to make sure other passengers have tickets. Mr. Malcom expressed frustration at the amount of fare evasion and lack of policing and security.

Ms. Emily Stock, 1212 Coit, Dallas, Texas, (972) 643-1800, extension 1912: Ms. Stock stated she represented her organization, a non-profit entity that provides assistance to the homeless. Ms. Stock stated that non-profit agencies like the one she represents frequently purchase books of tickets, enabling their clients to seek employment. She said the proposed fare increase will make continuing this service to the homeless difficult if not impossible to continue and stated that the decision to waive the Paratransit increase but move forward with a fare increase for non-profit organizations was unfair and destructive.

Chair Chrisman stated that the thirty minutes allocated to Agenda Item 2., **Public Speakers**, had been exhausted and the remaining speakers would be given an opportunity to speak at the end of the meeting (Agenda Item 19., Public Comments).

3. **Citizen Advisory Committee (CAC) Report on April 16, 2009 Meeting**

Mr. Bob Ganson, Chairman of the CAC, provided a verbal and written (on file with the Office of Board Support) overview of the Committee's last meeting which took place on April 16th, 2009.

The April 16th meeting consisted of a review of DART's Financial Plan, long range financial planning, and an explanation of how those two factors have necessitated the proposed fare increase.

4. **Paratransit Access Advisory Group (PAAG) Report on April 17, 2009 Meeting**

Mr. Terry Prohaska represented the PAAG and described the topics that had been addressed at PAAG's last meeting, which took place on April 17, 2009. Mr. Prohaska touched on how the Group reviewed, with the assistance of visiting DART Staff, how train stations will have to be modified to accommodate level boarding, Key Performance Indicators, the Paratransit Appeal process, and potential improvements (to Paratransit services) via advances technology.

5. **Maintenance and Transportation Bus Roadeo and Light Rail Raildeo Proclamations**

Mr. Mike Hubbell, Vice President of Maintenance, who presented awards for the Light Rail competition to Robert Hill, Jr., and Craig Greenawalt, and Carl Gillmen, joined Mr. Victor Burke, Executive Vice President of Operations.

Mr. Hubbell also recognized Mr. James Furino, Mr. Timothy Simmons, and Mr. Lewis Simmons who had competed, and won, the bus competition. This team, Mr. Hubbell, said would represent the agency at the National competitions later in the year in Seattle, Washington.

Mr. Frank Jennings, Vice President of Transportation, presented awards to those operators who competed in the Bus Roadeo. Mr. Jennings introduced Mr. Tyrone Smith, who had secured first place in the 30' bus competition and Mr. Elroy Williams who had secured first place in the 40' bus competition.

Mr. Jennings moved on to recognize Mr. John Mann Gardner, II, and Mr. Adolphus Armstrong who, working as a team, had placed first in the rail competition, and Mr. Adolphus Armstrong who had placed in the event as well.

6. **Paratransit Most Valuable Driver Presentation**

Mr. Burke introduced Mr. Doug Douglas, Vice President of Paratransit, who recognized Ms. Juanita Martinez as DART/PAAG's Most Valuable Driver for Spring 2009.

Mr. Douglas provided a brief overview of Ms. Martinez's history and achievements that had garnered the award.

7. Paratransit Van Roadeo Proclamation

Mr. Douglas also recognized Ms. Rolondrea Sharp and Mr. George Cepulveda who had placed first in the DART Paratransit Roadeo competition and who had gone on to represent DART in the State Paratransit Roadeo.

8. Police Motorcycle Roadeo Proclamations

Chief James Spiller recognized Officer Justin Ellis who had placed first in the DART Police Motorcycle Roadeo event. Chief Spiller also recognized Officer Shawn Murphy, who could not attend, who had placed second in the event. Mr. Homer Hutchins had placed third in the event and also received a commemorative award.

9. DART Police Week Proclamation

Chief Spiller maintained his place and advised that the DART Police would be observing "Police Week" from May 11 to May 15. Chief Spiller explained that the purpose of 'Police Week' is to commemorate and honor the fallen law enforcement officers from the State of Texas.

Chair Chrisman thanked all those who had competed in the Roadeo and Raildeo events, in whatever capacity, and moved the Board to consider its Consent Items.

Consent Items:

Mr. Noah made a motion to approve Consent Items 10. – 16.

10. Contract for Benefits Consulting Services

Approval of Resolution No. 090054 that authorizes the President/Executive Director or his designee to award a three-year contract for Benefits Consulting Services to Buck Consultants, LLC, subject to legal review, for a total authorized amount not to exceed \$559,915.

11. Contract for Self-Insured Dental Plan for DART Employees and Their Eligible Dependents

Approval of Resolution No. 090055 that authorizes the President/Executive Director or his designee to award a three-year contract, subject to legal review, for self insured dental insurance for employees and their eligible dependents to Delta Dental Insurance Company for a total authorized amount not to exceed \$307,046.

12. **Exercise Option for the Purchase and Installation of Six Train-to-Wayside Communication (TWC) Devices for the Traffic Signal Priority (TSP) System**

Approval of Resolution No. 090056 that authorizes the President/Executive Director or his designee, subject to legal review, to exercise an option for the purchase and installation of six TWC devices in the TSP system with Mass Electric Construction Company for \$380,625, plus a supplemental work contingency of \$30,450 (8%) for unanticipated expenses, for a total not-to-exceed amount of \$411,075, for a new total authorized amount not to exceed \$2,794,635.

13. **Use of Outside Counsel in the Appeal of Railroad Retirement Board Decision, Docket No. 05-CO-0038**

Approval of Resolution No. 090057 that authorizes the President/Executive Director or his designee to continue the engagement of the firm of K&L Gates, LLP to seek reconsideration of the Railroad Retirement Board Decision, Docket No. 05-CO-0038 and the possible appeal in that matter, in a total amount not to exceed \$80,000 for DART's share of the fees for the request for reconsideration and possible appeal.

14. **Contract for Non-Revenue Vehicles (NRVs)**

Approval of Resolution No. 090058 that authorizes the President/Executive Director or his designee to award a contract for 14 non-revenue vehicles (NRVs) to Planet Dodge in a total authorized amount not to exceed \$317,296.

15. **Increase Contract Funding Rebuild Radio System Components**

Approval of Resolution No. 090059 that authorizes the President/Executive Director or his designee to execute an increase in contract funding to rebuild radio system components with Metroplex Two Way Radio [Contract No. C-1013800-01] to increase the not-to-exceed amount by \$120,500, for a new total authorized amount not to exceed \$451,030 for the two-year base period.

16. **Contract for Miscellaneous Off-the-Shelf Bulbs, Lights, Cleaning and Safety Items, Hardware, and Electrical Supplies**

Approval of Resolution No. 090060 that authorizes the President/Executive Director or his designee to award a two-year contract for miscellaneous off-the-shelf bulbs, lights, cleaning and safety items, hardware, and electrical supplies to Auto Parts Solutions in a total authorized amount not to exceed \$499,557 for the two-year base period.

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

Individual Items:

17. Authorize the Acquisition of Parcels M-1 and M-2 within the City of Carrollton (M-1) and (M-2)

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

18. Approval of Board Strategic Priorities for Fiscal Year 2010 - 2015

Mr. Christian made a motion approve Resolution No. 090061 that adopts the Board Strategic Priorities for FY 2010 through 2015 as reflected in Exhibit 1 attached to this draft Resolution.

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

Other Items:

19. Public Comments

Mr. Larry Knott, 4206 Swiss Avenue, Dallas, Texas, (214) 828-1641: Mr. Knott stated he wished to redress issues relating to the termination of seven Customer Service Representatives initially brought before the Board during the April 14th, 2009, Board of Directors' meeting (refer to Minutes from April 14, 2009, Board of Directors' meeting). Mr. Knott identified himself as the Executive Vice President of Amalgamated Transit Union, Local 1338 and said he wished to clarify, especially with the less seasoned members of the Board, the Union related circumstances surrounding these terminations.

Chair Chrisman stated he had no additional Speaker cards and asked if anyone in attendance wished to address the Board.

As a result of this invitation, the following individuals addressed the Board:

Ms. Sandra Tinsley, 1009 Bumble Bee, Lancaster, Texas, (469) 487-4677: Ms. Tinsley reminded the Board that she, too, had brought employee relation concerns in the Customer Service Department to the Board's attention at the March 24th and April 14th meetings (refer to the respective Minutes from the April 14 and March 24, 2009, Board of Directors' meetings). Ms. Tinsley repeated her allegations that the seven Customer Service Representatives had been terminated unjustly. Ms. Tinsley stated that since speaking about the matter to the Board, she, too, had been formally disciplined and distributed information to the Board relative to that claim (on file with the Office of Board Support).

Mr. Bradley McDonald, 4022 Random Circle, Garland, Texas, (214) 601-5187: Mr. McDonald stated he is a frequent Paratransit rider and related several occasions when he had been listed as a “No Show” for his ride when, in fact, he was waiting inside for the van due to inclement weather. Mr. McDonald suggested the agency review its “No Show” policy as it relates to mobility impaired passengers who are responsible for protecting their motorized conveyances and, as a result, might need additional time to make their way to the van.

Chair Chrisman stated, again, he had no additional Speaker cards and asked, again, if anyone wished to address the Board.

Ms. Whalen, who had previously addressed the Board during Item #2., **Public Comments**, asked to speak again. Chair Chrisman allowed the request, but cautioned Ms. Whalen that she must be brief because allowing her to speak again was highly irregular.

Ms. Suzanne Whalen, 9411 Mixon Drive, #127, Dallas, Texas, 75220, (214) 357-2829: Ms. Whalen stated that individuals who participate in ADA/PAAG meetings must pay for their own transportation to/from the meetings. Ms. Whalen asked the Board to consider covering the transportation costs of those people that attend these meetings.

Chair Chrisman confirmed that he had no more Speaker cards and thanked everyone who had taken the time and trouble to provide comments to the Board. A female in the audience signaled that she wished to speak. Chair Chrisman recognized her request and, because he had no Speaker card for her, asked the female to identify herself prior to speaking.

The following individual addressed the Board:

Ms. Latonya Odom, 6319 Bellbrook Drive, Dallas, Texas, 75217, (214) 391-0664: Ms. Odom reminded the Board that she had addressed them at the April 14th Board of Directors’ meeting (refer to the Minutes from the April 14, 2009, Board of Directors’ meeting) and was, in fact, one of the seven Customer Service Representatives who had been terminated, as previously mentioned by Mr. Knott and Ms. Tinsley. Ms. Odom distributed information to the Board (on file with the Office of Board Support) and continued that, since the last time she spoke, she had received an offer to return to her position. Ms. Odom related the conditions of her reinstatement and why the conditions were unacceptable to her. Ms. Odom repeated her request for the Board to investigate the matter.

20. Identification of Future Agenda Items

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

21. Adjournment

There being no further business to discuss, the meeting was adjourned at 7:40 p.m.

Gail Cook
Board/Committee Secretary

/glc

+ Same Night Item

* Briefing Item