The Dallas Area Rapid Transit Board of Directors’ meeting came to order on Tuesday, December 8, 2020, at 7:30 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Wageman presiding.

City of Dallas
Ray Jackson – Assistant Secretary
Patrick J. Kennedy
Jon-Bertrell Killen
Michele Wong Krause – Vice-Chair
Amanda Moreno-Lake
Rodney Schlosser
Dominique P. Torres

City of Garland
Jonathan R. Kelly – Secretary

City of Irving
Rick Stopfer

City of Plano
Paul N. Wageman – Chair

City of Cockrell Hill and Dallas
Eliseo Ruiz, III

Cities of Carrollton and Irving
Doug Hrbacek

Cities of Farmers Branch and Plano
Robert C. Dye

Cities of Garland, Rowlett, and Glenn Heights
Mark C. Enoch

Cities of Richardson and University Park; Towns of Addison and Highland Park
Gary A. Slage

Mr. Mark C. Enoch and Mr. Ray Jackson were absent.
General Items:

1. **Roll Call**
   Chair Wageman took Roll Call, confirming a quorum was present.

2. **Approval of Minutes:** November 10, 2020 and November 20, 2020
   Mr. Kelly moved to approve the November 10, 2020, and November 20, 2020, Board of Directors' meeting Minutes, and entered into record, as written.
   Mr. Stopfer seconded.
   Chair Wageman took a Roll Call vote and the Minutes were approved unanimously.

3. **This item will be discussed at Committee-of-the-Whole only.**

5. **Public Comments**
   Public comments for the Board of Directors' meeting were accepted via email at the following address: boardmeetingpubliccomments@dart.org until 6:00 p.m. on Tuesday, December 8, 2020. All comments received were read into the public record during the Board meeting by Chair Wageman.
   Chair Wageman read into record a total of 14 Public Comments received via email (Copy on file with the Office of Board Support).
   Public Comments were as follows:

   **Ms. Dianne Gourzong:**
   Ms. Gourzong requested a refund on the unused portion of her annual pass, noting that due to her employer stating that employees would continue working from home until June, 2021.

   **Ms. Vanessa Jones:**
   Ms. Jones requested an investigation of Bus #525 (44090) Burbank Station. She noted she boarded the bus at approximately 6:02 a.m. and sat there for close to 30 minutes.

   **Mr. Kendall Henderson:**
   Mr. Henderson requested an investigation of Route 597 not showing up for the 2nd time at the 6:38 p.m. departure at the Lawnview Station.

   **Mr. Leonard Lake:**
   Mr. Lake provided a disjointed email to the Board.

   **Mr. Rick Gibbs:**
   Mr. Gibbs submitted a complaint concerning the actions of DART Police at the Irving Downtown Heritage Crossing station in reference to a suspect being released from custody after Irving Police apprehended the suspect for attacking a passenger on DART property to commit a crime.

   **Ms. Claudia Jones, Employee:**
   Ms. Jones requested the DART Board reconsider providing DART employees with their annual pay raises and bonuses.
Mr. Jon Sustaita:
Mr. Sustaita voiced his concern with security issues on DART Trains, and DART properties. He recommended revamping DART officer presence on the trains.

Ms. Shay Jones, Employee:
Ms. Jones requested someone reach out to her concerning her health insurance and the FSA deductions, due to her unique employment situation.

Mr. Bernard Wade, Employee:
Mr. Wade provided information on the DART policy of the Hourly Employee Manual (HEM) in reference to the recent lack of pay increase and no bonuses, for DART employees.

Mr. Barry Winston, Employee:
voiced concern regarding the lack of employees receiving their annual pay.

Mr. Kirven Brooks, Employee:
Mr. Brooks voiced concern regarding the lack of employees receiving their annual pay.

Mr. Bryan Blanks, Employee:
Mr. Blanks voiced concern regarding the lack of employees receiving their annual pay, employee morale, and hiring practices.

Mr. Learis Graham, Jr., Employee:
Mr. Graham voiced concern with the removal of the employees’ ability to have voluntary payroll deductions come out from their payroll checks.

Ms. Torres stepped out of the meeting at 7:08 p.m.

Mr. Albert Dirla, Employee:
Mr. Dirla provided information on the DART policy of the Hourly Employee Manual (HEM) in reference to the recent lack of pay increase and no bonuses, for DART employees.

After reading all the provided emails, Chair Wageman took Roll Call, confirming a quorum was present, prior to continuing with the agenda.

4. CAC Report
Chair Wageman read into record the report from Citizens Advisory Committee (CAC) of their meeting that convened on Thursday, November 19, 2020, via teleconference through Zoom.

Ms. Torres rejoined the meeting at 7:12 p.m.

Consent Items:
Mr. Schlosser moved to forward Consent Items 6 through 12.

Administration:
6. Appointment of Directors to the Dallas Area Rapid Transit Mobility Service, LGC Board of Directors
Moved for approval of Resolution 200128 stating that Gary Slagel, Rob Smith, Carol Wise, and Nicole Fontayne-Bardowell are hereby appointed to the Dallas Area Rapid
Transit Mobility Service, LGC Board of Directors for terms commencing on the date hereof and ending on December 31, 2022, or until a replacement director is appointed.

**Customer Service, Safety and Mobility:**

7. **Contract Award for Light Rail Vehicle HVAC Upgrade**

Moved for approval of Resolution 200129 stating the President/Executive Director, or his designee, is authorized to award an eighteen-month contract for Light Rail Vehicle (LRV) HVAC Upgrade of sixty-six (66) units with new HVAC units to Merak North America, LLC in the amount of $3,821,242, with an option to replace seventy (70) HVAC units for the 1998 LRV sub-fleet in the amount of $3,380,090, for a total authorized amount not to exceed $7,201,332.

8. **Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support**

Moved for approval of Resolution 200130 stating the President/Executive Director, or his designee, is authorized to increase funding to the existing Trinity Railway Express ten-year Operations and Maintenance Contract with Herzog Transit Services, Inc., [Contract No. 2005858-1], to support PTC by providing ongoing service continuity and supporting all PTC systems in a manner that does not degrade the service, service level flexibility or performance, and is responsible for ensuring the PTC system maintains FRA compliance in an amount of $7,118,138 for a new total authorized amount not to exceed $334,191,840.

9. **Funding for DART’s Portion of a Positive Train Control (PTC) Maintenance and Support Contract Between Trinity Metro and Wabtec Corporation**

Moved for approval of Resolution 200131 stating the President/Executive Director, or his designee, is authorized to fund DART’s portion of the PTC Maintenance and Support Contract between Trinity Metro and Wabtec Corporation for a long-term (five-year) service agreement for the maintenance of Wabtec-provided proprietary software and hardware that comprise the Interoperable Electronic Train Management System (I-ETMS) PTC System including onboard and Back Office Systems (Computer Aided Dispatch (CAD)/Train Management Dispatch System (TMDS), Back Office Software (BOS), and Mobile Data Management (MDM)) for a total amount not to exceed $5,313,649.

**Planning and Capital Programs:**

10. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB3-009 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for Parcel, if Necessary**

Moved for approval of Resolution 200132 stating there is a public necessity for the acquisition of Parcel CB3-009 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project.
as determined by a Texas State Certified Appraiser and reviewed by Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President/Executive Director or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Plano for CB3-009. DART's exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

11. Approval to Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to include Franchise Utility Allowance

Moved for approval of Resolution 200133 stating the President/Executive Director, or his designee, is authorized to increase the contract value for design-build services with Archer Western Herzog 4.0, Joint Venture, for the Silver Line Regional Rail Project to include an increase in the Franchise Utility Allowance in the amount of $33,970,142 ($10,000,000 funded from previously approved Board Contingency and $23,970,142 funded from Debt Service savings), for a new total authorized amount not to exceed $986,645,640.

Budget and Finance:

12. Approval to Add DCTA, TEXRail and Grapevine Vintage Railroad to DART Rail Liability Insurance Program

Moved for approval of Resolution 200134 stating the President/Executive Director, or his designee, is authorized to:

Section 1: Add Denton County Transit Authority (DCTA) to DART's rail liability insurance policy effective December 9, 2020.

Section 2: Add TEXRail and Grapevine Vintage Railroad to DART's rail liability insurance policy effective January 1, 2021.

Mr. Stopfer seconded.

Chair Wageman took a Roll Call vote and the Consent Items were approved unanimously with Mr. Slagel not responding.
Individual Items:

Chair Wageman recused himself at 7:14 p.m. delegating the presiding officer’s responsibilities to Vice-Chair Wong Krause.

13. Depositary Banking Contract Approval

Mr. Schlosser moved for approval of Resolution 200135 stating the President/Executive Director, or his designee, is authorized to award a five-year contract with two, one-year options for banking services with Bank of America, N.A. for a total authorized amount not to exceed $853,562.

Mr. Kelly seconded.

Vice-Chair Wong Krause took a Roll Call vote and the item was approved unanimously.

Chair Wageman rejoined the meeting at 7:16 p.m., and resumed the presiding officer’s responsibilities.

Mr. Hrbacek recused himself at 7:16 p.m.

14. Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-030 and CB2-031 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary

Mr. Stopfer moved for approval of Resolution 200136 stating the President/Executive Director, or his designee, is authorized to:

Section 1: There is a public necessity for the acquisition of Parcel CB2-030 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Appraiser and reviewed by Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President/Executive Director or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the
Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Carrollton for CB2-030. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

Section 2: There is a public necessity for the acquisition of Parcel CB2-031 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Appraiser and reviewed by Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the President/Executive Director or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 2 without approval of such acquisition by the City Council of the City of Carrollton for CB2-031. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

Mr. Dye seconded.

Chair Wageman took a Roll Call vote and the item was approved unanimously.

Mr. Hrbacek rejoined the meeting at 7:18 p.m.
15. **Approval of Transitional Operations Agreement Between DART, Regional Rail Right-of-Way and Dallas, Garland & Northeastern Railroad, Inc.**

Mr. Schlosser moved for approval of Resolution 200137 stating the President/Executive Director, or his designee, is authorized to execute, subject to legal review, the Transitional Operations Agreement Between DART, Regional Rail Right-of-Way Company and Dallas, Garland & Northeastern Railroad, Inc., and necessary related documentation which is required for the future Silver Line.

Mr. Stopfer seconded.

Chair Wageman took a Roll Call vote and the item was approved unanimously.

16. **This item will be discussed in Committee-of-the-Whole only.**

**Other Items:**

17. **Public Comments**

There were no additional Public Comments received via email.

18. **This item will be discussed in Committee-of-the-Whole only.**

19. **Adjournment:**

There being no further business to discuss, the meeting was adjourned at 7:20 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Night Item
* Briefing Item