

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
June 22, 2021**

Due to the COVID-19 virus, DART Board meeting rooms were closed to the public. All meetings took place by videoconference and are available at <https://www.dart.org/about/board/boardvideo.asp>.

The Dallas Area Rapid Transit **Board of Directors'** meeting came to order on Tuesday, June 22, 2021, at 7:08 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. Slagel

Mr. Ray Jackson, and Mr. Rick Stopfer were absent.

General Items:

1. Roll Call

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

2. Approval of Minutes: **June 8, 2021**

Mr. Hrbacek moved to approve the June 8, 2021, Board of Directors' meeting Minutes, and entered into record, as written.

Ms. Moreno-Lake seconded.

Chair Wageman took a Roll Call vote and the Minutes were approved unanimously.

3. Board Member Recognition

Chair Wageman stated this item was postponed to a subsequent meeting, possibly the July 6, 2021 DART Board of Directors' meeting.

4. Public Hearing for January 24, 2022 Bus Service Changes

Public Hearing comments for the January 24, 2022 Bus Service Changes, on Tuesday, June 22, 2021, were accepted via email at the following address: dartpublichearingcomments@dart.org until 6:00 p.m. on Tuesday, June 22, 2021. All comments received by 6:00 p.m., on June 22, 2021, were read into the public record by Chair Wageman.

Chair Wageman stated tonight's public hearing was an extension of the June 8, 2021, public hearing on the same subject.

Chair Wageman introduced Mr. Rob Smith, Interim Vice President of Service Planning and Scheduling, who provided the technical presentation. Mr. Smith read, into the record, all pertinent details of the January 24, 2022 Bus Service Changes. Chair Wageman stated tonight's hearing would be recorded by a court reporter, so all comments received were a matter of public record.

Chair Wageman stated the time was 7:14 p.m., on Tuesday, June 22, 2021, and the public hearing would be held in pursuant to the requirements of DART's enabling legislation.

Chair Wageman read into record twenty-four (24) public hearing comments on the above issue. Any written comments received by the end of the hearing will be added to this total.

Since there were no additional comments to be received, Chair Wageman thanked the public for participating in this public hearing and officially ended the public hearing session at 7:50 p.m.

5. *CAC Report on June 17, 2021 Meeting

Chair Wageman read into record the report of the June 17, 2021 Meeting (Copy on file with the Office of Board Support).

6. 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, June 22, 2021. All comments received were read into the public record during the Board meeting by Chair Wageman.

Chair Wageman read into record a total of 9 Public Comments received via email (Copy on file with the Office of Board Support).

Ms. Valerie Smith:

Ms. Smith recommended changing bus operators to be able to provide better service. She opined that many of the current bus operators were rude and uncaring.

Mr. Robert Steele, DART Employee:

Mr. Steele stated he had received a “no video” letter on Monday, June 14, 2021 from DART’s Risk Management Department. He requested assistance in an investigation concerning the incident that occurred, which is on the video being requested.

Ms. Bonita Williams:

Ms. Williams opined the buses need to be more coordinated and timed at the stations. She requested consideration for the elderly that need transportation to their medical appointments. Ms. Williams stated Bus #445 needs to stay on its current schedule, as well as Bus #466, AAFES-Buckner.

Mr. Calvin Robinson:

Mr. Robinson voiced a complaint against the DART operator of Bus #488 or #468, in the mornings on Forest Lane going towards Forest Lane Station. After providing a description of the bus operator, he noted, the bus operator compared his service in the military with that of a gang member. Mr. Robinson requested someone look into this mistreatment.

Anonymous, DART Employee:

The employee wrote an email to the public, however, it was directed to Mr. James Joyce, Assistant Vice President of Ways, Structure and Amenities.

Ms. Tina Adams, DART Employee:

Ms. Adams voiced concern with the health and wellbeing of the bus operators in regard to the issues accumulated when trying to use their Personal Time Off for illnesses.

Anonymous, DART Employee:

The employee voiced concern about a statement made by Ms. Carol Wise, Executive Vice President/Chief Operations Officer, in reference to the bus operators. The employee noted the early retirements, from the prior year, made it quite difficult for the remaining operators.

Mr. Mario Libertad, DART Employee:

Mr. Libertad voiced disapproval concerning Mr. Joyce’s comments and opined this was a sentiment that many in DART’s management felt about its bus operators.

Mr. Bernard Wade, DART Employee:

Mr. Wade voiced concern with the upcoming service change on January, 2022, noting that the plans show the removal of service in the southeastern region. He explained this would affect the only bus from Pleasant Grove that services the hospital and other locations in that area. He further noted, Bus #475 services 11 schools, the neighborhood Walmart and as well as the Walmart Supercenter. Mr. Wade stated that the service has been affected from Lake Highland all the way to Hwy 175. He requested to speak to DART’s Planning and Scheduling Department to provide additional feedback.

Consent Items:

Mr. Schlosser moved to approve Consent Items 7 through 11.

Planning and Capital Programs:

7. **Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-005A, CB3-005B, CB3-005B-G, and DE3-007 Located in the City of Richardson, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary**

Moved for approval of Resolution 210078 stating:

Section 1: There is a public necessity for the acquisition of Parcel CB3-005A 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 Real Estate Appraiser and reviewed by Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Richardson for CB3-005A. 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 CB3-005B 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 Real Estate Appraiser and reviewed by Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Richardson for CB3-005B. 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 3: There is a public necessity for the acquisition of Parcel CB3-005B-G described in Exhibit 3. 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 Real Estate Appraiser and reviewed by Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 3 without approval of such acquisition by the City Council of the City of Richardson for CB3-005B-G. 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 4: There is a public necessity for the acquisition of Parcel DE3-007 described in Exhibit 4. 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 Real Estate Appraiser and reviewed by Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 4 without approval of such acquisition by the City Council of the City of Richardson for DE3-007. 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.

8. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-HC2, and CB3-HC5 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project

Moved for approval of Resolution 210079 stating:

Section 1: There is a public necessity for the acquisition of Parcel CB3-HC2 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 Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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

Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy.

Section 2: There is a public necessity for the acquisition of Parcel CB3-HC5 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 Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy.

9. Approval to Extend the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1

Moved for approval of Resolution 210080 stating the Interim President & Chief Executive Officer, or his designee, is authorized to execute an extension for the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1, substantially in the form shown in Exhibit 1 to the Resolution and subject to legal review, for funding of DART's portion (50%) of the total cost of \$60,000, for weekend and holiday services for one year, for a total authorized amount not to exceed \$30,000.

10. +Approval of Joint Amendment to the DART and Fort Worth Transportation Authority (FWTA) Operation and Maintenance Agreements with Dallas/Fort Worth International Airport (DFWIA)

Moved for approval of Resolution 210081 stating the Interim President & Chief Executive Officer, or his designee, is authorized to execute a Joint Amendment to the DART and Fort Worth Transportation Authority (FWTA) Operation and Maintenance Agreements with Dallas/Fort Worth International Airport (DFWIA), substantially in the form of Exhibit 1 to the resolution, subject to legal review.

Customer Service, Safety and Mobility:

11. Contract for Bus Stop Amenity Cleaning

Moved for approval of Resolution 210082 stating the Interim President & Chief Executive Officer, or his designee, is authorized to award a contract to Entrust One Facility Services, Inc., for bus stop amenity cleaning services [Contract No. C-2057995-01], for a total authorized amount not to exceed \$2,095,744.

Mr. Kelly seconded.

Chair Wageman took a Roll Call vote and the Consent Items were approved unanimously.

Individual Items:

Chair Wageman recused himself at 8:07 p.m., delegating the presiding officer's responsibilities to Vice-Chair Wong Krause.

Due to a lack of a quorum, Chair Wageman returned to the meeting until Mr. Killen joined the meeting at 8:10 p.m.

12. **Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE2-003 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for the Parcel, if Necessary**

Ms. Torres moved for approval of Resolution 210083 stating the Interim President & Chief Executive Officer, or his designee, is authorized to there is a public necessity for the acquisition of Parcel DE2-003 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 Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer, 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 Interim President & Chief Executive Officer, 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 Interim President & Chief Executive Officer, 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 DE2-003. 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. Killen seconded.

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

13. **Approval of the Terms of a Development Agreement Between the Board of Regents of The University of Texas System and DART for DART's Use of the University of Texas System Properties Known as Parcels CB3-023, CB3-023B, CB3-023C, and CB3-023D, in the City of Richardson, Which are Necessary for the UT Dallas Station and Parking and Infrastructure Facilities for the Silver Line Regional Rail Project**

Mr. Schlosser moved for approval of Resolution 210084 stating the Interim President & Chief Executive Officer, or his designee, is authorized to execute such documents as shall be necessary to complete the Development Agreement with The University of

Texas System (UTD), consistent with the terms in the confidential packet, for UTD's conveyance of easement interests for Parcels CB3-023, CB3-023B and CB3-023D, and a lease agreement for CB3-023C, subject to legal review and approval by the Federal Transit Administration, if necessary.

Mr. Slagel seconded.

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

Chair Wageman rejoined the meeting at 8:14 p.m., resuming the presiding officer's responsibilities.

14. Approval to Authorize the Acquisition of Parcels CB3-HC1-DE and CB3-HC4E Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project

Mr. Hrbacek moved for approval of Resolution 210085 stating the Interim President & Chief Executive Officer, or his designee, is authorized to proceed with the acquisition of Parcels CB3-HC1-DE and CB3-HC4E located in the City of Dallas, Texas, for the Silver Line Regional Rail Project.

Mr. Dye seconded.

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

15. +Appointment of a Panel of Administrative Law Judges

Mr. Slagel moved for approval of Resolution 210086 stating that the following judges are appointed to serve a five-year term beginning July 1, 2021 to hear and decide disputes, contract claims, and other matters arising under DART's Procurement Regulations.

Mr. Kelly seconded.

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

16. Approval of an Interlocal Agreement and Ground Lease to Implement Transit Oriented Development Opportunities with the City of Richardson

Mr. Slagel moved for approval of Resolution 210087 stating the Interim President & Chief Executive Officer, or his designee, is authorized to:

Section 1: Execute an Interlocal Agreement (ILA) for Implementing Transit Oriented Development Opportunities between DART and the City of Richardson, substantially in the form as shown in Exhibit 1 to the Resolution, and subject to legal review.

Section 2: Execute the Ground Lease upon its completion and review for consistency with the ILA and the DART TOD policy.

Mr. Kelly seconded.

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

17. Approval of an Interlocal Agreement and Ground Lease to Implement Transit Oriented Development Opportunities with the Town of Addison

Mr. Enoch joined the meeting at 8:17 p.m.

Mr. Slagel moved for approval of Resolution 210088 stating the Interim President & Chief Executive Officer, or his designee, is authorized to:

Section 1: Execute an Interlocal Agreement (ILA) for implementing Transit Oriented Development opportunities between DART and the Town of Addison, substantially in the form as shown in Exhibit 1 to the Resolution, and subject to legal review.

Section 2: Execute the Ground Lease upon its completion and review for consistency with the ILA and the DART TOD policy.

Mr. Ruiz seconded.

Mr. Killen left the meeting at 8:19 p.m.

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

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

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

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

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

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

23. +Approval of a Limited Waiver of DART Personnel Policy and Non-Disclosure Agreement for Gary C. Thomas

This item was not discussed.

Other Items:

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

25. Adjournment:

There being no further business to discuss, the meeting was adjourned at 7:47 p.m.



Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Date Item

* Briefing Item