AGENDA ITEM NO. 1

MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS’
October 22, 2019

The Dallas Area Rapid Transit Board of Directors’ meeting convened on Tuesday, October 22, 2019, at 6:48 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Bauman Wageman presiding.

City of Dallas
Sue S. Bauman
Ray Jackson – Assistant Secretary
Patrick J. Kennedy
Jon-Bertrell Killen
Michele Wong Krause – Vice-Chair
Amanda Moreno
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
Lissa Smith

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
General Items:

1. **Approval of Minutes:** October 08, 2019
   
   Ms. Wong Krause moved to approve the October 08, 2019, Board of Directors’ meeting Minutes, and entered into record, as written.
   
   Mr. Jackson seconded and the item was approved unanimously.

3. **PAAG Report**
   
   Ms. Annie Jones, Representative of the Paratransit Accessibility Advisory Group (PAAG), provided an overview of the PAAG meeting (Copy on file with the Office of Board Support).

2. **CAC Report on September 19 October 17, 2019 Meeting**
   
   Mr. Charles Gillette, Chair of the Citizens Advisory Committee (CAC), provided an overview of the CAC meeting (Copy on file with the Office of Board Support).

4. **Public Comments**
   
   Chair Wageman read rules that govern the Public Comments portion of the meeting, including the DART Board Code of Conduct for News Media and Visitors during DART Board Meetings are on file with the Office of Board Support and posted outside the Board Room.

   Ms. Torres stepped out of the meeting at 6:54 p.m.

   The following individuals addressed the Board:

   **Coach Norris Johnson; Dallas, TX:**
   
   Coach Johnson voiced his comments regarding “Public Servant Tribute”.

   Ms. Wong Krause stepped out of the meeting at 6:59 p.m.

   **Mr. Charles May; Dallas, TX:**
   
   Mr. May voiced his complaint regarding Route #183, however, he noted the Bus Operator did issue an apology for the tardiness of the bus arrival and he accepted his apology.

   Ms. Wong Krause and Ms. Torres reentered the meeting at 7:02 p.m.

   **Ms. Jearldine McDaniel; Dallas, TX:**
   
   Ms. McDaniel voiced concern regarding the new route of Bus Route #59, noting the new route left off a large portion near her home, making impossible for her to utilize this route.

Consent Items:

Mr. Jackson moved for approval of Consent Items 5 through 10.

**Economic Opportunity & Diversity:**

5. **Approval of Dallas Area Rapid Transit’s Title VI Program**

   Moved for approval of Resolution 190130 stating:

   **Section 1:** DART’s Title VI Program is approved and adopted.

   **Section 2:** The President/Executive Director or his designee is authorized to submit DART’s Title VI Program to the Federal Transit Administration.
Administrative:

6. **Increase Funding for Concierge Service Medical Plan**

Moved for approval of Resolution 190131 stating the President/Executive Director, or his designee, is authorized to increase funding for the Concierge Service Medical Plan with MedWatch, LLC [Contract No. C-2043783-01], to increase the not-to-exceed amount by $210,873, for a new total authorized amount not to exceed $304,809.

Capital Construction Oversight:

7. **Exercise Contract Options and Increase Contract Funding for the Vehicle Procurement and Equipment Maintenance Facility (EMF) Design Contract for the Cotton Belt Regional Rail Silver Line Project**

Moved for approval of Resolution 190132 stating the President/Executive Director, or his designee, is authorized to execute a contract modification for the Vehicle Procurement and Equipment Maintenance Facility (EMF) design services contract with Stadler US, Inc., (Contract No. C-2037370-01) to:

- **Section 1:** Exercise the wheel skirt option.
- **Section 2:** Exercise the vehicles and EMF maintenance services option.
- **Section 3:** Modify the contract to add luggage racks and bicycle stands to the vehicles.
- **Section 4:** Increase Board-authorized not-to-exceed amount by $112,356,208, for a new total board authorized amount not-to-exceed $235,884,937.

8. **Declaration and Sale of Surplus Property Rights Located Adjacent to Gaston Avenue under the Santa Fe Hike and Bike Trail in Dallas, Texas, to the Texas Department of Transportation (TxDOT Parcel 07 and 10) for the SH 78 Widening and Intersection Enhancement Project in Dallas County, Texas**

Moved for approval of Resolution 190133 stating:

- **Section 1:** The interest of DART in and to Parcel 07 and Parcel 10 described in Exhibit I is hereby declared surplus to DART.
- **Section 2:** The President/Executive Director or his designee is authorized to take such action and execute such documents as shall be necessary to convey TxDOT Parcel 07 and Parcel 10 for cash to the Texas Department of Transportation.

Operations, Safety & Security:

9. **Construction Services Contract for FTA Required ADA Station Compliance**

Moved for approval of Resolution 190134 stating the President/Executive Director, or his designee, is authorized to award a contract for FTA Required ADA Station Compliance Construction Services to Vescorp Construction, LLC., dba Chavez Concrete Cutting in the amount of $740,320, plus a supplemental work contingency of $39,000 (5%) for unanticipated expenses, for a total authorized amount not to exceed $779,320.
10. Approval to Execute an Interlocal Agreement (ILA) with Rockwall County for Inmate Detention Services

Moved for approval of Resolution 190135 stating the President/Executive Director, or his designee, is authorized to execute an Interlocal Agreement between DART and Rockwall County, substantially in the form of Exhibit 1 to the Resolution, for the detention and confinement of adult persons arrested by DART Police Officers in Rockwall County.

Ms. Moreno seconded and the items were approved unanimously.

Individual Items:

Chair Wageman recused himself at 7:05 p.m., delegating the Presiding Officer's responsibilities to Vice-Chair Wong Krause.

11. Approval to Pay Premium and Surplus Lines Fees for the Annual Renewal of the Rail Operating Liability Insurance Policy

Mr. Stopfer moved for approval of Resolution 190136 stating the President/Executive Director, or his designee, is authorized to pay up to $1,496,493 in premium and $74,825 in surplus lines fees for a total of $1,571,318 for the annual renewal of the rail operating liability policy for the period beginning November 1, 2019.

Mr. Slagel seconded and the items were approved unanimously.

12. Approval to Pay Premium for Master Property Insurance Policy

Mr. Stopfer moved for approval of Resolution 190137 stating the President/Executive Director, or his designee, is authorized to pay up to $2,379,000 in property premium to Great American Insurance Company and Evanston Insurance Company, $21,000 in terrorism premium to Lloyd's of London, and $75,000 in surplus lines fees, plus a contingency of $50,000 for additional assets to be added to the policy, for a total amount not to exceed $2,525,000 for the annual renewal of the property program for the period beginning November 1, 2019.

Ms. Moreno seconded and the items were approved unanimously.

Chair Wageman reentered the meeting at 7:07 p.m., reestablishing himself as the Presiding Officer.

Mr. Killen stepped out of the meeting at 7:07 p.m.

13. Declare Public Necessity, Establish Just Compensation, and Authorize the Purchase, Exchange, Lease and/or Value of Real Property for Parcels CB1-013 and CB1-014 being a 4.67-acre Tract in the Vicinity of Southwestern Blvd. and Coppell Rd. in the City of Coppell, Texas and Parcels CB3-026 and CB3-027 being a 0.43-acre Tract in the Vicinity of K Avenue and 12th Place in the City of Plano, Texas for the Cotton Belt Silver Line Project and Authorize Eminent Domain Proceedings, if Necessary

Ms. Wong Krause moved for approval of Resolution 190138 stating:

Section 1: There is a public necessity for the acquisition of Parcel CB1-013 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Corridor 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 Corridor 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 these parcels 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 these parcels for the Silver Line Regional Rail Corridor 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 Coppell for Parcel CB1-013. 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 CB1-014 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Corridor 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 Corridor 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 these parcels 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 these parcels for the Silver Line Regional Rail Corridor project.
Section 3: There is a public necessity for the acquisition of Parcel CB3-026 described in Exhibit 3. This property is necessary and proper for construction of the Silver Line Regional Rail Corridor 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 Corridor 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 these parcels 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 these parcels for the Silver Line Regional Rail Corridor 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 Plano for Parcel CB3-026. 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 CB3-027 described in Exhibit 3. This property is necessary and proper for construction of the Silver Line Regional Rail Corridor 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 Corridor 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 these parcels 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 these parcels for the Silver Line Regional Rail Corridor 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 Plano for Parcel CB3-027. 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. Slagel seconded and the items were approved by a majority vote, with Mr. Hrbacek opposing.

14. This item will be discussed at Committee-of-the-Whole only.
15. This item will be discussed at Committee-of-the-Whole only.
16. Approval of Settlement Offer in Litigation Involving Avi Adelman v. DART, et. al, No. 18-11103

Mr. Killen reentered the meeting at 7:08 p.m.

Ms. Moreno moved for approval of Resolution 190139 stating:

Section 1: Settlement of Avi Adelman v. Dallas Area Rapid Transit and DART Officer Stephanie Branch, Case No. 18-1113 is a compromise of a disputed claim in litigation, and this settlement is not to be construed as an admission of liability by Dallas Area Rapid Transit, DART Officer Stephanie Branch or any other agents or employees of Dallas Area Rapid Transit.

Section 2: The General Counsel is hereby authorized to draft and the President/Executive Director, or his designee, is hereby authorized to execute on behalf of DART such documents as may be required to effect settlement of all aspects of this case in accordance with the terms and conditions presented to and hereby approved by the Board of Directors, up to an amount not to exceed $345,000.
Ms. Bauman seconded and the item was approved by a majority vote, with Mr. Jackson opposing.

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

Other Items:

18. Public Comments
   There were no additional individuals to address the Board.

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

General Items:

20. Adjournment:
   There being no further business to discuss, the meeting was adjourned at 7:09 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Night Item
* Briefing Item