MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS’
September 22, 2020

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, September 22, 2020, at 6:30 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-Berrett 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

Ms. Amanda Moreno-Lake was absent.
1. **Roll Call**

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

2. **Approval of Minutes: September 8, 2020**

   Mr. Schlosser moved to approve the September 8, 2020, Board of Directors’ meeting Minutes, and entered into record, as written.

   Mr. Enoch seconded.

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

3. **Public Hearing for a Service Plan Amendment for the Proposed D2 Subway Alignment, Grade Separations, and Station Locations**

   Public Hearing comments for the Public Hearing for a Service Plan Amendment for the Proposed D2 Subway Alignment, Grade Separations, and Station Locations, on Tuesday, September 22, 2020, were accepted via email at the following address: dartpublichearingcomments@dart.org until the conclusion of the Hearing. All comments received were read into the public record by Chair Wageman.

   Chair Wageman established himself as the hearing officer and reviewed the guidelines that would govern the public hearing (on file in the Office of Board Support). He then stated the public hearing was being conducted in virtual format in conjunction with the DART Board meeting. Chair Wageman noted that the public hearing would be divided into two parts: the first part would consist of a brief overview regarding the project provided by DART Technical Staff and the public hearing would follow immediately. Chair Wageman went on to describe specific guidelines that would be followed during the public hearing.

   Chair Wageman introduced Mr. Steve Salin, Vice President of Capital Planning, who provided the technical presentation. Mr. Salin read, into the record, all pertinent details of the Public Hearing for a Service Plan Amendment for the Proposed D2 Subway Alignment, Grade Separations, and Station Locations.

   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 7:32 p.m., on Tuesday, September 22, 2020, and the public hearing would be held in pursuant to the requirements of DART’s enabling legislation.

   Chair Wageman read into record twenty-nine (29) public comments, received via email, on the above issue, with three of those comments being provided after the beginning of the hearing. Any written comments, or emails, received by the end of the hearing will be added to this total.

   Chair Wageman stated the time was 8:23 p.m. and the Public Hearing was now closed.

4. **CAC Report**

   Chair Wageman read into record an overview, provided by Mr. Charles Gillette, Chair of the Citizens Advisory Committee (CAC), of the CAC meetings that convened on Thursday, September 17, 2020, by teleconference (Copy on file with the Office of Board Support).
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, September 22, 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 3 Public Comments received via email (Copy on file with the Office of Board Support).

Public Comments were as follows:

**Mr. Harry G. Hill:**
Mr. Hill requested the official protocol to having full buses and COVID-19 issues in regard to DART Bus Route 110 inbound and outbound routes during peak hours in the AM and PM hours, Monday through Friday.

**Ms. Valerie M. Hutchins:**
Ms. Hutchins wrote in reference to DART access to the Dallas County Elections. She further recommended an additional bus stop, for Route #505, or a flex schedule, near the election location on 888 Stemmons Freeway, going southbound.

**Mr. Clayton Murvual:**
Mr. Murvual wrote a complaint about alleged discriminatory practices by DART operators from the South Oak Cliff facility, noting their request that passengers tap the screen until it turns green.

Chair Wageman took Roll Call, confirming a quorum was present, prior to continuing with the agenda.

Consent Items:

Mr. Kelly moved to forward Consent Items 6 through 12.

**Customer Service, Safety and Mobility:**

6. **Contract Modification for TRE Operations and Maintenance Contract for Additional Dispatchers**

Moved for approval of Resolution 200096 stating the President/Executive Director, or his designee, is authorized to execute a contract modification to provide additional funding to the Trinity Railway Express (TRE) Operations and Maintenance Contract with Herzog Transit Services, Inc., [Contract No. 2005858-01] for additional TRE dispatchers in the amount of $1,833,866, for a new total authorized amount not to exceed $327,073,702.

7. **Contract Modification for Armed Security Guard Services**

Moved for approval of Resolution 200097 stating the President/Executive Director, or his designee, is authorized to execute a contract modification, subject to legal review, for armed security guard services for DART administrative and operating facilities, passenger stations, trains and for revenue agents with Metropolitan Security Services [Contract No. C-2026141-01] to:

Section 1: Exercise the third one-year option; and

Section 2: Increase the not-to-exceed amount by $2,537,889 for a new total authorized amount not to exceed $19,611,699.
**Planning and Capital Programs:**

8. **Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Include Design of the Veloweb Hike and Bike Trail**

Moved for approval of Resolution 200098 stating the President/Executive Director, or his designee, is authorized to increase the contract value for the design-build services with Archer Western Herzog 4.0, Joint Venture for the Silver Line Regional Rail Project to include design of the Veloweb Hike and Bike Trail in the amount not to exceed $14,979,703 from funding authorized by the North Central Texas Council of Governments (NCTCOG), for a new total authorized amount not to exceed $962,675,498.

9. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels D2-024E-S, D2-026E and D2-026E-S in the City of Dallas, Texas, for the D2 Subway Project**

Moved for approval of Resolution 200099 stating:

**Section 1:** There is a public necessity for the acquisition of Parcel D2-024E-S described in Exhibit 1. This property is necessary and proper for construction of the D2 Subway 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 easement required for the D2 Subway 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.

**Section 2:** There is a public necessity for the acquisition of Parcel D2-026E described in Exhibit 2. This property is necessary and proper for construction of the D2 Subway 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 easement required for the D2 Subway 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
Section 3: There is a public necessity for the acquisition of Parcel D2-026E-S described in Exhibit 3. This property is necessary and proper for construction of the D2 Subway 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 easement required for the D2 Subway 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.

10. Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB1-008 and CB1-012 in the City of Coppell, Texas, and CB1-026 and CB1-027 in the City of Dallas, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings if Necessary

Moved for approval of Resolution 200100 stating:

Section 1: There is a public necessity for the acquisition of Parcel CB1-008 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 Coppell for CB1-008. 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 CB1-012 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 Coppell for CB1-012. 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 CB1-026 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 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 3 without approval of such acquisition by the City Council of the City of Dallas for CB1-026. 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 CB1-027 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 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 4 without approval of such acquisition by the City Council of the City of Dallas for CB1-027. 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.
11. **Agreement with Inland Port Transportation Management Association (IPTMA) to Provide Mobility Services within the Dallas County Inland Port**

Moved for approval of Resolution 200101 stating the President of the Dallas Area Rapid Transit Mobility Service, Local Government Corporation (LGC), or his designee is authorized to execute an Agreement between the LGC, and the Inland Port Transportation Management Association (IPTMA), substantially in the form as shown in Exhibit 1 to this Resolution, to provide mobility services within the Dallas County Inland Port including outside the service area for a term beginning November 2, 2020 through September 30, 2022.

12. **Authorize Dallas Area Rapid Transit Mobility Service, Local Government Corporation (LGC) to Execute an Interlocal Agreement with STAR Transit for Inland Port Transportation Management Association (IPTMA) Services**

Moved for approval of Resolution 200102 stating the President of the Dallas Area Rapid Transit Mobility Service, LGC, or his designee is authorized to execute an Interlocal Service Agreement between the LGC and STAR Transit, substantially in the form shown in Exhibit 1 to this Resolution, to provide GoLink services for the Inland Port Transportation Management Association (IPTMA).

Mr. Stopfer seconded.

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

**Individual Items:**

Chair Wageman recused himself at 8:35 p.m., delegating the presiding officer’s responsibilities to Vice-Chair Wong Krause.

13. **Approval of the Baylor Scott & White Shuttle Service Agreement**

Mr. Schlosser moved for approval of Resolution 200103 stating the President/Executive Director or his designee, is authorized to execute a one year agreement with Baylor Scott & White for funding and operation of 50% of a shuttle service in the Baylor Scott & White Medical Center area, substantially in the form shown in Exhibit 1 to the Resolution and subject to legal review, in a total authorized amount not to exceed $50,000.

Mr. Stopfer seconded.

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

Chair Wageman rejoined the meeting at 8:36 p.m., resuming the presiding officer’s responsibilities.

14. **Approval of Fiscal Year (FY) 2021 Annual Budget**

Mr. Schlosser moved for approval of Resolution 200104 stating the FY 2021 Annual Budget is approved in the amount of $1,393,319,381.

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<th>Amount</th>
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<td>Total FY 2021 Annual Budget</td>
<td>$1,393,319,381</td>
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Mr. Kennedy seconded.

Chair Wageman took a Roll Call vote and the item was approved by a majority vote with Mr. Enoch and Mr. Hrbacek opposing.

15. Approval of Fiscal Year (FY) 2021 Twenty-Year Financial Plan

Mr. Slagel moved for approval of Resolution 200105 stating the FY 2021 Twenty-Year Financial Plan as shown in Exhibit 1 is approved.

Mr. Schlosser seconded.

Chair Wageman took a Roll Call vote and the item was approved by a two-thirds vote with Mr. Enoch, Mr. Hrbacek, and Mr. Jackson opposing.

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

Other Items:

19. Public Comments

There were no additional Public Comments received via email.

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

21. Adjournment:

There being no further business to discuss, the meeting was adjourned at 8:41 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Night Item
* Briefing Item