

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS’
March 23, 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, March 23, 2021, 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-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

Ms. Amanda Moreno-Lake and Mr. Doug Hrbacek were absent.

General Items:

1. **Roll Call**

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

2. **Approval of Minutes:** March 9, 2021

Ms. Wong Krause moved to approve the March 9, 2021, 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.**

4. **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, March 23, 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 10 Public Comments received via email (Copy on file with the Office of Board Support).

Mr. Drennon, DART Employee:

Comment.

Ms. Dreque, DART Employee:

Comment.

Mr. Diego Garcia, DART Employee:

Comment.

Mr. Pete Martinez, DART Employee:

Comment.

Mr. Carlos Coronado, DART Employee:

Comment.

Speaker

Comment.

Speaker

Comment.

Speaker

Comment.

Speaker

Comment.

Ms. Theary

Comment.

Chair Wageman requested Ms. Carol Wise, contact Ms. Theary directly.

Consent Items:

Mr. Kelly moved to forward Consent Items 5 and 11.

Planning and Capital Programs:

5. **Approval to Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Include Design Enhancements in the City of Richardson and the City of Coppell**

Moved for approval of Resolution 2100__ stating the Interim President & Chief Executive Officer, or his designee, is authorized to:

Section 1: Increase the contract value for design-build services with Archer Western Herzog 4.0, Joint Venture, (AWH) for the Silver Line Regional Rail Project to include construction of tall walls in the City of Richardson in the amount of \$8,903,073, funded by the City of Richardson, increasing the total authorized not-to-exceed amount by \$8,903,073.

Section 2: Increase the contract value for design-build services with Archer Western Herzog 4.0, Joint Venture, (AWH) for the Silver Line Regional Rail Project to include design of the US-75 aesthetic arch in the City of Richardson in the amount of \$1,621,367, funded by the City of Richardson, increasing the total authorized not-to-exceed amount by \$1,621,367.

6. **Approval of Conveyance of Utility Easement Rights to ONCOR Electric Delivery Company LLC under DART's Red/Orange Line Light Rail Transit (LRT) Right-of-Way Between North Central Expressway and Routh Creek Parkway, Richardson, Texas**

Moved for approval of Resolution 2100__ stating that:

Section 1: The Interim President & Chief Executive Officer or his designee is hereby authorized to convey utility easement rights, subject to legal review, and Federal Transit Administration (FTA) approval as described in Exhibit 1 to ONCOR Electric to serve two apartment complexes east of Routh Creek Parkway.

Section 2: The Interim President & Chief Executive Officer or his designee is hereby authorized to take such action and execute such documents as shall be necessary to acquire, transfer or convey the subject utility easement rights, subject to legal review.

7. **Approval of Conveyance of Subsurface Wastewater Easement Rights to the City of Dallas Under DART's Red/Orange Line Light Rail Transit (LRT) Right of Way North of Royal Lane, East of US 75, Dallas, TX**

Moved for approval of Resolution 2100__ stating that:

Section 1: The Interim President & Chief Executive Officer or his designee is hereby authorized to convey subsurface wastewater easement rights, subject to legal review and Federal Transit Administration (FTA) approval, as described in Exhibit 1 to the City of Dallas for their Wastewater Mains Improvements Project.

Section 2: The Interim President & Chief Executive Officer or his designee is hereby authorized to take such action and execute such documents as shall be necessary to acquire, transfer or convey the subject subsurface wastewater easement rights.

8. Call for Public Hearing on January 2022 Service Changes

Moved for approval of Resolution 2100__ stating the Interim President & Chief Executive Officer, or his designee, is authorized to call a Public Hearing on or about June 8, 2021, to receive comments on proposed service modifications planned for implementation on January 24, 2022, as shown in Exhibit 1 to the Resolution.

9. Approval of an Interlocal Agreement with North Central Texas Council of Governments (NCTCOG) for the Funding of the Vanpool Services Program

Moved for approval of Resolution 2100__ stating the Interim President & Chief Executive Officer, or his designee, is authorized to

10. Approval to Execute an Interlocal Agreement for Cooperative Purchasing Between Dallas Area Rapid Transit and Denton County Transportation Authority

Moved for approval of Resolution 2100__ stating the Interim President & Chief Executive Officer, or his designee, is authorized to

11. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-013 and CB3-014 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary

Moved for approval of Resolution 2100__, with inclusion of the following language that seeks to limit or eliminate DART's Environmental Liability by:

1. Asking the property owner to add DART to any Voluntary Cleanup Program (VCP) application before DART acquires the parcel;
2. Having the property owner's environmental consultant develop a work plan, coordinate the work plan with DART's contractor, and perform the construction activities to allow the property owner to control impact to the contamination or not interfere with their remediation activities;
3. Having DART's Contractor perform the work, develop the work plan with input and approval from the property owner. Communicate frequently with the property owner to coordinate business operations, minimize the impact to the contamination and not interfere or exacerbate the property owner's remediation activities; and

Stating that:

Section 1: There is a public necessity for the acquisition of Parcel CB3-013 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 a Texas State

Certified 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 Plano for CB3-013. 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.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit (DART) Board of Directors that:

Section 2: There is a public necessity for the acquisition of Parcel CB3-014 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 a Texas State Certified 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 Plano for CB3-014. 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.

Ms. Wong Krause seconded.

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

Individual Items:

12. This item will be discussed at Committee-of-the-Whole only.
13. This item will be discussed at Committee-of-the-Whole only.
14. This item will be discussed at Committee-of-the-Whole only.

Other Items:

15. This item will be discussed in Committee-of-the-Whole only.
16. Adjournment:

There being no further business to discuss, the meeting was adjourned at 6:48 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Date Item

* Briefing Item