

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
January 26, 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, January 26, 2021, at 7:35 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. Jonathan R. Kelly was absent.

General Items:

1. **Roll Call**

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

2. **Approval of Minutes:** **January 12, 2021**

Mr. Ruiz moved to approve the January 12, 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. ***Recognition of Chief James Spiller**

Chair Wageman read into record a recognition in honor of the life of Retiree DART Police Chief James Spiller.

4. ***CAC Report on December 17, 2020 and January 21, 2021 Meeting**

Chair Wageman read into record an overview, provided by Mr. Charles Gillette, Immediate Past Chair of the Citizens Advisory Committee (CAC), of the CAC meetings that convened on Thursday, December 17, 2020 and Thursday, January 21, 2021, by teleconference (Copy on file with the Office of Board Support).

5. ***PAAG Report**

Chair Wageman read into record an overview of the Paratransit Accessibility Advisory Group (PAAG) meeting that convened on Friday, January 15, 2021, by teleconference (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, January 26, 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 22 Public Comments received via email (Copy on file with the Office of Board Support).

Mr. Kidu Girma, Employee:

Mr. Girma requested DART electrify its bus fleet.

Ms. Valeria Williams, Employee:

Ms. Williams voiced concern in reference to possible issues with complying with the COVID-19 mandates during trainings at the DART Pioneer Warehouse.

Ms. Christina Cheng-Patel:

Ms. Cheng-Patel requested a meeting with staff to discuss a program to assist veterans in the area by providing the veterans with DART issued benefits similar to a program ran by another Texas-based transit.

Ms. Cathy Hiam:

Ms. Hiam voiced a concern with the service provided for her son, who has autism, as well as the communication that was provided to her during her inquiry of the arrival of her son.

Ms. Claudia Jones, Employee:

Ms. Jones voiced several policy concerns regarding the DART Employee benefits that were not provided to the employees in 2020.

Ms. Monique Pinkey, Employee:

Ms. Pinkey voiced concern with the treatment Servicers are receiving from management.

Mr. Pete Martinez, Employee:

Mr. Martinez voiced concern with the assignments, that were previously completed by DART employees, are now being given to non-DART employees to complete.

Mr. Motwain Manning, Employee:

Mr. Manning voiced concern with the treatment DART part-time employees receive.

Mr. Kenneth Day, Employee:

Mr. Day voiced concern and appreciation on some points of the My Texas Direct Workers Compensation Plan. He noted that many employees appreciate the safety measures provided to the Board regarding this item.

Mr. Albert Dirla, Employee:

Mr. Dirla voiced concerns with the My Texas Direct Workers Compensation Plan and then continued to voice several other employee issues.

Ms. Tami Shelton:

Ms. Shelton voiced an issue she encountered with the Kleberg GoLink Service and requested assistance in finding service.

Mr. Diego Garcia:

Mr. Garcia voiced concern with assignments, that were previously done by DART employees, being given to non-DART employees.

Mr. Jackson left the meeting at 8:00 p.m.

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

7. **Honoring Gary C. Thomas For His Service To DART & The North Texas Region**

Chair Wageman read into record an honorary proclamation commemorating the service of Mr. Gary C. Thomas, President/Executive Director, for his many years of service. He has earned the highest respect of his peers for his passion and innovation. The Board wished him the best as he embarks on this next chapter of his life, having improved the quality of life in North Texas. (Copy on file with the Office of Board Support).

The DART Board individually voiced their well wishes to Mr. Thomas.

Consent Items:

Mr. Enoch moved to forward Consent Items 8 through 11.

Customer Service, Safety and Mobility:

8. Exercise Contract Option for Facility Management DART HQ and Police HQ

Moved for approval of Resolution 210007 stating the President/Executive Director, or his designee, is authorized to execute a contract modification for facility management services for DART Headquarters and Police Headquarters with Triad Commercial Services [Contract No. C-2033099-01] to:

Section 1: Exercise the first, one-year option.

Section 2: Increase the not-to-exceed amount by \$980,000 for a new total authorized amount not to exceed \$5,985,689.

9. Contract for 40' Long-Range Battery Electric Bus

Moved for approval of Resolution 210008 stating the President/Executive Director, or his designee, is authorized to award a contract to Proterra, Inc., for one 40-Foot Long-Range Battery Electric Bus and supporting elements, for a total authorized amount not to exceed \$780,000.

10. Approval of DART's Annual Public Transportation Safety Plan

Moved for approval of Resolution 210009 stating:

Section 1: DART's Annual Public Transportation Agency Safety Plan as shown in Exhibit 1 to the Resolution is approved.

Section 2: DART's Chief Safety Officer, President/Executive Director, and Board Chair are authorized to sign the Annual Public Transportation Agency Safety Plan prior to submission of the Plan to the Texas Department of Transportation.

Planning and Capital Programs:

11. Approval to Amend the Interlocal Agreement with the City of Coppell for Silver Line Enhancements Funded by the City of Coppell

Moved for approval of Resolution 210010 stating the President/Executive Director, or his designee, is authorized to amend the Interlocal Agreement (ILA) between DART and the City of Coppell, substantially in the form shown as Exhibit 1 to the Resolution, to include enhancements on the DART Silver Line Regional Rail project in the City of Coppell and funded by the City of Coppell.

Mr. Ruiz seconded.

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

Individual Items:

12. **Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of a Public Mass Transit Easement (PMTE) on Parcels CB1-020 and CB1-024 (Aerial Crossings) located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary**

Mr. Kennedy moved for approval of Resolution 210011 stating:

Section 1: There is a public necessity for the acquisition of Parcel CB1-020 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 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 CB1-020. 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 CB1-024 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 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 CB1-024. 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. Schlosser seconded.

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

13. Amendment to DART Board Policy I.07, Contract Modification Authority and Supplemental Work Contingencies

Mr. Slagel moved for approval of Resolution 210012 stating that Table-1, Contract Modification Authorization Levels, of DART Board Policy I.07, Contract Modification Authority and Supplemental Work Contingencies, is amended, as shown in Exhibit 1 of this resolution.

Mr. Stopfer seconded.

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

14. +Approval of New Title for DART's President & Chief Executive Officer

Mr. Stopfer moved for approval of Resolution 210013 stating:

Section 1: The new title for DART's chief executive officer will be President & Chief Executive Officer.

Section 2: The President & Chief Executive Officer is designated as the Executive Director for Dallas Area Rapid Transit.

Ms. Wong Krause seconded.

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

15. **+Approval of Temporary Employment Assignment for Gary C. Thomas**

Mr. Slagel moved for approval of Resolution 210014 stating the Interim President/Executive Director, or his designee, is authorized to offer temporary employment to Gary C. Thomas to support DART's operations and capital projects beginning February 1, 2021.

Ms. Wong Krause seconded.

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

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

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

18. **This item will be discussed at 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 8:44 p.m.



Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same-Date Item

* Briefing Item