

**MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
August 10, 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, August 10, 2021, at 7:02 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Wageman presiding.

City of Dallas

Flora M. Hernandez
Patrick J. Kennedy
Jon-Bertrell Killen
Michele Wong Krause – **Vice-Chair**
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

VACANT – Assistant Secretary

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:** July 6, 2021

Mr. Enoch moved to accept the July 6, 2021, Board of Directors' meeting Minutes, and entered into record, as presented.

Mr. Hrbacek seconded.

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

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

4. **PAAG Report**

The Paratransit Accessibility Advisory Group (PAAG) report was read into record by Mr. Doug Douglas, Vice President of Mobility Management (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, August 10, 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 37 Public Comments received via email (Copy on file with the Office of Board Support).

Chair Wageman stated a public comment had been replicated by 24 person. He proceeded to read the names of those that sent the emails as follows:

- | | |
|----------------------------------|---------------------------------|
| 1) <u>Kyle Mills</u> | 13) <u>Morgan Eion</u> |
| 2) <u>Aiden Hendricks</u> | 14) <u>Mar Wood</u> |
| 3) <u>Michael Van</u> | 15) <u>David Dawson</u> |
| 4) <u>J. Honletiz</u> | 16) <u>Krew Thomas</u> |
| 5) <u>Ra Myelian</u> | 17) <u>Jake Smith</u> |
| 6) <u>Leon Aledwin</u> | 18) <u>S. Jason</u> |
| 7) <u>Devin Pablo</u> | 19) <u>Kellen Enouch</u> |
| 8) <u>Andy Sterling</u> | 20) <u>Lian Creed</u> |
| 9) <u>Pedro Lucianco</u> | 21) <u>Matt Henry</u> |
| 10) <u>Troy Erick</u> | 22) <u>Alex Hales</u> |
| 11) <u>Dexter Kaysen</u> | 23) <u>Dawan Larance</u> |
| 12) <u>Dustin Wilson</u> | 24) <u>Broc Storm</u> |

Chair Wageman read into record the comment that was sent as follows, "The Cottonbelt Rail project is a bad idea. I will fight to stop you from killing children and wasting \$2B."

Other Public Comments were as follows:

Ms. Anai Cano:

Ms. Cano voiced concern with a DART transfer issue with the DART light rail and the Trinity Railway Express (TRE) connection at Victory Station and at the Union Station.

Mr. Russell Pompa, DART Employee

(submitted by Mr. Kenneth Day, DART Employee):

Mr. Pompa noted his appreciation of DART's apology in reference to an inappropriate comment emailed by Mr. James Joyce, DART Assistant Vice President of Ways Structure and Amenities. He then provided some recommendations on holding higher level employees accountable and adhering to the 5 Star Program.

Mr. & Mrs. Kendall and Rachele Henderson:

Mr. Henderson wrote in reference to Bus #597, to Buckner, not showing up. He stated, in his opinion, that due to DART service not being dependable anymore, he would request that DART directly connect them with the DART Auto Auction where its used service vehicles are sold and help them obtain a vehicle so they can make appointments and arrive at places that they need to arrive at.

Mr. Derrick Drennon, DART Employee:

Mr. Drennon questioned what type of standard did assistant vice presidents work by in reference to an inappropriate comment emailed by Mr. Joyce.

"El Tecate" (no name):

Commenter questioned when will discontinued bus routes, like the 42 Hampton Station, resume service.

Mr. & Ms. James and Tonya Pierce:

Mr., and Ms. Pierce, wrote, on behalf of the residents of Hillcrest Townhomes, concerning their extreme sense of betrayal of its city leaders and DART in building the Silver Line train line through their established neighborhood.

Ms. Vanessa Jones:

Ms. Jones wrote in reference to complaints about DART Bus 705 (#44079), on July 27, 2021; DART Bus 525 (#44094) on July 27, 2021; as well as, DART bus 525 (#44094) S/Burbank Route, the bus operator not stopping at designated stops and taking pauses/breaks while there are passengers in the bus.

Ms. Francisca G. Castillo:

Ms. Castillo wrote in reference to an issue that occurred on August 5, 2021. She stated that she took Cus # 164 and the driver behaved unprofessionally and provided a bad service and in her opinion, the service she received was due to her ethnicity.

Mr. Raymond Mbala:

Mr. Mbala wrote in reference to Bus #525, leaving Buckner Station, not showing up and the explanation provided by DART's customer service stating that the buses never left on the route due to a shortage of bus operators. He then requested to discuss these issues with the DART Board to understand the Board Members' knowledge of this issue and what the Board Members' plans are correct this issue.

Mr. Ken Beyers:

Mr. Beyers requested to have fare payment enforcement devices, with fare gates, fare card readers, and pedestrian barriers installed at all DART rail stations due to many people riding his train who are obviously homeless, intoxicated, or on drugs, and have not paid the required fare. He opined that these people often cause problems for both DART and for fare paying passengers.

Mr. Mort Tabaie:

Mr. Tabaie, of the Advance Contracting Group, noted this was second occurrence of correspondence to the DART Board regarding a contractual issue.

Ms. Sara DeLeon:

Ms. DeLeon requested that the DART Board approve portions, but not all of the Draft New Network, as follows: to approve "straightening" existing bus routes; and to approve adding GoLink only to areas that do not currently have any bus service; but **not** to approve the parts where DART proposes both eliminating the scheduled bus service from areas that currently have it, and changing that existing bus service to GoLink.

Mr. Robert Steele:

Mr. Steele submitted an email regarding a notice of discharge and the his workers compensation case.

Mr. Enoch interjected, stating he was interested in the results from the comment made by Ms. Anai Cano, regarding the train transfer connectivity. Chair Wageman explained the process he does once the meetings are over to get responses for the comments that require a formal response.

Consent Items:

Mr. Schlosser moved to forward Consent Items 6 through 10.

Planning and Capital Programs:

6. Approval of the Medical City Dallas Site-Specific Shuttle Service Agreement

Moved for approval of Resolution 210094 stating the President & Chief Executive Officer, or her designee, is authorized to execute a Funding Agreement for a Site-Specific Shuttle service with Medical City Dallas from Forest Lane Station to the Medical City 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 \$90,000 for a three-year agreement.

7. Exercise Contract Option for Grounds Maintenance and Vegetation Controls

Moved for approval of Resolution 210095 stating the President & Chief Executive Officer, or her designee, is authorized to execute a contract modification for Grounds Maintenance and Vegetation Control with Edens Touch Diversified, LLC, [Contract No. C-2034401-01] to:

Section 1: Exercise the second, one-year contract option; and

Section 2: Increase the not-to-exceed amount by \$195,917, for a new total authorized amount not to exceed \$1,731,799.

Customer Service, Safety and Mobility:

8. Contract for Compressed Natural Gas (CNG) Fuel

Moved for approval of Resolution 210096 stating the President & Chief Executive Officer, or her designee, is authorized to award a one-year contract, with a one-year option, to the Texas General Land Office (GLO), to provide Compressed Natural Gas (CNG) Fuel [Contract No. C-2062556-01], for a total authorized amount not to exceed \$6,000,000.

Administration:

9. Approval of Contract for the Upgrade of Light Rail and Streetcar Vehicle Business System (VBS) Communication to 4G LTE

Moved for approval of Resolution 210097 stating the President & Chief Executive Officer, or her designee, is authorized to award a contract to Innovations in Transportation (INIT), Inc., to upgrade Light Rail and Streetcar Vehicle Business System (VBS) Communication to 4G LTE for a total authorized amount not to exceed \$1,482,260.

Regional Rail Right-of-Way Company:

10. Appointment of Director to the Regional Rail Right-of-Way Company Board of Directors for Remainder of Two-Year Term

Moved for approval of Resolution 210098 stating that DART President & Chief Executive Officer Nadine S. Lee is appointed as Director of the Regional Rail Right-of-Way Company Board of Directors for the remainder of the two-year term, commencing on the date hereof and ending November 12, 2021, continuing to serve until her successor is appointed by the DART Board of Directors.

Mr. Stopfer seconded.

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

Individual Items:

Chair Wageman recused himself at 7:38 p.m., delegating the presiding officer's duties to Board Member Enoch.

11. Approval of an Agreement with Baylor Scott & White to Include DART's Baylor Station and Green Line Light Rail Corridor between Malcolm X Boulevard and Main Street in Dallas, Texas, in Their Application for a Municipal Settings Designation and to Modify DART's Ownership by Eliminating Potable Use of Groundwater on DART Property

Mr. Schlosser moved for approval of Resolution 21099 stating the President & Chief Executive Officer, or her designee, is authorized to:

Section 1: Execute an agreement with Baylor Scott & White (BSW) to include DART's Baylor Station and Green Line light rail corridor between Malcolm X Boulevard and Main Street in Dallas, Texas, in their application for a Municipal Settings Designation (MSD).

Section 2: Modify DART's ownership rights by eliminating potable use of groundwater on DART property, subject to legal review and approval of the agreement.

Mr. Hrbacek seconded.

Board Member Enoch took a Roll Call vote and the item was approved unanimously.

Chair Wageman rejoined the meeting at 7:40 p.m., resuming the presiding officer's duties.

- 12. +Authorize Administrative Settlement for Parcel CB3-HC1-DE, located at or near 17209 Wester Way Crt, in the City of Dallas, Texas, for the Silver Line Regional Rail Project**

Mr. Slagel moved for approval of Resolution 210100 stating:

Section 1: The President & Chief Executive Officer or her designee is hereby authorized and directed to purchase a drainage easement identified as Parcel CB3-HC1-DE in the City of Dallas, Texas, for the Silver Line Regional Rail Project for an administrative settlement as approved by the Board in closed session.

Section 2: The President & Chief Executive Officer or her designee is hereby authorized to execute all necessary legal instruments and to pay necessary title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of Parcel CB3-HC1-DE.

Mr. Schlosser seconded.

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

- 13. +Authorize Administrative Settlement for Parcel DE2-006, located at or near 1800 John Connally Dr., in the City of Carrollton, Texas, for the Silver Line Regional Rail Project**

Mr. Stopfer moved for approval of Resolution 210101 stating

Section 1: The President & Chief Executive Officer or her designee is hereby authorized and directed to purchase a drainage easement identified as Parcel DE2-006 in the City of Carrollton, Texas, for an administrative settlement as approved by the Board in closed session.

Section 2: The President & Chief Executive Officer, or her designee, is hereby authorized to execute all necessary legal instruments and to pay necessary title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of Parcel DE2-006.

Section 3: If the President & Chief Executive Officer or her designee is unable to close the purchase of this parcel for the approved administrative settlement amount, 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.

Mr. Slagel seconded.

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

14. **+Authorize Administrative Settlement for the Parcel DE3-008, located at or near 1304 13th St., in the City of Plano, Texas, for the Silver Line Regional Rail Project**

Mr. Schlosser moved for approval of Resolution 210102 stating

Section 1: The President & Chief Executive Officer or her designee is hereby authorized and directed to purchase a drainage easement identified as Parcel DE3-008 in the City of Plano, Texas, for an administrative settlement as approved by the Board in closed session.

Section 2: The President & Chief Executive Officer or her designee is hereby authorized to execute all necessary legal instruments and to pay necessary title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of Parcel DE3-008.

Section 3: If the President & Chief Executive Officer or her designee is unable to close the purchase of this parcel for the approved administrative settlement amount, 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.

Mr. Hrbacek seconded.

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

15. **+Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB1-014B Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings, if Necessary**

Mr. Stopfer moved for approval of Resolution 210103 stating there is a public necessity for the acquisition of Parcel CB1-014 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 President & Chief Executive Officer or her 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 & Chief Executive Officer or her designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President & Chief Executive Officer or her 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 CB1-014B. 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. Enoch seconded.

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

16. +Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB2-036 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for This Parcel, if Necessary

Mr. Schlosser moved for approval of Resolution 210104 stating there is a public necessity for the acquisition of Parcel CB2-036 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 President & Chief Executive Officer or her 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 & Chief Executive Officer or her designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President & Chief Executive Officer or her 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 CB2-036. 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.

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

17. **+Approval to Distribute the Proposed Fiscal Year 2022 Annual Budget and Twenty-Year Financial Plan to Municipalities Within DART’s Service Area for Review**

Mr. Slagel moved for approval of Resolution 210105 stating the President & Chief Executive Officer, or her designee, is authorized, to distribute the Proposed FY 2022 Annual Budget and Twenty-Year Financial Plan to the governing bodies of the municipalities within the DART Service Area for their review.

Mr. Schlosser seconded.

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

18. **Approval of FY 2022 Annual Budget for the Dallas Area Rapid Transit Mobility Service, LGC**

Mr. Stopfer moved for approval of Resolution 210106 stating:

Section 1: The Fiscal Year (FY) 2022 Annual Budget for the Dallas Area Rapid Transit Mobility Service, LGC, is approved as shown in Exhibit 1 to the Resolution.

Section 2: The Toyota grant funds for non-service area municipalities of Collin County will only be used after all other sources of funds to offset LGC expenses.

Mr. Enoch seconded.

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

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

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

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

22. **Election of Assistant Secretary**

Chair Wageman stated the DART Board has four Officer Positions, the Board Chair, Board -Vice-Chair, Secretary and Assistant Secretary. On June 30, 2021, the position of Assistant Secretary, held by a City of Dallas appointee, became vacant. He continued, the DART Board Bylaws, Article IV, Section 10, states that if any position becomes vacant more than 90 days prior to the Annual Meeting, the Board shall hold a special election no later than 90 days following the creation of the vacancy, to fill the vacant position for the remainder of any unexpired term. Chair Wageman further said, if the officer whose absence created the vacancy was appointed by the City of Dallas, the unexpired term must be filled by a member appointed by the City of Dallas.

Chair Wageman stated the specific procedure for electing officers is established in Rule 1 of the DART Board Rules of Procedure. He noted Rule 1 requires that voting be conducted using the electronic voting system, however, because DART is currently operating under the suspended Texas Open Meeting Laws, the Board would conduct this election by a Roll Call vote.

Chair Wageman stated each candidate should be nominated by a Board member. He noted that the nomination did not require a “second.” He stated, a majority vote of those members present is required to elect. He then asked if there were any questions about the voting

procedure that would be used. Chair Wageman stated the Board would begin the election process.

Chair Wageman stated the floor was now open for nominations for the position of Assistant Secretary.

Mr. Killen nominated Mr. Rodney Schlosser.

Chair Wageman inquired if there were any other nominations for the Board Officer position of Assistant Secretary?

Hearing no other nominations, and there being only one nominee for the Board Officer position of Assistant Secretary, Chair Wageman stated the Board will proceed to vote.

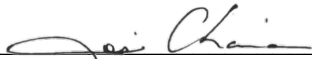
Chair Wageman took a Roll Call vote and the nomination of Mr. Schlosser as the elected DART Board Assistant Secretary was approved unanimously.

Other Items:

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

24. **Adjournment:**

There being no further business to discuss, the meeting was adjourned at 7:55 p.m.



Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Night Item

* Briefing Item