

MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
April 18, 2023

The Dallas Area Rapid Transit **Board of Directors'** meeting came to order on Tuesday, April 18, 2023, at 6:26 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Wong Krause presiding.

City of Dallas

Carmen Garcia
Flora M. Hernandez
Patrick J. Kennedy
Jon-Bertrell Killen
Michele Wong Krause – **Chair**
Rodney Schlosser – **Secretary**
Hosanna Yemiru

City of Garland

Marc Abraham

City of Irving

Rick Stopfer

City of Plano

Paul N. Wageman

City of Cockrell Hill and Dallas

Eliseo Ruiz, III

Cities of Carrollton and Irving

Doug Hrbacek – **Assistant Secretary**

Cities of Farmers Branch and Plano

M. Nathan Barbera

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 – **Vice-Chair**

Mr. Eliseo Ruiz, III, and Mr. Paul N. Wageman were absent.

General Items:

1. Approval of Minutes: March 21, 2023, and April 4, 2023

Mr. Schlosser moved to accept the March 21, 2023, and April 4, 2023, Board of Directors' meeting Minutes into record as written.

Mr. Barbera seconded, and the Minutes were accepted as written unanimously.

2. Announcements

Chair Wong Krause stated that the Citizens Advisory Committee Report is included in the Board Portal for Board member review. She also wished Ms. Yemiru a happy birthday and welcomed Mr. Marc Abraham, the newly appointed Board member, representing the City of Garland.

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

4. Recognition of Special Guest Speakers

There are no special guest speakers presenting.

5. Public Comments

Chair Wong Krause read the 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, which are on file with the Office of Board Support and posted outside the Board Room.

Chair Michele Wong Krause stepped out of the meeting delegating the presiding officer duties to Vice-Chair Slagel at 6:39 p.m.

The Public Comments were as follows:

Ms. Regina Moss; Dallas, TX:

Ms. Moss made comments regarding DART bus drivers, technology, and schedule issues.

Ms. Nadine S. Lee, President & Chief Executive Officer, referred Ms. Moss to Ms. Amina Wolf, Vice President of Bus Operations, to discuss her comments in better detail.

Mr. Donald Rieck; Dallas, TX:

Mr. Rieck presented to the Board that he is working on an application and that he would like to get access to DART assets to support this project.

Ms. Lee referred Mr. Rieck to Mr. Greg Elsborg, Vice President/Chief Innovation Officer, to further discuss his needs.

Mr. Michael Sneed; Dallas, TX:

Mr. Sneed spoke about the removal of Bus Route 12 that provided service to the Dixon Circle neighborhood and that he would like to have the service restored.

Mr. Kidus Girma; Dallas, TX:

Mr. Girma, Member of the Sunrise Movement Dallas, spoke regarding free transit for students and how the program would be beneficial.

Mr. Jed Ullrich; Dallas, TX:

Mr. Ullrich, Member of the Sunrise Movement Dallas, spoke regarding free transit for students and how the program would be beneficial.

Ms. Michelle Landry; Dallas, TX:

Ms. Landry, Member of the Sunrise Movement Dallas, spoke regarding free transit for students and how the program would be beneficial.

Mr. James Perkins; Dallas, TX:

Mr. Perkins, Member of the Sunrise Movement Dallas, spoke regarding free transit for students and how the program would be beneficial.

Mr. Hexel Colorado; Dallas, TX:

Mr. Colorado, Member of the Citizens Advisory Committee, spoke regarding his various blog topics in reference to DART on his site, <https://hexel.blog/>.

Chair Wong Krause recommended Mr. Colorado put his concerns in writing to the Board so they can be better reviewed.

Ms. Shenita Cleveland; Dallas, TX:

Ms. Cleveland spoke about the removal of Bus Route 12 which serviced the Dixon Circle neighborhood, noting that she would like to have the service restored. In closing, she also stated her support of free DART service for K-12 students.

Ms. Dora Bocanegra; Dallas, TX:

Ms. Bocanegra spoke about the removal of Bus Route 12 which serviced the Dixon Circle neighborhood, noting that she would like to have the service restored.

Consent Items:

In reference to Agenda Item 10, Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB2-037 Located at or near Hutton Dr. and W. Belt Line Rd. in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for this Parcel, if Necessary, Chair Wong Krause noted Mr. Gene Gamez, General Counsel, had stated that the parcel number had been listed incorrectly on the draft resolution, however, it has been since corrected as shown on the pink sheet that was in front of each Board member. She then inquired if anyone would like an item removed to Individual Items. Hearing no response, Chair Wong Krause called for a motion and a second.

Mr. Enoch moved to approve Consent Items 6 through 10.

Administration

6. Approval of a contract for a Technology Managed Security Services Provider.

Moved for approval of Resolution 230034 stating the President & Chief Executive Officer or her designee is authorized to award a three-year contract with no options for a technology managed security services provider [Contract No. C-2074327-01] to CyberOne, LLC, for a total authorized amount not to exceed \$5,561,156.

Customer Service, Safety and Mobility

7. Approval of a contract modification for West Oak Cliff Microduct Installation

Moved for approval of Resolution 230035 stating the President & Chief Executive Officer or her designee is authorized to award a contract modification in the amount of \$158,788 for installation of Microduct conduit and fiber cable on the West Oak Cliff section of the Red Line [Contract No. C-2057495-01] to Repeat Consultants, LLC, for a total authorized amount not to exceed \$1,094,408.

8. **Approval of a Contract Modification of the TRE PTC Maintenance Support Agreement Between Fort Worth Transportation Authority (Trinity Metro) and Wabtec Corporation for PTC Train Management Computer CPU Upgrade**

Moved for approval of Resolution 230036 stating that the President & Chief Executive Officer or her designee is authorized to fund DART's portion of a contract modification of the TRE PTC Maintenance Support Agreement to be issued by the Trinity Metro to Wabtec Corporation for procuring Wabtec's next generation train control processor (CPU-1900) for Trinity Railway Express, in a total authorized amount not to exceed \$384,000, of which 50% (\$192,000) will be funded by DART local funds.

9. **Approval of Contract for Transit Security Officer Services.**

Moved for approval of Resolution 230037 stating that the President & Chief Executive Officer or her designee is authorized to award a two-year contract with two, one-year options for transit security officer services [Contract No. C-2074362-01] to Inter-con Security Systems, Inc., for a total authorized amount not to exceed \$15,383,173.

Planning and Capital Programs

10. **Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB2-037 Located at or near Hutton Dr. and W. Belt Line Rd. in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for this Parcel, if Necessary.**

Moved for approval of Resolution 230038:

Section 1: There is a public necessity for the acquisition of Parcel CB2-037 described in Exhibit 1. This property is necessary and proper for the 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.

Section 2: 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.

Section 3: If the 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 Carrollton for CB2-037. 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. Hrbacek seconded the motion, and the items were approved unanimously.

Individual Items:

Budget and Finance:

11. Approval of Financial Standards for FY 2024 Budget and Twenty-Year Financial Plan.

Mr. Slagel moved for approval the Financial Standards for the FY 2024 budget and 20-Year Financial Plan process as shown in Exhibit 1 to this Resolution are approved.

Ms. Yemiru seconded the motion, and it was approved unanimously.

12. Approval of Financial Plan Amendment for the Silver Line Regional Rail and Cotton Belt Regional Trail.

Mr. Slagel made a motion to forward a draft resolution authorizing that that the FY 2023 Annual Budget and 20-Year Financial Plan is amended, as shown in Exhibit 1 to the Resolution, in the total amount of \$347,762,538 for the following projects:

Section 1: The Silver Line Corridor Regional Rail Project for an amount of \$199,737,230, for a new total project cost not to exceed \$2,098,737,230.

Section 2: Cotton Belt Regional Trail project for an amount of \$148,025,128, of which DART shall contribute \$5,338,344, and the remainder shall be funded by the Regional Transportation Council and the North Central Council of Governments per an interlocal agreement.

Ms. Yemiru seconded the motion, and it was approved unanimously.

Administration

13. Approval of Contract for Revenue-Generating Advertising Services on DART Transit Assets.

Ms. Garcia moved for approval that the President & Chief Executive Officer or her designee is authorized to award a five-year contract with one, five-year option to Vector Media Holdings Corp., for the sale of advertising to be placed on DART assets with DART receiving from the contractor either: (1) a minimum guaranteed aggregate amount of \$28,155,000 over the five-year base term; or (2) 67% of net advertising revenues generated by the contractor over the five-year base term.

Ms. Yemiru seconded, and the item was approved unanimously.

Individual Items 14-18 will be discussed at the Committee-of-the-Whole meeting only.

Planning and Capital Programs

19. **+Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE3-004-WE Located at or near 17717 Coit Road, in Dallas, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for This Parcel, if Necessary**

Mr. Slagel moved for approval of Resolution 230042 stating that the President & Chief Executive Officer, or her designee, is authorized to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE3-004-WE Located at or near 17717 Coit Road, in Dallas, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for This Parcel, if Necessary.

Ms. Yemiru seconded, and the item was approved unanimously.

20. **+Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE3-005-WE Located at or near 17817 Coit Road, in Dallas, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for This Parcel, if Necessary**

Ms. Hernandez moved for approval of Resolution 230043 to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE3-005-WE Located at or near 17817 Coit Road, in Dallas, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for This Parcel, if Necessary.

Ms. Yemiru seconded, and the item was approved unanimously.

21. **+Clarification of Resolution No. 230017, Approval to Increase the Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Establish an Allowance for Negotiations of Owner Requested or Third-Party Change Requests, to Include Settlement of Request for Equitable Adjustment**

Mr. Slagel moved for approval of Resolution No. 230017, Approval to Increase the Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Establish an Allowance for Negotiations of Owner Requested or Third-Party Change Requests, to Include Settlement of Request for Equitable Adjustment.

Ms. Garcia seconded, and the item was approved unanimously.

Other Items:

22. **Public Comments**

There were no known speakers at this time.

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

24. **Adjournment**

There being no further business to discuss, the meeting was adjourned at 7:05 p.m., however, noticing a public speaker, Chair Wong Krause reconvened the meeting at 7:06 p.m. and moved to item 22, Public Comments.

22. **Public Comments**


Mr. John Williams, Dallas TX:

Mr. Williams recanted a physical encounter he incurred with a bus but had not been able to resolve. He then requested assistance in this matter.

Chair Wong Krause referred Mr. Williams to Ms. Wolf left the Board Room with him to better understand his experience and address his concerns.

24. **Adjournment**

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

A handwritten signature in blue ink, reading "Paul P. Gagliano", is written over a horizontal line.

Paul Gagliano

Secretary of the Board

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