

## Minutes

RTA Board of Trustees Meeting  
9:00 a.m., October 16, 2018

**Board Members:** Clough (Chair), Lucas (Vice Chair), Bibb, Elkins, McCall, Moss, Serrano and Welo

**Not present:** None

**Also Present:** Baldwin, Becker, Bell, Benford, Bennett, Berry, Bobich, Burney, Calabrese, Campbell, Castelucci, Catalusci, Caver, Ciesla, Cottrell, Cox, Cranford, Cunningham, Dangelo, Dietrich, Draper, Feliciano, Ferraro, Ford, Freilich, Fields, Garofoli, Gillan-Shafron, Gwinn, Jones, Kerg, Kirkland, Laule, Lewis, Loh, Lozada, Marino, McCaffety, McGrady, Mustafa, Pickett, Pinkney-Butts, Ponder, Ruic, Schipper, Scott, Shariff, Smith, Sutula, Tarter, Thompson, Togher, Vukmanic, Wiehe, Williams, Wilson, Winn, Young, Zeller, Zunt

Mayor Clough called the meeting to order at 9:00 a.m. The secretary called the roll and reported that seven (7) board members were present. Rev. Lucas arrived after the roll call.

The Secretary advised that notice of this meeting has been posted more than twenty-four hours in advance of the meeting, that the usual notification has been given the news media and other interested persons, and that all requirements of the Ohio Revised Code and Rules and Bylaws of this Board regarding notice of meeting have been complied with.

### Minutes

Mayor Clough stated that the minutes from the September 18, 2018 Board Meeting minutes had been previously distributed and reviewed and asked whether there were any additions and/or corrections. They were approved.

### New Board Member

Justin M. Bibb was sworn in as a new member of the RTA Board of Trustees. He was appointed by Cuyahoga County.

### Invitation for public comment on agenda matters – (2 minutes)

1. Rev. Pamela M. Pinkney-Butts – Cleveland, OH – She wished Mayor Norton and Sonny Nardi who will be recognized by resolutions 2018-95 and 2018-96. Resos. 2018-101 and 2018-102 impacts public safety. She congratulated Justin on his appointment. RTA is spending a lot of money on police equipment. The money is not being equally dispersed. Recently she had some challenges with public safety on RTA. She requested a meeting about her concerns.
2. Ramzi Mustafa – He is a motor repair leader at Rail. He is concerned about Reso. 2018-98 regarding the HRV truck rebuild contract. The quality of work from UTCRAS, LLC has been subpar. They've had to tear the truck assemblies down similar to how they would in-house. Parts haven't been replaced, bolts not tightened, components have come back bent, resulting in more work on the vehicles. He is not in agreement with the work being outsourced. They are two trains away from meeting the 24-train goal to run two-car service.

Mayor Elkins emphasized that this work belongs to the agency as a whole and asked if the deficiencies were reported to management. Ramzi confirmed that staff is aware. Rail district director, Sean Thompson confirmed the issues with the emergency procurement, but said they

have been addressed. The specs have been corrected and they have communicated issues with the vendor. Going forward, a quality assurance team will do onsite visits with the vendor before the next set of trucks are sent back. Mayor Clough emphasized that the vendor should not be paid if their work does not meet approval. The board is in favor of keeping work in-house, but understands that this is a special situation that needs to be outsourced.

Chief McCall asked for the length of the contract. Sean said the work is for 26 trucks. Twenty-three cars have serviceable wheels. Service requires twenty-four vehicles. This takes into consideration that there are no other issues with the cars. To properly provide service, 32 vehicles are needed. She is concerned about the issues brought up about the vendor. Dr. Caver said the QA team will do a thorough check of the trucks. Chief McCall asked if this procurement needs to be approved today and if there is an incentive for employees to meet the goal. Dr. Caver said If the contract isn't approved today, staff will continue the work, but it will push back the time to recover 32-34 trucks. The winter is approaching, so he recommends this be approved today. Sean added that the production rate of 2.2 cars per month was not meeting the attrition rate of four cars a month. Back in March, there were 16 cars down for wheels. Currently 17 are down for wheels. The contract will put the project on track for March 2019. Without the plan, it would take until the 2<sup>nd</sup> or 3<sup>rd</sup> quarter of 2020.

George Fields, director of training and employee development, added that six new mechanics were hired. Overtime was available for the shop. Schedules are being reviewed to have a full second shift dedicated to this project. The goal is not to take the work away. Mayor Elkins asked if the purchase of new trucks is an option. Sean said the rail car study will look at the cars and any other options. Mr. Serrano showed support for the union workers. Mayor Clough encouraged the mechanics to step up the work to decrease the amount of work completed outside. Mayor Welo asked for confirmation on what the contractor would receive if in-house staff was able to increase their work. Staff confirmed that it is up to 26. Dan Dietrich, director of fleet, added that deficiencies are being documented and the cost is recovered for deficiencies. Mr. Mustafa asked what the end date is on the contract. Mr. Pickett said the contract is quantity based and can run longer than one year, but it can be stopped if the work is caught up in-house. Mayor Elkins suggested the legislation be amended for one year.

Scott Ferraro, director of labor and employee relations said they have been working with the union and have committed that the work would be done over the next 12 months. There will be bi-weekly meetings to stay on track.

3. Loh – Cleveland, Ohio – She thanked Mayor Elkins, Mr. Serrano, Ms. Moss and Dr. McCall for their input concerning the union issue with the HRV wheels. This affects the riders. She suggest the wheel issues be incorporated into the system redesign.

#### Committee reports

- Operational Planning & Infrastructure Committee report – Mayor Welo said the Bylaws Review Committee meetings is Oct. 22 from 1-3 p.m. The RFP for the CEO search firm went out Oct. 8. The deadline is Nov. 8 at 2 p.m. The full board will review the proposals by mid-November with plans to vote on a firm in December and to have the firm in place by Jan. 2019. Cleveland Planning Director Freddie Collier gave a presentation on the Opportunity Corridor Master Plan and TOD around E. 79<sup>th</sup> Street Station at the Oct. 2<sup>nd</sup> committee meeting. The corridor connects health, equity and sustainability. The OC plan gives the greatest hope for Cuyahoga County. It is a vibrant and sustainable project with a focus on planning and jobs. She gave kudos to Mayor Frank Jackson and his staff.

Dr. Caver gave an update on several studies and the strategic plan. Resolutions 2018-101 and 2018-102 were discussed in committee. This a kick off to a \$15 million project. These resolutions will provide better intelligence in safety with mobile and portable radios and dispatch console and wireless mobile routers to allow for Wi-Fi hot spots and cellular connections. Both purchases will be through the State of Ohio, Department of Administrative Services, and Cooperative Purchasing Program. She encouraged her fellow board members to approve these projects.

- Organizational, Services & Performance Monitoring Committee report – Rev. Lucas thanked the staff for updating him on various projects. He thanked the community for their input.
- Audit, Safety Compliance and Real Estate Committee report – Ms. Moss did not have a report.
- External and Stakeholder Relations & Advocacy Committee – Chief McCall did not have a report.

#### Introduction of New Employees/Promotions

Jonathan Ciesla was promoted to budget management analyst in the Office of Management and Budget. He was previously in Service Planning for four years. Sharee Lewis was promoted to manager of support services. She previously worked in Human Resources for six years.

#### Community Advisory Committee (CAC)

There was no report.

#### Introduction of resolutions

- A. 2018-95 – Expressing appreciation to Nicholas “Sonny” Nardi, for his service as a member of the Board of Trustees of the Greater Cleveland Regional Transit Authority and extending best wishes for many years to come, the adoption of which was moved by Mayor Welo, seconded by Mr. Serrano and approved by unanimous vote.

Sonny could not attend the meeting. His service is appreciated. He will also receive a plaque of the resolution.

- B. 2018-96 – Expressing appreciation to the Honorable Gary A. Norton, Jr., for his service as a member of the board of trustees of the Greater Cleveland Regional Transit Authority and extending best wishes for many years to come, the adoption of which was moved by Mr. Serrano, seconded by Mayor Welo and approved by unanimous vote.

Mayor Norton could not attend either. He also served diligently. He will receive a plaque too.

- C. 2018-97 – Expressing congratulations to the employees of the Greater Cleveland Regional Transit Authority who retired during the third quarter of 2018, the adoption of which was moved by Chief McCall, seconded by Mayor Welo and approved by unanimous vote.

Four retirees were present. Darryl Baldwin, Renee Gwinn, Mark Ruic and Mitchell Zunt. Mayor Clough congratulated them on their retirement.

Mayor Elkins made a motion to amend Item D. Resolution 2018-98 to include a term of one-year or up to 26 trucks, whichever comes first. It was seconded by Mayor Welo. There was no opposition. The resolution was read as amended:

- D. 2018-98 – Authorizing Contract No. 2018-82 with UTCRAS, LLC., to provide Truck Rebuild Services, as specified and as required, in an amount not to exceed \$265,574.14 **for one-year or up to 26 trucks, whichever comes first** (RTA Development Fund, Rail District Department budget), it was moved by Chief McCall, seconded by Mr. Serrano and approved by unanimous vote.
- E. 2018-99 – Authorizing Contract No. 2018-087 with Suburban Maintenance & Construction, Inc. for Project 17.08 – Bridges Over Madison Ave. Bearing Seat Repairs, in an amount not to exceed \$183,000.00 (RTA Development Fund, Engineering & Project Development Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mayor Welo and approved by unanimous vote.
- F. 2018-100 – Authorizing Contract No. 2018-116 with Retrievox, Inc. D/B/A Access Information Management to provide Records Storage, Management and Destruction Services for a period of five years, in an amount not to exceed \$355,625.00 (General Fund, Support Services Department budget), the adoption of which was moved by Chief McCall, seconded by Mr. Serrano and approved by unanimous vote.
- G. 2018-101 – Authorizing Contract No. 2018-117 with Motorola Solutions, Inc. to provide mobile radios, portable radios and dispatch consoles through the State of Ohio, Department of Administrative Services, Cooperative Purchasing Program, in an amount not to exceed \$4,017,252.80 (RTA Development Fund, Intelligent Transportation Systems Department budget), the adoption of which was moved by Mayor Welo, seconded by Mr. Serrano and approved by unanimous vote.
- H. 2018-102– Authorizing Contract No. 2018-118 with CDW Government LLC to provide wireless mobile routers through the State of Ohio, Department of Administrative Services, Cooperative Purchasing Program, in an amount not to exceed \$1,454,825.00 (RTA Development Fund, Intelligent Transportation Systems Department budget), the adoption of which was moved by Mr. Serrano, seconded by Chief McCall and approved by unanimous vote.

Executive Session Requested

- 9:50 a.m. - Mayor Clough asked for a motion to go into executive session, to confer with RTA's attorney regarding disputes involving the subject of pending or imminent court action and to consider the compensation of a public employee. It was moved by Mayor Elkins, seconded by Mr. Bibb. There were eight (8) ayes and none opposed.
- 10:32 a.m. – Mayor Elkins made a motion to come out of executive session. It was seconded by Mayor Welo. There were eight (8) ayes and none opposed.

Mayor Elkins made a motion to amend item I. Resolution 2018-103 to insert language into Section 3 after the word *Operations* in the last line, seconded by Mayor Welo. It will read as follows:

Section 3. That at the end of his service as the Authority's Interim CEO, General Manager/Secretary-Treasurer, Floun'say R. Caver, PhD. may return to his position and salary

structure as Deputy General Manager, Operations and, in the event of an involuntary separation without cause during his tenure as Deputy General Manager, Operations, will be eligible for severance payments equivalent to six (6) months of salary as Deputy General Manager, Operations, **for up to 24 months after his return to the position of Deputy General Manager, Operations thereafter the eligibility for severance payments should be three (3) month in the position of Deputy General Manager for Operations** as well as executive job search services.

The title was read:

- I. 2018-103 - Amending Resolution No. 2018-83 on the appointment of Floun'say R. Caver, PhD. to the position of Interim CEO, General Manager/Secretary-Treasurer of the Greater Cleveland Regional Transit Authority for a period not to exceed six months commencing on September 1, 2018

Mayor Clough explained that the Acting GM, Floun'say R. Caver, in his previous position, had the ability to have a three (3) months severance package should he be separated involuntarily. As part of the provision of him as acting, it was suggested that it be extended to six months instead of three months, in the event he is not selected as the GM. Should he return to this former position and 24 months has past, it would return to three (3) months.

Ms. Moss said she would vote no because she had an issue with how the procedure was done on his appointment. She believes it should have been done prior to appointing him. Her vote has no reflection on his performance. It is her fiduciary duty to protect the assets and act in the best interest of the RTA. Mr. Bibb said he would abstain since he was not present during the negotiations.

There were six (6) ayes, one (1) abstention by Mr. Bibb and one (1) opposed by Ms. Moss.

#### Interim General Manager/Secretary-Treasurer's Report

Sales tax for October was 7.6% higher than last year. YTD it is 6.3% less than 2017. The major reason is related to the MCO sales tax loss. It is 2.1% above budget. Ridership is down 6%. YTD it's down 5%. Bus is down 6%. Rail is down 3%. Trolley is down 2%, but up 4% YTD. The numbers show a rebound in ridership. The year started with higher levels of ridership decline, but that is improving.

The E. 34<sup>th</sup> Street Station is complete. The Ribbon Cutting was rescheduled for December, but the station is open. Work on the E. 105<sup>th</sup> Street Station is ongoing and should be completed before the end of year. Work on the E. 116<sup>th</sup> Street Station is ongoing and is 50% complete. The Farnsleigh Station work on the Blue Line is ongoing. The Blue Line will be shut down Oct 20-21 for track work between Shaker Square and Warrensville for work at the Farnsleigh Station. Oct. 27-28, the Blue and Green Line will be shut down for work at the E. 116<sup>th</sup> Station for work at Farnsleigh Station. The east side Red Line will be shut down for work at E. 105th Street Station in November. Replacement bus service will provide service during the work.

Several grants have been submitted on behalf of RTA. The Build grant was submitted for \$9.8 million to complete track work at Tower City. This would be 70% of the funding. The ODOT Urban Transit Program grant was submitted for \$1.4 million to replace MCI coaches. The ODOT Ohio Transit Preservation Partnership Program (OTP3) grant was submitted for \$8.6 million to fund track repairs from West Park Station to the airport. Engineering has been doing a systematic job of revitalizing the

tracks. Grant funding was received from the Ohio EPA Diesel Mitigation Trust Fund for \$2 million. This was part of a Volkswagon settlement. It will be used to purchase CNG vehicles. The Rail Car replacement study will be submitted to NOACA for better coordination to apply for funds when they becomes available.

The Lyft pilot program with Paratransit ended September 30<sup>th</sup>. A white paper will be submitted to FTA about the pros and cons of the program. Mobile ticketing sales were \$435,045 in August. This app makes it easier for customers to purchase fares. The next Quarterly Service Planning Open House is Oct. 30 from Noon – 1 p.m. and 5:30 pm – 6:30 pm at the Main Office. The agenda will include improvements to the 81 and 86 and construction reroutes on routes 14, 16, 45, 79 and 81. The next schedule change is Dec. 2<sup>nd</sup>. It will include minor changes. Upcoming media events include the HealthLine's 10 year anniversary, Nov. 7 at 10 a.m. The Red Line 50<sup>th</sup> anniversary is Nov. 15 at 11 a.m.

The Ohio Ethics Commission will conduct training Monday, Nov. 26, for employees and board members. Last week, he attended a meeting at the Cleveland Foundation about their collaboration to provide art on the windows of the Red Line trains. It will increase the customer friendly nature around the line. Work continues on the Pillar studies. Meetings were held to get updates on the Economic Impact study and the Rail Car study. He attended the State of the City Address. There is an opportunity to assist with the Neighborhood Transformation Initiative. RTA can play a role in neighborhoods that don't allow for the traditional economic model. Rev. Lucas attending meetings at Tri-C when the E. 34<sup>th</sup> Street Station was being discussed. He requested invites be extended to the businesses in that area and even to have a student speak to encourage ridership.

Mayor Elkins said the media suggest a levy may not occur for 2 to 3 years. He requested that Dr. Caver communicate to the public that it is the Board's decision and that they are not in a position to make any decision at this time, but they recognize there are serious issues that need to be addressed sooner than later. Dr. Caver confirmed that he is representing it the way that Mayor Elkins explained. Mayor Clough requested the Board and Committee meetings be combined for Nov. 13<sup>th</sup>. The board approved.

### New Business

The proposed 2019 Board and Committee meeting schedule was included in the package. The board does not have to approve it today.

### Questions or comments from the audience (2 minutes)

1. Rev. Pamela Pinkney-Butts – Cleveland, OH – She asked for four minutes to speak. She recommended that Dr. McCall be the new CEO. She doesn't like the position being assumed as a male. She interpreted Resolution 2018-101 and 2018-102 and the MARCS system as being the mark of the beast. A union employee told her that management doesn't want to negotiate a reasonable contract. She is concerned with racism and discrimination at RTA. Transit Police would not do a police report for her when a woman on the route 28 was stalking her. She was harassed by a Cleveland Police officer. She requested the board secretary get more support.
2. George Zeller – Cleveland, OH – Sales tax was up this month compared to last month. The OMB estimates are exceeding the actual receipts. The 12-month moving average was down 8.1%. This is the 16<sup>th</sup> month in a row it was down. The sales tax is still very weak. Sales tax is down \$30.9 million a year from 2001. Jobs are ahead, but it is still below the national average. The job numbers will be released Friday.

Mayor Elkins added that he met with some corporations in his community. They are holding on to resources for what they believe is a coming recession. Deficits are growing as a result of the most recent tax reform. More demands for cuts in Congress are coming. A possible economic slowdown may be coming within the next year and will have an impact on RTA.

3. Terry McGrady – He is an ATU Local 268 executive board member at Triskett. The merit system rule hasn't been revised since it was created in the late 80's. It outlines the promotion process, but it is not being followed. Some examples of this is employees filling in for long periods of time. Bargaining employees have switched to non-bargaining positions and still were able to keep their seniority. The contractual procedure related to grievances has been the same for about 20 years. He doesn't believe every effort is being made to resolve grievances at the first step. Fill-In positions from the merit system rule are supposed to be pulled from an examination list that last for two years. People are being hand-picked. They are not vetted and unqualified. Positive discipline is not being administered correctly. It should be corrective and encouraging. These issues are causing low morale, fear of management, anxiety, stress and attendance issues. Staff doesn't respond to his emails. The two minute comment limit is not enough. He asked if he can email the board about non-negotiation type issues.
4. James Lamb – Cleveland, OH – Two minutes is not enough time to speak. He asked for the dates for the Open House to discuss route 81. He fought for the 81 for five years. Winter is coming and it is hard to walk up a hill because the 81 route was changed. Ridership is down because operators don't know how to work with seniors and the disabled and due to route cuts.
5. Wayne Bender – He is the financial secretary/treasurer for ATU Local 268. He said there is low morale at RTA from support staff. Service frequency was better with CTS.
6. Kenneth Brown – He is a 23 year Triskett operator. He applied for short term disability for his vertigo condition. He was told that the dates on the application were incorrect, so he corrected it. Then he was told he needed more information on the application. He complied with the request, but when he followed up, his application came up missing. Aug. 20, he completed another application. The secretary signed to confirmed receipt. In September, he was told that his name and age was not on the application. He questioned why it took so long. Ms. McLaughlin spoke to his doctor to get the missing information and information about his diagnosis. When he picked up the application from the hospital, he noticed it was the original application with some minor changes. He was off two months and received one check. His application was handled incorrectly. His wife was also sick at the time. There was miscommunication about what date he was to return to work and the requirement to have a Return to Work slip.

Mayor Clough said this needs to be handled with the administration. Mr. Fields agreed to meet with him today.

7. Kenneth Williams – He is a 15 year Paratransit worker and on the executive board member. He asked what the plan is for Paratransit in the future. Their department is vulnerable because of subcontracting. Rev. Lucas is very concerned. Due to the federal guidelines, the subcontractors fit into the plan. He likes the cleanliness and service of Paratransit. He was told that Paratransit should be good as it is for at least the next three years. Mr. Williams asked what would be the future of the operators after that point. Mayor Elkins doesn't favor outsourcing. The contracts were recently realigned to examine possible expansion. He hopes

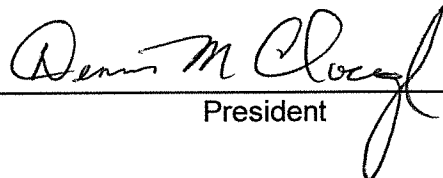
that shrinking the staff is not an option. His goal is to deliver the best quality and not just the cheapest.

8. Akshai Singh – Cleveland, Hts. – He thanked Mayor Elkins for his point of view regarding outsourcing. The board should know what is happening with riders and employees. This morning a train was leaking water and had to be shuttled back to the rail yard. There needs to be a conversation with the appointing authorities so they understand the beneficiaries of transit and the value of transit.
9. Loh – Cleveland, OH – She suggested public comments be three minutes. County Council held a meeting September 25 that was over four hours. They allowed everyone to speak three minutes. Refer to the future leader of the RTA as a person and not a he or she. An employee was terminated because of a gender discrimination issue. RTA has a lot of internal administrative issues. Current bylaws and rules need to be looked at. Customer service among administration is low. Riders and workers are RTA's best assets.

The next regular Board Meeting is scheduled for Tuesday, November 13, 2018, in the Board Room of the Authority, Root-McBride Building, 1240 West Sixth Street, Cleveland, Ohio 44113.

This meeting was adjourned at 11:39 a.m.

Attest:   
Interim CEO, General Manager/Secretary-Treasurer

  
President