

**GREATER AUSTIN AREA TELECOMMUNICATIONS
NETWORK (GAATN)
INTERLOCAL AGENCY**

**625 East 10th Street, 6th Floor
Austin, Texas 78701**

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD April 7, 2003
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at 1:34 p.m.

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
Martha Riekenberg (alt.), on behalf of the City of Austin
John House (alt), on behalf of the University of Texas
Frederick Harris, on behalf of Austin Independent School District
Tom Lott, on behalf of the Lower Colorado River Authority
Jimmy Don Havins (alt), on behalf of the Lower Colorado River Authority
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County
Debbie Opdahl, on behalf of the State of Texas
Wayne Wedemeyer, on behalf of the University of Texas

GAATN Personnel present:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Stephen Fogel, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

Heidi Cottingham and Tim Cottingham were present from CoCom for discussion of item 17B. No other citizens were present.

Agenda Item No. 3:

Approval of March 3, 2003 Board Minutes

There was a mistake on the name of the individual from Round Rock ISD which was noticed by Patrick. Ed Ingersol was incorrect, Ed Zaiontz is the correct name. There was a typo on page 4 "finer" was supposed to be "fiber". Wayne motioned to approve with corrections, seconded by Gary Weseman.

Agenda Item No. 4

Discussion and possible action regarding the Board Chairman Update. (Jordan, 5 minutes)

Patrick explained that Ed Zaiontz had sent a memo to him which was distributed to all Board members. The memo outlined some possibilities for partnership with various entities. Wayne asked if they wanted to be members of GAATN but Martha explained they were looking to be hosted by a participant and that AISD had been approached before with this concept. Patrick noted this was a good way to proceed and suggested all review the document and possibly have RRISD come to the May meeting. Debbie asked if they were willing to bear costs for the construction.

A. Discussion and Possible action on Conduit Sales Agreement and Bill of Sale for ZNET Conduit Purchase. Inclusive with this will be having the Vice-Chairperson, Debbie Opdahl, sign for GAATN agency.

Patrick shared with the Board the Timeline for getting the ZNET issue completed for the City Council Agenda on April 24th. He explained that the action to be taken would be to negotiate and execute discussion on the topic, but that discussion did not have to be completed by the 24th, merely that if there is a large 'deal buster' involved that it surface before April 17th so that the item could be pulled before it goes to Council. Further discussion by the Board would then take place. Wayne questioned the verbiage on

connection to the new City Hall, wording was agreed to change to 'enable' from 'require' for connection to City Hall instead. Steve Fogel shared that this was acceptable. Patrick stated that there was no intention to insist on connectivity and would make the change known to City legal representatives. Debbie asked about the License fee and Patrick said he would work to get that waived, adding that it was waived in the Interlocal Agreement. There was a question on the number of Manholes, previously it was shared that there were 22 manholes but after Ashley reviewed the As-builts she located only 20. It was added by Martha that 2 more had already been built at City Hall that GAATN would be able to access and two more would be necessary for GAATN to get into the conduit on the north side. Patrick added that the linear feet had changed also, correct footage was in the Agreement. These items corrected in the minutes was deemed sufficient, no need to redo minutes from January. Patrick stated the drawing needed to be redone to show the 2 new manholes. Steve added that the contract would reflect what is approved by the Board. Gary noted that GAATN was purchasing 'access'. Patrick noted that he had an issue with the 20 manholes because that is what Council would note as existing, later rethought this position to include the 2 new ones at City Hall, the ones for connection to Super Ring South would be added later and at GAATN expense since no other entity would have use for them. Steve suggested that the verbiage in the agreement be changed to 'Tenet in common' concerning the manholes, implying joint ownership. Patrick and the Board appreciated this comment and the Chairman requested that Steve send him these changes in an email this week so that he can present it to the City Legal. The issue of testing the conduits was raised, Ashley shared that \$45,000 was the quote she had from the maintenance contractor. Steve stated that an affirmative section that the city knew of no defects would be good also. Martha shared that there had been two incidents where the City had had to go into the manholes but that both times the conduit was in great shape and built to spec's. Debbie asked about a warranty, Patrick stated that he was looking into that but felt it was already expired. Steve shared that the City needed to include that no liens were against the property in question either. Patrick's thought was that City Council Action accepting the conduit from ZNET as payment would be proof enough, Steve agreed. Patrick added that the Council action on the 24th was for him to get permission/approval to negotiate this agreement. Debbie asked when the Board would be bidding out for inspections, was told that it could be done after the 24th of April. Steve suggested bidding it out on contingency of Council Approval. Patrick added that he wanted to get as much ready as possible for Council and the Board so that all language was the same and all went smooth. Added that he felt GAATN should take an upper and lower conduit on the right or left side and that the City Legal wanted him to be specific about which ones. Wayne moved to direct the GAATN Technical Committee Chair to develop a procurement document and specifications for testing the ZNET conduit to be sent out through AISD and not until after the April 24th City Council Meeting. Seconded by Frederick Harris and approved unanimously. The other issue discussed was that Debbie Opdahl as Vice-Chair would need to sign for GAATN since Patrick would be signing for the city. Wayne commented that these efforts are to set the bar higher for GAATN and solidify important legal points. Patrick moved to hear item 18 B next with a second from Wayne.

Agenda Item No. 18

B. Discussion and possible action regarding ongoing Splice Case repairs. (Maintenance Contractor, 15 minutes).

Heidi and Tim shared with the Board the condition of the splice cases that they are finding and stated that they were in worse shape than previously thought. Bolts used to hold the case together are welded and break, some require cutting off to get into the case. The point of the presentation was to make aware to the GAATN Board the issue of damaging fiber during the ongoing replacements. An improved process for notification is being put into place.

Debbie moved to modify the agenda, putting agenda items 5 and 10-15 to a work session Tuesday April 22nd and have item 16 to follow this item. Seconded by Wayne and passed unanimous. Patrick shared that the 10 year anniversary of the Interlocal Agreement was coming up and wanted all to think of some way to recognize this event.

Agenda Item No. 5:

Discussion and possible action regarding Interlocal Agreement, Amendment 3, section 5. (Fogel, 3 minutes)

Item moved to work session on April 22nd.

Agenda Item No. 16:

Discussion of and possible action regarding the Financial Report and budget issues from AISD.

Frederick Harris distributed the reports. There were no comments.

Agenda Item No. 6:

Discussion and possible action regarding two new sites for DIR at 1700 and 1701 Congress Ave. (DIR, 5 minutes)

Wayne noted that the reroute would go through state conduit and not GAATN. This was a concern for some of the Board due to added risk. Patrick and others were in support of the additions but requested the Technical Subcommittee to review the reroute and pathways. Wayne moved to accept the additions of all the Board members on the agenda by April 15th and that they would be considered by the Technical Subcommittee. The motion incorporated Items 7 and 8 also. Frederick seconded the motion and all approved.

Agenda Item No. 7:

Discussion and possible action regarding new site for UT at 1700 Congress Ave. (UT, 5 minutes)

Approved in previous motion.

Agenda Item No. 8:

Discussion and possible action regarding new site for Travis County for county medical examiner. (Travis Co. 15 minutes)

Approved in previous motion. Concern was expressed that a precedent was being set because the site was first removed and then readded after the Network Rights were accepted. The Board recognized that this was not the intent of Travis County at all but was concerned with improving the process. Debbie suggested adding Item A to work session discussion, this was agreed by all.

A. Discussion and possible action regarding an update to GAATN policy for site additions and deletions.

Moved to Work Session discussion on April 22nd.

Agenda Item No. 9:

Executive Session: Adjourn for closed session, under Tex Gov't Code section 551.071, to seek legal advise about pending or contemplated litigation for:

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property. but not limited to:**

Greater Austin Area Telecommunications Network v. Ascension Health and Gonzalo Portillo, Jr., No. 265725, Travis County Court at Law (teardown at Andrews Elementary on May 31, 2002); and

Greater Austin Area Telecommunications Network v. Oakwood Mobile Homes, Inc. d/b/a Oakwood Homes, and Paredes, Inc. d/b/a Superior Services, No. 266774, Travis County Court at Law (teardown at Daffan Lane on September 6, 2002).

Reconvene for discussion and decisions, if any, on matters considered in closed session.

Patrick moved to Executive session at 4:06 p.m and reconvened to regular session at 4:10 p.m.

Agenda Item No. 10:

Discussion and possible action regarding distribution of meeting agendas and supporting documents (proposal to amend the GAATN By-Laws by relettering subparts b and c as c and d, amending subpart a, and adding a new subpart b). (DIR, 10 minutes).

Item moved to work session on April 22nd

Agenda Item No. 11

Discussion and possible action regarding notification about network expansion (proposal to amend the GAATN By-Laws by adding a new Article X). (DIR, 10 minutes).

Item moved to work session on April 22nd

Agenda Item No. 12

Discussion and possible action regarding interpretive rulings of the Interlocal Agreement, the By-Laws, and technical policies and procedures (proposal to amend the GAATN By-Laws by adding a new Article XI). (DIR, 10 minutes).

Item moved to work session on April 22nd

Agenda Item No. 13

Discussion and possible action regarding directions to the Service Provider under the GAATN Service Level Agreement with the City of Austin (proposed directions regarding paragraphs 5.2.1, 5.2.2, 5.4.6, 5.7, 5.7.5, and 5.7.6. (DIR, 10 minutes).

Item moved to work session on April 22nd

Agenda Item No. 14

Discussion and possible action regarding motion for Chair, Vice Chair, and the chair of the Technical Subcommittee to develop and document duties of the Technical Subcommittee. (DIR, 10 minutes).

Item moved to work session on April 22nd

Agenda Item No. 15

Discussion and possible action regarding the financial report and budget issues. (AISD, 10 minutes).

Item moved to work session on April 22nd

Agenda Item No. 17:

Discussion of and possible action regarding the Technical Subcommittee Update.

Tom stated that most of his items had been covered already on the agenda-most were moved to the work session. Wayne asked about the RFP and his changes -Ron had not received them and would follow up with him later.

Agenda Item No. 18:

Discussion and possible action regarding the Network Manager's Update (COA, 10 minutes).

A. Discussion and possible action regarding changes in Network Rights.

Ashley distributed a spreadsheet of Network rights reflecting amounts that would change for Travis County and UT who had left a site off that was added in September. She explained that there was little difference, the largest being the UT site which would change the dollar amount about \$1,400. All agreed that a process for adds and deletions was needed and would be a topic for the April 22nd Work Session.

C. Discussion and possible action concerning the settlement letter for damage on Riverside Drive.

Ashley was sent a check from Red Simpson's insurance agency for \$10,000 to settle the claim against him of \$19,000 from an incident last year. After some discussion there was no desire to settle for the amount and the attorney that will represent us will be asked to attend the work session on the 22nd of April.

Agenda Item No. 19:

Confirm date, time and location for the next regular Board meeting as May 5, 2003 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next meeting was confirmed and the meeting was adjourned at 4:30 p.m.