

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

**625 East 10<sup>th</sup> Street, 6<sup>th</sup> Floor  
Austin, Texas 78701**

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS  
MEETING HELD September 12, 2005  
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 1:35 p.m.

The following Board members announced as present at the start of the meeting:

Gray Salada, on behalf of Austin Independent School District  
Tom Lott, on behalf of the Lower Colorado River Authority  
John Kohlmorgan, on behalf of Austin Independent School District  
Walter LaGrone, on behalf of Travis County  
Patrick Jordan, on behalf of the City of Austin  
Gary Weseman, on behalf of Austin Community College  
Wayne Wedemeyer, on behalf of the University of Texas  
John House, on behalf of the University of Texas

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator  
Ashley Caron, Project Manager

**Agenda Item No. 2:**

**Citizen Communication**

No citizens were present and Patrick moved onto the next agenda item.

**Agenda Item No. 3:**

**Approval of August 1<sup>st</sup> and 9<sup>th</sup>, 2005 Board Minutes.**

There were some corrections to the minutes that included a change from B2S to B1S in the minutes, an extension proposed by AISD for a new school, and a spelling error in the August 1<sup>st</sup> minutes. There was a location error for the August 9<sup>th</sup> minutes.

Gray moved to accept the minutes with the corrections, with a second from Tom. The subsequent vote was unanimous.

**Agenda Item No. 4:**

**Discussion and possible action regarding the Board Chairperson Update.**

**A. Report back from the GAATN Meeting of 8-9-05**

Patrick explained that there were four principle issues identified, the first being the activity on Colorado Street and the repaving and permit withholding by public works against GAATN. The result was that a memo was sent that cleared GAATN from the cost of repaving. A CIP is in place to do repaving for next year and GAATN will not be charged and the permit that caused the

problem has been cleared up for good. The second issue dealt with manhole coverings for GAATN. Patrick noted that the best practice was to put the ring on and pave, smoothing afterwards. However, it's cheaper to place the ring and pave. This issue is not completely resolved and he noted that the GAATN employees will have to watch for opportunities with this concern. Patrick noted that Ashley is attending the Austin Utility Location Coordination Committee (AULCC) meetings and can stay on top of paving activity. He further noted that GAATN is a minor player in this issue as it has only about 90 manholes in the CBD where there are probably close to 10,000 manholes existing. The issue is how is public works going to deal with this. Patrick has been in contact with Bill Gardner and Leon Barba, the Chief Engineer and ex-Chief Engineer respectively and they are aware of the concerns. The AULCC personnel report to Bill Gardner so presence at the AULCC meetings will, hopefully, allow for improvements.

The third issue was the rebuild Austin plan that involves participation in creating improved performance and coordination with Public Works . Unfortunately, the Hurricane Katrina refugees have taken a lot of personnel and time from CTM so this has been place on hold for the time being. A related topic of coordination is the meeting with Cap Metro to discuss the 3<sup>rd</sup> and 4<sup>th</sup> street concern. Gray had a meeting with Denise Ducharm to discuss the fact that GAATN would prefer the lesser economic impact that the project would have if constructed along 4<sup>th</sup> street. To her knowledge 3<sup>rd</sup> street was the only one being considered at present. Patrick noted that it was not only GAATN that had good reasons to plead for 4<sup>th</sup> street over 3<sup>rd</sup>.

The fourth topic was the overhead to underground project throughout Austin that had come up in resolutions by the City Council. Patrick noted that this was too far out to predict at the moment, some 20 years out, and could not be addressed at this time as it is largely conceptual at the moment with no specific budget, timeline or plan in place.

Tom asked about the improved exposure of GAATN to the upper echelons of the City Council and City Management and was told by Patrick that the Telecommunications Committee has three council members at present that do know about GAATN and on several occasions he has given tours and presentations in the past. He invited the use of a 'refresher' presentation to the committee by another entity other than the City and pledged assistance with that effort should another entity choose to do such an activity. However, his solo effort was to involve his immediate superior, Pete Collins, at the present time to assist with heightened awareness for GAATN.

#### **Agenda Item No. 5:**

##### **Executive Session:**

Adjourn for closed session, under one or more of Tex. Gov't Code sections 551.071, 551.072, 551.074, and/or 551.076, to seek legal advise about pending, anticipated or contemplated litigation concerning:

- A. Construction, equipment, and product warranty claims;
- B. Damage to GAATN fiber optic cables, equipment, hardware, and other property; or
- C. Contractual or tort claims by or against GAATN; or
- D. the procedures and operations of the Board or the organization; and/or

to consider matters concerning

- E. real property purchase, exchange, lease or value;
- F. personnel matters; or
- G. security devices or security personnel.

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

There was no need for executive session to discuss any litigation and counsel was not present. There would be a need to discuss specific sites and projects protected under House Bill 9 but that would take place under agenda item 8.

**Agenda Item No. 6:**

**Discussion and possible action regarding the financial report and budget issues.**

Gray stated that AISD was close to the final year end report and all was looking very good. He reported that \$933,000 was left at present and Ashley added that at worst there may be a \$50,000 to \$60,000 project remaining but she doubted it. She explained that it was on her laptop so a precise account could not be done. However, even with that amount GAATN had stayed within budget. Patrick added that the City payment of \$447,000 had been processed for next year and was just waiting on the City fiscal year to begin to be sent to AISD. Gary stated that he had paid the quarterly payment but that ACC could pay the remaining 3 quarters upon receipt of a bill from AISD and Ron stated that he would make sure that was sent. Wayne noted that the Roadway case had cost over \$13,000 so far and asked if that amount was correct and was told it was. John added that this topic had come up at the Technical Subcommittee. Tom added that he would expand upon the discussion from the Technical Subcommittee under his section.

**Agenda Item No. 7:**

**Discussion of and possible action regarding the Technical Subcommittee Update.**

Tom stated that 2 questions arose from the Technical Subcommittee concerning legal aspects of the meetings. The first dealt with executive sessions and documentation thereof. Patrick suggested asking around the legal offices of the entities to get a consensus of opinions. Wayne asked what the exposure was if GAATN did not have complete records of executive session, which Ron stated did not exist. The awkwardness and confusion surrounding executive sessions has created a desire for simplification. Opinions on the subject will be sought through the counsel of the participating entities and also explored when GAATN's own counsel is present.

There was also a topic brought up by Tom of the back taxes that the Maintenance Contractor has been asked to pay for work performed on behalf of GAATN, a non-profit and tax exempt entity. Ron stated that he had sent over the tax exemption status for GAATN about 3 weeks ago for another issue. Ashley stated that the Maintenance Contractor could use that to deny payment based on her previous experiences. Wayne noted that some federal taxes had to be paid but Tom noted that this was not the case and explained that the Comptroller had audited Inline, a road closure company, who in turn has passed their error to the GAATN Maintenance Contractor. Ashley stated that it was the end customer that mattered and Patrick asked her to pursue the resolution with Heidi and report to the Technical Subcommittee next week.

Tom then stated that the claims process was discussed at the Technical Subcommittee and added that the process was put in place but that the financial report looks as if the process has bogged down. He further cited examples noted by the Technical Subcommittee and also the Maintenance Contractor. Patrick reminded the Board that the intended desire for legal activity was to pursue claims and develop a reputation of strength and determination, which has been the Board's wish and intention for years. John Kohlmorgan and Wayne both felt that the process seems to have faltered and Gary added that the chart and policy developed last year was not being followed. Wayne added that there was an efficiency concern that may be aided by the addition of a written legal report every month, to which John added that the Project Coordinator could be given the

power to make certain calls on the behalf of the Board and better expedite proceedings. There was further dismay from the Technical Subcommittee members to learn that present counsel was not the litigator should activity escalate. This meant that more money would have to be spent to inform and 'bring up to speed' another attorney in instances where trial activity would be involved.

There was discussion on whether the processes were clearly defined and also a desire to ask for suggestions to improve the functionality of the claims process. Patrick asked Ron to resend the policy and flow chart to the participants for review and John K asked that this be an agenda item at the next Board meeting.

**Agenda Item No. 8:**

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

Ashley explained that Ron had negotiated a joint easement with Austin Energy in the Circle C area that would have required a reroute. Tom asked how much the reroute would have cost and was told around \$34,000. Patrick noted that some projects were sensitive in nature and under the rules of House Bill 9 moved the Board to executive session to discuss the Project Manager's report at 2:55 p.m. The Board returned from executive session at 3:22 p.m, no actions were required. Ashley distributed individual site lists in advance of the budget preparation and asked for feedback as soon as possible.

**Agenda Item No. 9:**

**Confirm date, time and location for the next regular Board meeting as October 3, 2005 at 1:30 p.m. in Board Room of the Hancock Building at LCRA on Lake Austin Blvd.**

**A. Add agenda items for next month.**

The meeting was adjourned at 3:26 p.m.