

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

MEETING OF THE BOARD OF DIRECTORS

March 7, 2023 1:30 p.m.

LCRA Service Center at 3505 Montopolis, Austin, Texas 78744

Building A, Room A502/503

Teams Videoconference link provided 72 hours prior to meeting on homepage of www.gaatn.org

Remote audio-only option for public access: (512) 831-7858, Access Code: 521 878 49#

MINUTES

1. Call to Order and Roll Call:

GAATN Board Chairman Dain Herbat called the meeting to order at 1:30 p.m.

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

Steve Pyle, on behalf of State of Texas DIR (remote)

Dain Herbat, on behalf of Travis County (on site)

Gary Weseman, on behalf of Austin Community College (remote)

Leslye Conoley, on behalf of City of Austin (remote)

Jaime Guerra, on behalf of UT-Austin (remote)

Robert Saddler, on behalf of LCRA (remote)

John Greiner, on behalf of Austin ISD (remote)

Syd Falk, GAATN attorney (on site)

Frank Ammons, on behalf of GAATN (remote)

Carlos DeMatos , on behalf of GAATN (remote)

Sarah Eichelberger, on behalf of GAATN (remote)

A quorum was established at roll call.

Anthony Breckenridge, on behalf of City of Austin (remote) – joined at 1:47 p.m.

Members of the public/GAATN contractors:

Marco Espericueta, on behalf of Austin Energy (remote)

Doug Wilson, on behalf of JC Communications (remote)

Chris Gonzales, on behalf of BryComm (remote)

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of February 7, 2023

Gary Weseman moved to approve the draft minutes as presented; Steve Pyle seconded the motion and it passed unanimously.

4. Consent Agenda Items from the February 21, 2023 Technical Subcommittee Meeting

A. Seeking approval for placement of eight new GAATN poles on San Antonio street GAATN-funded project to be funded by the FY23 GAATN MAC budget at a cost not to exceed \$33k

Jaime Guerra moved to approve Consent Agenda Item 4A; Gary Weseman seconded the motion and it passed unanimously.

5. Board Chairperson Update – Discussion and possible action regarding:

A. Seeking approval for GAATN FY23 Budget Line Item adjustments and fund balance transfer

Sarah presented the proposed fund balance transfer of \$850k to supplement FY23 budget line items for MAC labor/fiber (\$775k), insurance (\$25k), and locates (\$50k); it also showed the purchase order adjustments that would be made as a result of the budget line items supplementation. The handout showed that the ending fund balance as of January 31, 2023 was \$1,728,021, and there would be

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

\$878,021 remaining after this transfer. She noted that this request is based on projected expenditures through June 30 and that any funds not expended would go back into the fund balance at the end of the fiscal year. She said that the Board previously on July 12, 2022 approved funding carryover projects from previous fiscal years totaling \$1,053,709, and that this request was within that approved transfer amount, not in addition to it. Jaime asked if this was within what was illustrated in the forecast; Sarah said yes it was actually less than what was projected to be spent on MAC jobs this fiscal year. Jaime Guerra moved to approve the transfer of \$850k from the GAATN fund balance and the FY23 budget line items adjustments as presented; John Greiner seconded the motion and it passed unanimously.

B. Subcommittee for policy for new future GAATN participants

Frank stated that, as the last Technical meeting, the GAATN Board Chair requested to form a subcommittee to come up with a policy and formula to admit new members into GAATN. Frank said it would be helpful if the volunteers were familiar with GAATN's history and had used the EUFAP to purchase fiber in the past. Frank said he would facilitate and attend the meetings; Syd asked if he could join the meetings as well to provide legal guidance with respect to the ILA. Jaime Guerra, Gary Weseman, and Steve Pyle volunteered to participate on the subcommittee. Frank said he would reach out to them to schedule the first meeting.

C. Cap Metro license agreement for UT project

Frank reported that this agreement has not yet been executed due to a new insurance requirement for GAATN to carry \$5 million of railroad liability insurance. Frank noted that management has received quotes around \$4k annually for this type of insurance, but it is location and project specific. Frank said that he met with Dain, Jaime, and Syd, and they requested that Frank set up a meeting with Cap Metro for himself, Dain, and Jaime to discuss the insurance requirement. Frank noted that he has reached out to his contact multiple times but has not received a response, and that he may have to escalate it to someone else at Cap Metro. There was no further action taken on this agenda item.

D. GAATN Damage Claim Policy review

This item was discussed in executive session under Texas Government Code 551.071. Upon reconvening in open session, Frank noted that management would bring a revised draft of the Damage Claim Policy and flowchart to the next Board meeting for consideration.

E. Property damage claim against JD Abrams/Lone Star Paving for damage to C1N at IH-35 and Rutherford on 9/20/21

Syd reported that all parties have filed their answers to the lawsuit and that one of the parties has requested to bring in an additional liable party. He said the next step will be discovery and depositions.

6. Network Manager's Update

A. Project status report

Frank reported on the following upcoming and recently completed jobs:

- A1N Segment 7 upgrade – scheduled to complete 3/23
- B2S MET2/MET3 288 spur replacement phase 2 – completed 2/23
- DIR A2N repair at cases A2N18/SRN26 – completed 2/21
- B2S MET2/MET3 288 spur replacement phase 1 – completed 2/7

B. Job budget report

Sarah reported that management is tracking 45 jobs totaling \$3.4 million. So far for FY23, \$342k has been invoiced and \$3 million is encumbered.

C. Update on open GAATN RFP/RFQs:

- 1) **AISD 23RFP041 GAATN Moves, Adds, and Changes – closes March 21, 2023** This solicitation was issued February 7. Management and AISD held a virtual pre-proposal conference on February

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

15. The Q&A deadline has passed and the Q&A document and Addendum 1 has been posted on AISD's Bonfire portal. This RFP closes on March 21, and evaluations are expected to take place from March 22 through April 7. The evaluation subcommittee's recommendations will be brought to the April 18 Technical meeting for recommendation and the May 2 Board meeting for approval.

2) AISD 23RFP042 GAATN Bentley Management – closes March 21, 2023

This solicitation was issued on January 24 and closes March 21. Evaluations are expected to take place from March 22 through April 7. The evaluation subcommittee's recommendation will be brought to the April 18 Technical meeting for recommendation and the May 2 Board meeting for approval.

3) AISD 23RFQ040 GAATN Legal Services – closes March 21, 2023

This solicitation was issued on January 24 and closes March 21, and evaluations are expected to take place from March 22 through April 7. The evaluation subcommittee's recommendation will be brought to the May 2 Board meeting.

- 7. Executive Session:** At 1:56 p.m., Dain Herbat adjourned the GAATN Board for closed session under Texas Government Code section 551.071, to seek legal advice or to preserve confidentiality as permitted by law (including but not limited to pending, anticipated or contemplated litigation concerning) regarding Agenda Item 5D.

At 2:38 p.m., Dain Herbat reconvened the GAATN Board in open session. Agenda Item 5D was the only item discussed in executive session. Any additional discussion held or action taken on an item discussed in executive session will be noted in the summary for that agenda item.

- 8. Update Roll Call (only if executive session called):** An updated roll call was taken upon reconvening in open session. All members who announced as present in the initial roll call announced as present in the updated roll call. Additionally, Anthony Breckenridge with the City of Austin announced as present in the updated roll call.
- 9. Discussion and possible action regarding the financial report and current fiscal year budget issues. (AISD, 10 minutes):**
- A. Financial Report**
Sarah reviewed the financial report for the month ending January 31, 2023. As of that date, GAATN has received \$1.1 million in revenue and expended \$1.1 million. The ending fund balance as of January 31 was \$1.7 million, plus the \$2.1 million emergency reserve totaled \$3.8 million total balance.

10. Meeting and Action Items Summary:

Frank reviewed the action items from this meeting:

1. Facilitate meetings for the subcommittee for a policy for new members to join GAATN
2. Bring draft revisions to GAATN Damage Claim Policy to next Board meeting
3. Review maintenance RFP/contract regarding timelines for damage claim information

11. Confirm date, time, and location for the next regular Board meeting on April 4, 2023 at 1:30

p.m. at LCRA Service Center 3505 Montopolis Austin, TX and via Video Conference on Microsoft Teams.

The date, time, and location of the next regular Board meeting were confirmed; the meeting adjourned at 2:50 p.m.