

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

MEETING OF THE BOARD OF DIRECTORS

April 12, 2022 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: 284 516 019#

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:

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

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

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

Robert Saddler, on behalf of (remote, audio only, not on video) – left meeting at 2:53 p.m.

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

Harold Nall, on behalf of UT-Austin (remote)

Anthony Breckenridge, on behalf of City of Austin (remote)

Jon Hurley, on behalf of Austin ISD (non-voting representative, remote)

Gunnar Seaquist, GAATN attorney

Frank Ammons, on behalf of GAATN – left meeting at 2:45 p.m.

Sarah Eichelberger, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

A quorum was established at roll call.

Members arriving/joining after roll call:

Ruben Reyes, on behalf of City of Austin (remote) – joined at 1:32 p.m.

GAATN Contractors:

Chris Gonzales, on behalf of BryComm (remote)

Doug Wilson, on behalf of JC Communications (remote)

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of March 8, 2022

Jaime Guerra moved to approve the draft minutes as presented; Gary Weseman seconded the motion and it passed unanimously with LCRA abstaining off camera.

4. Consent Agenda Items recommended by the Technical Subcommittee at its March 22, 2022 meeting:

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

A. Seeking approval for GAATN A1N Relocation at 715 S. Exposition Blvd (H-E-B) developer-funded project at no cost to GAATN

APPROVED ON CONSENT

5. Board Chairperson Update (Approximately 30 minutes) – Discussion and possible action regarding:

A. Seeking approval for updated Board Meeting Date for August 2022 Board Meeting

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Sarah explained that LCRA no longer has meeting room space available for GAATN's original Board meeting date of August 9, but they can accommodate moving the meeting to August 2. Dain Herbat moved to approve moving the August Board meeting date from the 9th to the 2nd; Gary Weseman seconded the motion and it passed unanimously with LCRA abstaining off camera.

B. Seeking approval to accept NOCC Maintenance Subcommittee service level recommendation at an estimated cost of approximately \$20k per year and authorize negotiation of agreement between City of Austin and GAATN for maintenance of the GAATN Backup NOCC

Frank reviewed the recommended service level and estimated cost of approximately \$20k per year for the maintenance of the GAATN backup NOCC. He explained that he will draft a short agreement between GAATN and the City of Austin to be reviewed by GAATN and City legal. Sarah pointed out that this estimate is well below the approved budgeted amount of \$55k for FY23 for backup NOCC maintenance. Dain Herbat moved to accept the service level recommendation from the NOCC Maintenance Subcommittee at an estimated cost of \$20k per year and authorize negotiation of an agreement between City of Austin and GAATN for maintenance of the GAATN Backup NOCC; Jaime Guerra seconded the motion and it passed unanimously with LCRA abstaining off camera.

C. Seeking approval for Board Chair to execute license agreement with Cap Metro for UT project

Frank noted that this agreement is still in progress but that it will look exactly the same as the agreement GAATN already has with Cap Metro for the Travis County crossing. The first-year cost is \$2,500 with a 3% increase each year thereafter. Jaime noted that UT will reimburse GAATN for this expense. Frank said management is looking for approval to execute this agreement with the caveat that it must be approved by GAATN legal. Jaime Guerra moved to approve for the Board Chair to execute the license agreement between GAATN and Cap Metro with the caveat that it must be approved by GAATN legal before execution and UT will reimburse GAATN for the annual license fee; Steve Pyle seconded the motion and it passed unanimously with LCRA abstaining off camera.

D. Seeking approval for SRS 192-count upgrade segments to be funded from the FY23 MAC budget

Frank reviewed the handouts for this agenda item which included a bid cost comparison between the two GAATN vendors and financial forecasts for completing the upgrade in three or five years. Frank noted that both vendors were solicited for bids for all 12 segments and that one vendor's bids came in much higher than the other. After noting discrepancies found in the higher priced vendor's bids, management requested they review and revise their bids and provide a best and final offer (BAFO). After receiving the BAFO, the other vendor's bids were still \$475k higher than the other vendor's bids for all 12 segments combined. Therefore, management recommended that any approved segments for FY23 be awarded to the lowest priced vendor, BryComm. Management presented a total estimated cost of \$1.23 million to upgrade all 12 SRS segments and re-terminate the Crockett and Travis High School supernode sites. Sarah reviewed the financial forecasts for completing the SRS upgrade in three and five years. She noted that completing SRS in a five-year time frame would allow the budget to remain \$1.9 million for FY23 and FY24 before increasing to \$2 million in FY25. This scenario would be approving SRS Segments 1-4 for FY23 to be funded out of the FY23 MAC budget. If GAATN uses all of the set asides for repairs, CIP, and splice case audits, the approval of these segments could potentially require the need for a fund balance transfer of \$203k or more in FY23. She explained the second scenario is completing SRS in three years. This scenario would be approving SRS Segments 1-6 for FY23 to be funded out of the FY23 MAC budget. If GAATN uses all of the set asides for repairs, CIP, and splice case audits, the approval of these segments could potentially require the need for a fund balance transfer of \$383k or more in FY23. Ruben,

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Dain and Jaime all noted that they preferred the quicker timeline and they understood that would mean members having to pay more into the budget for FY24 and beyond. Jon Hurley with Austin ISD said he believes that AISD's preference would be completing the upgrade in the shorter timeline as well. Gary asked how long the vendors' proposals would be valid; Frank said that the vendor should honor the proposals for any segments approved today for FY23 but that proposals would need to be refreshed for any future segments awarded. Frank also noted that the Moves, Adds and Changes RFP will be issued in January and new MAC contracts will be awarded for the FY24 fiscal year. Gary asked management to ensure the cost of each project is tracked so the Board can compare the actual cost to the estimated cost. Dain Herbat moved to approve SRS 192-count upgrade segments 1 – 6 to be funded by the FY23 MAC budget at a cost not to exceed \$410k; Steve Pyle seconded the motion and it passed unanimously with LCRA abstaining off camera.

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

This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation; upon reconvening in open session Jaime Guerra moved to approve for GAATN legal to file suit against all associated responsible parties; Steve Pyle seconded the motion and it passed unanimously.

F. Property damage claim for damage to B1N 11604 Stonehollow Drive on 10/18/21

Sarah reported that this claim was filed with GAATN's property insurance and that management is awaiting an answer from the adjuster on whether this claim will be paid.

G. Property damage claim for damage to C1N 1202 E. St. John's on 1/1/22

This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation; upon reconvening in open session no action was taken or discussion held.

6. Network Manager's Update

A. Project status report

Frank reported on the following upcoming and recently complete projects:

- C2S Emergency permanent repair at FM620 and Mansfield Dam – completed 3/17
- Frank reviewed each of the A1N projects that remain in detail while discussing submittal dates and timelines where applicable.

B. Job budget report

Sarah reported that management is tracking 40 jobs totaling \$1.68 million. So far, \$602k has been invoiced and \$1 million is encumbered. To date for FY22, GAATN has recovered \$240k. She also reported that management is actively working with the City of Austin on the refund for the GAATN Backup NOCC construction and Public Works management fee which totals \$376k. Management expects that refund to be received well before the end of the fiscal year.

7. Executive Session: At 2:20 p.m., Dain Herbat adjourned the GAATN Board meeting 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 Items 5E and 5G.

At 2:53 p.m., Dain Herbat reconvened the GAATN Board meeting in open session for discussion and actions, if any, on matters considered in closed session. Agenda items 5E and 5G were the only items discussed in closed session. Any additional discussion held or action taken on agenda items discussed in executive session will be noted in the summary for that agenda item.

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8. Update Roll Call (only if executive session called):

An updated roll call was taken and all members and staff present at the initial roll call except Robert Saddler and Frank Ammons were noted as present. Additionally, Ruben Reyes with City of Austin joined the meeting at 1:32 p.m. after the initial roll call, and announced as present at the updated roll call. A quorum was re-established at 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 February 28, 2022.

10. Meeting and Action Items Summary (5 minutes)

The following action items from this meeting were noted for network management and/or legal: Ensure project cost tracking of SRS upgrade segments – Sarah noted this is already taken care of in the revamped Job Budget tracking report and she will continue to ensure all project costs are carefully tracked from proposal to completion.

11. Confirm date, time, and location for the next regular Board meeting on May 3, 2022 at 1:30 p.m. at LCRA Service Center 3505 Montopolis Austin, TX and via Video Conference on Microsoft Teams.

A. Items to be added to the next Board Agenda

The date, time and location for the next regular Board meeting were confirmed; the meeting adjourned at 2:58 p.m.