

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

MEETING OF THE BOARD OF DIRECTORS

May 2, 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:

Carlos DeMatos, on behalf of GAATN

Frank Ammons, on behalf of GAATN

Dain Herbat, on behalf of Travis County

Jaime Guerra, on behalf of UT-Austin

Gary Weseman, on behalf of Austin Community College

Steve Pyle, on behalf of State of Texas DIR

Leslye Conoley, on behalf of City of Austin

Harold Nall, on behalf of UT-Austin

Anthony Breckenridge, on behalf of City of Austin

Bo Kinsey, on behalf of Travis County

Robert Saddler, on behalf of LCRA

Mike Lohrstorfer, on behalf of Austin ISD

Syd Falk, GAATN attorney

A quorum was established at roll call.

Members of the public/GAATN contractors:

Marco Espericueta, on behalf of Austin Energy

Chris Gonzales, on behalf of BryComm

Doug Wilson, on behalf of JC Communications

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of April 4, 2023

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

4. Consent Agenda Items from the April 18, 2023 Technical Subcommittee Meeting and Operational Contract Renewals and Approvals

Jaime asked if all of these items were discussed at the Tech Committee; Frank said he could not recall. Dain said it wasn't a requirement but Jaime was welcome to remove any items from the Consent agenda for further discussion. Leslye asked if the ones not discussed at the Tech Committee were existing contracts for renewal; Frank said that is correct. Gary Weseman moved to approve Consent Agenda Items 4A, 4B, 4C, 4D, and 4E; Jaime Guerra seconded the motion and it passed unanimously.

A. Seeking approval to pay FY23 annual retainage payment to Maintenance Contractor BryComm LLC
APPROVED ON CONSENT.

B. Seeking approval for third of three possible one-year renewals for GAATN Fiber Purchase agreement (AISD 18RFP003) with Graybar for a term of July 1, 2023 to June 30, 2024

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

APPROVED ON CONSENT.

- C. Seeking approval for third of three possible one-year renewals for GAATN Fiber Purchase agreement (AISD 18RFP003) with Anixter for a term of July 1, 2023 to June 30, 2024**

APPROVED ON CONSENT.

- D. Seeking approval to award AISD 23RFP042 GAATN Bentley Management to Advanced 1 for a term of July 1, 2023 to June 30, 2024 with four (4) possible one-year renewals**

APPROVED ON CONSENT.

- E. Seeking approval to award AISD 23RFP041 GAATN Moves, Adds, and Changes (MAC) to BryComm LLC and JC Communications for a term of July 1, 2023 to June 30, 2024 with four (4) possible one-year renewals**

APPROVED ON CONSENT.

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

- A. Seeking approval to award AISD 23RFQ040 GAATN Legal Services for a term of July 1, 2023 to June 30, 2024 with four (4) possible one-year renewals**

Frank reported that this RFQ was issued on January 24 and closed on March 21; two responses were received from Walsh Gallegos and from Bickerstaff, Heath, Delgado, Acosta. Frank noted that the evaluation subcommittee independently scored the submissions and the highest scoring submission was from Bickerstaff, Heath, Delgado and Acosta so therefore the evaluation subcommittee recommends awarding to Bickerstaff. Jaime Guerra moved to award AISD 23RFQ040 GAATN Legal Services to Bickerstaff, Heath, Delgado, Acosta for a term of July 1, 2023 to June 30, 2024 with four possible one-year renewals; Dain Herbat seconded the motion and it passed unanimously.

- B. Cap Metro license agreement for UT project**

Frank reported that he and Jaime went to Cap Metro on April 19 to meet with their executives regarding the draft agreement for the UT project. Syd said that he spoke with Shannon Gray yesterday and the railroad liability insurance requirement will be changed so that only GAATN's contractor must carry the insurance only for the duration of the project. Syd said that he is completing the redlines to make those changes to the insurance requirements and will get that back to Shannon by Friday and then Cap Metro will do a final review before it's ready for execution.

- C. Notice of Austin Convention Center Expansion Impact to GAATN Backup NOCC**

Frank said this was discussed at the Tech meeting. He reported that on Monday, April 10, he and the CTM Interim CIO received formal notice from the Austin Convention Center (ACC) that the Convention Center expansion will take place around 2025 and that GAATN must relocate before the building is demolished. As result, Frank and Carlos met with Austin Convention Center personnel to discuss the impact to GAATN. At that meeting, ACC offered GAATN two alternative locations, which are both downtown parking garages. On Tuesday, April 18, Frank and Carlos walked the 5th Street garage location. This was further discussed at the April 18 Tech meeting in executive session with Syd. Since the Tech meeting, ACC has established weekly meetings with GAATN network management to discuss the relocation. Also, on Monday April 24, Frank, Dain and Jaime met with the ACC director and the director of Contract and Land Management regarding the relocation. It is still not clear if ACC will fund any part of a GAATN relocation and how long they can guarantee the parking garage locations. The impact of this relocation will be further discussed and this will become a standing agenda item for both Tech and Board meetings. Gary asked if the relocation to the alternate location would be a permanent move or whether there would be room for the GAATN NOCC in the new Convention Center; Frank said the ACC staff believes it would be a permanent move. Dain asked if management had made any progress with estimating costs to relocate; Frank said management is looking at other locations as well and is hoping to have all options ready to present by next month. Jaime asked if the Board should form a subcommittee for the relocation; Frank said that is an excellent idea. Jaime, Steve, and Bo said they could serve on that subcommittee.

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

Jaime said that, at the meeting with the ACC staff, they mentioned the RFP would be for a design/build project and therefore multiple phases could happen concurrently so they could actually demo the Convention Center by 2025 as they stated in the letter. Jaime also asked if they want Syd to look at whether GAATN's relocation expenses could be funded by hotel occupancy taxes as the buildout of the new Convention Center will be; Syd said he will take a look at that. Dain said that GAATN must move quickly for the relocation. Jaime asked if GAATN should consider a moratorium on new GAATN projects until the cost of the relocation is determined. Dain asked what large projects would be brought for approval in the near future; Frank said the remaining segments of SRS have not yet been approved. Frank said that GAATN also has the \$250k in unplanned projects funding set aside. Jaime asked for a standing item on the Tech Committee meetings; Frank said yes the plan is to have this as a standing agenda item on both the Tech and Board meetings.

D. 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 the lawsuit is in the discovery phase and they have requested documentation from us and Bickerstaff has requested documentation from them. He said that Gunner is working with management to get that documentation. Syd said there will probably be another round of discovery after the first round.

6. Network Manager's Update:

A. Project status report

Frank reported on the following upcoming and recently completed projects:

- D1N emergency repair at Sara Dr. – completed 4/10
- C1N permanent repair at Hwy 290 and Johnny Morris – completed 4/6
- Damage at Colorado and 10th Street – Carlos said that, yesterday, GAATN was hit at the southeast corner of the Governor's Mansion. He said the contract called for locates and GAATN's underground plant was not properly located. He said two entities were affected, Travis County and COA. Carlos said he does not know why GAATN was not located and the prints do show GAATN underground plant at that site. He said management will investigate further and report back.

B. Job budget report

Frank reported that management is tracking 48 jobs totaling \$3.4 million. Of those, 13 jobs have been completed and \$426k has been invoiced for FY23. He said the fund balance bottom line is \$976k.

7. Executive Session: There was no executive session.

8. Update Roll Call (only if executive session called): Since there was no executive session, there was no updated roll call.

9. Discussion and possible action regarding the financial report and current fiscal year budget issues. (AISD, 10 minutes):

A. Financial Report

Frank said this report is for the month ending March 31. As of then, GAATN had taken in \$1.87 million in revenue and expended \$1.26 million. This left an ending fund balance of \$2.3 million plus the \$2.1 million emergency reserve for a total of \$4.4 million. If you have any questions, please email Sarah.

10. Meeting and Action Items Summary: Frank reviewed the following action items for management and legal from this meeting:

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

- Management – Discuss possible GAATN project moratorium.
- Management – Create standing agenda item for GAATN NOCC relocation for both Tech and Board meetings.
- Legal – review scope of use of hotel occupancy taxes with regard to the relocation of the GAATN NOCC.

- 11. Confirm date, time, and location for the next regular Board meeting on June 6, 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 for the next regular Board meeting were confirmed; the meeting adjourned at 2:13 p.m.