

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

MEETING OF THE BOARD OF DIRECTORS

MEETING HELD May 4, 2021 1:30 p.m.

Via Teleconference at (512) 831-7858, Conference ID 658 263 317#

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:

Ruben Reyes, on behalf of City of Austin

John Kohlmorgan, on behalf of Austin ISD

Gary Weseman, on behalf of Austin Community College

Steve Pyle, on behalf of State of Texas DIR

Robert Saddler, on behalf of LCRA

Jaime Guerra, on behalf of UT-Austin

Dain Herbat, on behalf of Travis County

Anthony Breckenridge, on behalf of City of Austin

Frank Ammons, on behalf of GAATN

Sarah Eichelberger, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

Syd Falk, GAATN attorney

A quorum was established at roll call.

Members of the public:

Chris Gonzales, on behalf of BryComm

Doug Wilson, on behalf of JC Communications

Wayne Wedemeyer, on behalf of UT-Austin

Patrick Kufrovich, on behalf of Charter Communications

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the Board Meeting of April 6, 2021

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

4. Consent Agenda Items – Contract Renewals

Jaime Guerra moved to approve Consent Agenda Items 4A – 4G. Gary Weseman seconded the motion and it passed unanimously.

A. Annual retainage payment to Maintenance Contractor BryComm LLC for FY21

APPROVED ON CONSENT.

B. Seeking approval for first of two possible one-year renewals for GAATN Moves, Adds, and Changes agreement (AISD 18RFP112) with BryComm LLC for a term of July 1, 2021 to June 30, 2022

APPROVED ON CONSENT.

C. Seeking approval for first of two possible one-year renewals for GAATN Moves, Adds, and Changes agreement (AISD 18RFP112) with JC Communications for a term of July 1, 2021 to June 30, 2022

APPROVED ON CONSENT.

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- D. Seeking approval for third of four possible one-year renewals for GAATN Legal Services agreement (AISD 18RFQ097) with Bickerstaff, Heath, Delgado, Acosta LLP for a term of July 1, 2021 to June 30, 2022 with a \$5 hourly rate increase**
APPROVED ON CONSENT.
- E. Seeking approval for third of four possible one-year renewals for GAATN Bentley Management Services agreement (AISD 18RFP104) with Advanced 1 for a term of July 1, 2021 to June 30, 2022 with an annual base hosting amount not to exceed \$30k**
APPROVED ON CONSENT.
- F. Seeking approval for first of three possible one-year renewals for GAATN Fiber Purchase agreement (AISD 18RFP003) with Graybar for a term of July 1, 2021 to June 30, 2022**
APPROVED ON CONSENT.
- G. Seeking approval for first of three possible one-year renewals for GAATN Fiber Purchase agreement (AISD 18RFP003) with Anixter for a term of July 1, 2021 to June 30, 2022**
APPROVED ON CONSENT.

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

- A. Seeking approval to award agreement for GAATN Maintenance (AISD 21RFP063) to BryComm LLC for an initial contract term of two (2) years from July 1, 2021 to June 30, 2023 with three (3) possible one-year renewals**

Sarah reported that the RFP for GAATN Maintenance was issued by AISD on April 6 and closed on April 27; a mandatory pre-proposal meeting was held virtually on April 13 and was attended by two potential bidders who are listed on Addendum 1. She noted that GAATN received only one bid which was from BryComm. She noted that the RFP called for OLTS testing to be completed in contract years 1, 3, and 5; OTDR testing to be completed in contract years 2 and 4. She said BryComm's cost proposal was within the amount already budgeted for FY22 for maintenance and testing. She said the RFP evaluation subcommittee consisted of Frank, Sarah and Harold Nall. Overall, Brycomm scored 98 out of 100 points. Gary Weseman said he would have liked to see more bidders respond and asked Sarah if she could poll those who downloaded the RFP but didn't respond. Jaime Guerra moved to award AISD 21RFP063 for GAATN Maintenance to BryComm LLC for an initial term of July 1, 2021 to June 30, 2023; Steve Pyle seconded the motion and it passed unanimously.

- B. Designation of GAATN Official Agent of Service**

This item was discussed in executive session under Texas Government Code 551.071. Upon reconvening in open session, Jaime Guerra moved to designate GAATN's outside general counsel as GAATN's Official Agent of Service and Processing; John Kohlmorgan seconded the motion and it passed unanimously.

- C. GAATN Cap Metro agreement**

Syd reported that he is very close to finalizing this agreement. He received some redlined changes which he accepted but there are still some questions about the insurance requirements. He expects to have the agreement ready for execution by next week.

- D. Draft Guidance for Entity-Specific Projects and corresponding draft agreement**

Syd reported that he connected with DIR's attorney but the attorney still needs to do a final review. Syd suggested that the Board consider tentatively adopting the documents pending signoff by DIR. Gary Weseman moved to adopt the draft guidance for entity-specific projects and corresponding draft agreement pending DIR final acceptance; Jaime Guerra seconded the motion and it passed unanimously.

- E. Elfatmi v. AT&T and GAATN, Cause No. D-1-GN-21 – 000547, 250th District Court, Travis County, amended complaint joining GAATN filed April 9, 2021**

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This item was discussed in executive session under Texas Government Code 551.071. Upon reconvening in open session, there was no further discussion held or action taken.

F. Property damage claim against Asplundh for damage to C1N at Willamette Drive

This item was discussed in executive session under Texas Government Code 551.071. Upon reconvening in open session, there was no further discussion held or action taken.

G. Property damage claim against Texstar for damage to SRN at Cameron Rd. and 52nd St.

This item was discussed in executive session under Texas Government Code 551.071. Upon reconvening in open session, there was no further discussion held or action taken.

6. Network Manager's Update:

A. GAATN Backup NOCC status update

Frank reviewed a two-week look ahead schedule. He said that progress pictures have been posted to the member SharePoint site for review. He said everything is moving along as scheduled.

B. Project status report

Frank reviewed the following upcoming/recently completed projects:

- A1N upgrade segment 5 – scheduled to complete 5/5
- A1N upgrade segment 13 – scheduled to complete 5/10
- A1N upgrade segment 3 – scheduled to complete 5/19
- B1S splice case audit – scheduled to complete 5/21
- AISD C2S Cunningham ES node – scheduled to complete 5/5
- SRN permanent repair at Camino La Costa – completed 4/7
- UT D1N John Chase Building – completed 4/19

C. Job budget report

Sarah reported that management is tracking 36 jobs totaling \$1.8 million and expecting \$276k in recoveries. She noted that 14 of those 36 jobs have been completed.

- 7. Executive Session:** At 1:57 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 Items 5B, 5E, 5F and 5G. Dain Herbat left the meeting at 2:32 p.m. and Vice-Chairman Gary Weseman presided over the remainder of the meeting. A quorum was reestablished in executive session upon Dain's exit.

At 2:57 p.m. Gary Weseman reconvened the GAATN Board in open session for discussion and actions, if any, on matters considered in closed session. Agenda Items 5B, 5E, 5F and 5G were the only items discussed. Any actions taken or discussion held on those items in open session are noted in the summary of that agenda item.

8. Discussion and possible action regarding the financial report and current fiscal year budget issues:

John reviewed the financial report for the month ending March 31, 2021. He asked members to send him any questions. Gary asked Sarah about a fund balance transfer for MAC jobs; Sarah said management will be meeting with the fiscal manager next week to discuss.

9. Review of action items for network management and/or GAATN legal from this meeting:

Frank noted the following action item for network management from this meeting: Reach out to vendors who downloaded the RFP but did not respond.

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10. Confirm date, time, and location for the next regular Board meeting on June 1, 2021 at 1:30 p.m. via Teleconference.

The date, time and location for the next regular Board meeting were confirmed; the meeting adjourned at 3:03 p.m.