

# GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

## GAATN SPECIAL-CALLED BOARD MEETING

MEETING HELD May 5, 2020 at 1:30 p.m.

Via Teleconference at (512) 831-7858 Conference ID: 772 859 402#

### MINUTES

#### 1. Call to Order (Including a roll call)

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

The following announced as present at the roll call:

Frank Ammons, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

Jaime Guerra, on behalf of UT-Austin

Gary Weseman, on behalf of Austin Community College

John Kohlmorgan, on behalf of Austin ISD

Harold Nall, on behalf of UT-Austin

Dain Herbat, on behalf of Travis County

Bruce Hermes, on behalf of City of Austin

Syd Falk, GAATN attorney

A quorum was established at roll call.

Wayne Wedemeyer, on behalf of

Doug Wilson, on behalf of JC Communications

Chris Gonzales, on behalf of BryComm LLC

Cory Brymer, on behalf of BryComm LLC

#### 2. Citizen Communications: There were no citizen communications.

#### 3. Review and approve minutes from the special Board meeting of April 21, 2020

Dain Herbat moved to approve the draft minutes from the Special Board meeting of April 21, 2020; John Kohlmorgan seconded the motion. Bruce Hermes pointed out an error in Agenda Item 5C. Dain Herbat moved to approve the draft minutes from the Special Board meeting as amended by Bruce; John Kohlmorgan seconded the motion and it passed unanimously.

#### 4. Consent Agenda Items – GAATN service contracts annual renewals and Items from the April 21, 2020 Technical Subcommittee Meeting:

Gary Weseman moved to approve Consent Agenda Items 4A, 4B, 4C, 4D and 4E as presented below; Jaime Guerra seconded the motion and it passed unanimously.

**A. Seeking approval for second of four (4) possible renewals of GAATN Legal Services agreement (AISD 18RFQ097) with Bickerstaff Heath Delgado Acosta LLP with a \$5 hourly rate increase for a term of July 1, 2020 through June 30, 2021**

**B. Seeking approval for second of four (4) possible renewals of Management of GAATN Bentley agreement (AISD 18RFP104) with Advanced 1, LP at an annual base hosting rate of \$30,000 for a term of July 1, 2020 through June 30, 2021**

**C. Seeking approval for second of four (4) possible renewals of Management of GAATN Bentley agreement (AISD 18RFP104) with Advanced 1, LP at an annual base hosting rate of \$30,000 for a term of July 1, 2020 through June 30, 2021**

**D. Seeking approval for third and final renewal of GAATN Maintenance contract (AISD P16-029) with BryComm LLC at an annual base contract rate of \$197,339 for a term of July 1, 2020 through June 30, 2021**

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- E. Seeking approval for FY20 annual maintenance retainage payment to BryComm LLC in an amount of \$19,735**
  
- 5. Board Chairperson's Update – discussion and possible action on:**
  - A. Property damage claim against Asplundh Tree Expert Co. at C1N Willamette Drive**

Frank reported that GAATN Network Infrastructure was damaged on 4/24/2019. He said that upon the GAATN Maintenance Contractor and Network Management arrival at the site, it was noted and recorded that Asplundh Tree Expert Company had worked at that time at the address of record, trimming and removing trees, apparently for Austin Energy (AE). Asplundh was sent a GAATN Demand Letter dated May 5, 2019. In response, Asplundh denied any wrongdoing (i.e., causing damage to the Network) at the address where the incident occurred. After several informal attempts to have GAATN's claim honored failed, GAATN filed a lawsuit in Travis County on October 24, 2019, which was assigned to the 261st Judicial District Court. Since then, GAATN has held discussions with AE in regards to Asplundh, which were not very productive; so GAATN made an open records request to AE to try to establish whether or not Asplundh had indeed worked at the damage site on the date of the incident and, if so, whether or not Asplundh was performing work for AE at the time. AE provided documents in response, which management and legal reviewed. The claim amount is \$22,124.00. Syd Falk said that the attorney assigned to the case for his office will try another informal conversation with the opposing attorney. He said the case is entering into the discovery phase.
  - B. Cap Metro License Agreement**

Syd said he is preparing a redlined document with comments and suggested edits that he will send to the person responsible for licensing at Cap Metro. He said he plans to send that to her by the end of this week. Syd noted that he will run the redlined document by Frank before he sends it over. He asked members that would like to review that document to contact him.
  - C. GAATN Backup NOCC Update**

Frank reported that management is in review of the competitive sealed proposal from City of Austin Capital Contracting Office. CCO has asked for GAATN's approval on the proposal documents by May 14. The methodology is scheduled to be placed on the City Council agenda for approval the first week of June. Once Council approves the methodology, the proposal will go out shortly thereafter. John asked if City Council will have to approve the award to the selected vendor; Bruce said yes they would. John asked if there was a target date for Council to approve the contract; Frank said September 17.
  
- 6. Network Manager's Update:**
  - A. GAATN Project Status report**

Carlos said there have not been any changes to this report since the previous meeting.
  - B. Job Budget Tracking report**

Frank said there are 16 budget affecting jobs totaling \$697k, leaving \$58k for additional projects. He said a teardown took place Saturday which required a new pole to be placed, and management is awaiting an invoice for that repair.
  
- 7. Executive Session:** There was no executive session.
  
- 8. Discussion and possible action regarding the financial report and current fiscal year budget issues.**
  - A. Financial Report**

John said so far \$966k of expenses have been paid, and with the encumbrances, it seems that GAATN will come in close to the budgeted amount for the fiscal year. He asked members to make sure their quarterly payments are made.

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### **9. Meeting & Action Items Summary:**

Frank reviewed the following actions items for network management from this meeting:

1. Frank said he will make sure the entire financial report is included in the handouts
2. Frank said management has requested all invoices from the vendors
3. Frank will make the edit to the April 21, 2020 Board Minutes

### **10. Confirm date, time, and location for the next Board meeting as June 2, 2020 at 1:30 p.m. via teleconference.**

The date, time, and location of the next regular Board meeting were confirmed; the meeting adjourned at 1:58 p.m.