

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

MEETING OF THE BOARD OF DIRECTORS

June 1, 2021 1:30 p.m.

Via Teleconference at (512) 831-7858, Conference ID 273 590 684#

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:

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

John Kohlmorgan, on behalf of Austin ISD

Anthony Breckenridge, on behalf of City of Austin

Robert Saddler, on behalf of LCRA

Harold Nall, on behalf of UT-Austin

Carlos DeMatos, on behalf of GAATN

Syd Falk, GAATN outside general counsel

A quorum was established at roll call.

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the Board Meeting of May 4, 2021

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

4. Consent Agenda Items – Items recommended for approval at the May 18, 2021 Technical Subcommittee Meeting

Jaime Guerra moved to approve Consent Agenda Items 4A & 4B; Steve Pyle seconded the motion and it passed unanimously.

A. Seeking approval for splice case audit for B1N to be funded from FY22 MAC at a cost not to exceed \$58,000

APPROVED ON CONSENT.

B. Seeking approval for COA new node on C2S at Fire Station 51 on SH71 entity-specific project at no cost to GAATN

APPROVED ON CONSENT.

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

A. Update on continuing remote (videoconference) meetings

Syd discussed the possibility that the COVID-19 suspensions of the Texas Open Meetings Act (TOMA) that have allowed GAATN to meet via teleconference may be revoked in the near future and GAATN may have to either return to regular meetings or, per section 551.127 of the Texas Government Code, may be able meet via video conference with some stipulations. He said that most governmental entities may hold meetings via video conference so long as a quorum of the body is present at a location accessible to the public and those participating via video conference are audible and visible during the meeting. He also noted that

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

governmental entities that extend into three or more counties are able to meet via video conference so long as the chair presiding over the meeting is present at a location accessible to the public and members who are participating via video conference are audible and visible during the meeting. He said that members who are participating via video conference will only be counted as present while they are at their computer and visible on video. Dain asked if there was any new legislation that would affect the TOMA; Syd said no, those proposed bills never made it out of committee. DIR lists technical guidelines for video conference meetings to comply with the TOMA on their website. John asked about facility limitations from LCRA; Frank said currently LCRA is not able to host GAATN meetings, but management is looking at other options. Robert said LCRA is still working through their facility limitations and he will update management in the near future.

B. Seeking approval for GAATN Backup NOCC terminations to be funded from FY22 MAC at a cost not to exceed \$168,000

Frank reviewed the handout which included a budget tracking for FY22 showing the impact of this job and a cost comparison showing the difference between the primary NOCC re-terminations and the backup NOCC terminations. Frank said originally management had estimated \$350k for A1N/A2N into Convention Center and the NOCC terminations; the actual cost will be \$260k (\$92k for A1N/A2N, \$168k for terminations). He said that if this project is approved, along with the B1N splice case audit, there will be approximately \$365k remaining in the FY22 MAC budget. Gary said he wanted to see the overall backup NOCC costs being tracked; Frank said management tracks those costs and they are reported on the job budget tracker. Gary said he would like for management to report on actual costs vs. estimated costs. Jaime Guerra moved to approve the GAATN Backup NOCC terminations to be funded from FY22 MAC at a cost not to exceed \$168k; Dain Herbat seconded the motion. Gary asked for it to be noted that this project is part of the bigger backup NOCC project and it should just be an amendment to that project. Frank said the difference is that this project is slated to come out of the FY22 MAC budget and the construction of the NOCC facility came out of the fund balance. John said he is fine with approving this project as presented and the backup NOCC project as a whole has been approved in phases and come out of different financial buckets. Dain asked for a roll call vote to be taken on the motion on the table and the motion passed unanimously.

C. GAATN Cap Metro agreement

Syd said the crossing license was executed by Dain and he is awaiting the final execution by Cap Metro. He contacted them yesterday and has yet to hear back but he expects it to be fully executed any day.

D. 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

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

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

This item was discussed in executive session for attorney consultation 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 Texstar for damage to SRN at Cameron Rd. and 52nd St.

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

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

6. Network Manager's Update:

A. GAATN Backup NOCC status update

Frank reviewed the two-week look ahead schedule for the construction of the NOCC. Frank said an architectural walk through will be scheduled and members are welcome to attend. He said management is busy working with public works and everything is coming together very nicely. Dain asked when would be a good time to visit the site; Frank said any weekday during normal business hours but asked members to give him notice if they do plan to attend so he can let the contractor know. Frank said members are welcome to visit the site on their own and to reach out to him if they don't know how to access it. Dain asked if Frank could coordinate a couple of site visits for members in the next couple of weeks; Frank said he would schedule those and will send invitations to the members.

B. Project status report

Frank reported on the following upcoming and recently completed projects:

- A1N upgrade segment 3 phase 1 – scheduled to complete 6/9
- B1S splice case audit – scheduled to complete 6/4
- A1N upgrade project segment 5 – testing rescheduled for 6/2
- A1N/A2N re-route to Convention Center – scheduled to complete 6/16
- A1N upgrade segment 3 phase 2 – completed 5/26
- A1N upgrade segment 13 – completed 5/10
- C1N emergency repair at Dobbie Middle – completed 5/4 – this was a teardown by an unknown vehicle and there will not be any permanent repair.
- AISD D1N Sanchez Elementary renovation – scheduled to complete 6/10

Frank said there was a tear down at Highway 290 on 5/28. Management thinks it may have been weather related, such as a lightning strike, which may have caused a down guy to pull loose and the pole to snap. He said management has the APD reports and the officer thought it was related to a lightning strike. He said it's possible that an unknown vehicle came through and tore down the fiber after the weather damage or that the pole just fell down on its own due to the weather damage. He said management has not heard of any vehicular damage or injury. He said that BryComm performed a temporary repair and that a permanent repair will be brought to the Technical Subcommittee for review. The problem is that AE has so many weather related repairs to make that it could take them a while to replace this pole. John asked if GAATN should be looking to bore underground at this location. Frank said yes management is asking other comms about possibly doing a joint bore and will look to bring an underground option for the permanent repair.

C. Job budget report

Frank reported that there are 37 jobs on the FY21 job budget tracking sheet totaling \$1.8 million; 16 jobs have been completed and 806k has been invoiced. Management is anticipating that most of the remaining 21 jobs will carry over into FY22 and any money allocated but not expended will go back into the fund balance. Once the new fiscal year starts, the carryover jobs will be added to the FY22 job list and management will request a fund balance transfer, if necessary, to fund those carryover projects. He noted that the FY22 job budget tracker includes the permanent repair previously approved for SRN at Cameron and 51st as well as the two projects that were up for approval today, the B1N splice case audit and the NOCC terminations. Those three jobs total \$288k which will leave \$365k for additional FY22 jobs.

**GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN)
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- 7. Executive Session:** At 2:19 p.m., GAATN Board Chairman 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 5D, 5E and 5F.

At 2:44 p.m., Dain Herbat reconvened the GAATN Board in open session. Agenda Items 5D, 5E and 5F were the only items discussed. Any further discussion held or action taken on agenda items discussed in executive session is noted in the summary for each agenda item.

- 8. Discussion and possible action regarding the financial report and current fiscal year budget issues. (AISD):**

A. Financial Report

John reviewed the financial report for the month ending April 30, 2021. He said GAATN has brought in \$1.8 million plus and expended \$3.4 million due to the backup NOCC. He asked members to review and send him any questions.

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

Frank reviewed the following action items from this meeting:

- Updates for video conference meetings
- Review what has been spent on GAATN backup NOCC at the next Technical Subcommittee meeting; Gary said he will get with Frank to further discuss what he is looking for
- Send invites to members for walk through of backup NOCC site
- Bring underground options for Hwy 71 and Hwy 290; see if other comms are interested in joint bores

- 10. Confirm date, time, and location for the next regular Board meeting on July 13, 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 2:51 p.m.