

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

SPECIAL CALLED MEETING OF THE BOARD OF DIRECTORS

MEETING HELD June 2, 2020 1:30 p.m.

Via Teleconference at (512) 831-7858, Conference ID 773 703 484#

MINUTES

1. Call to Order and Roll Call (Chairperson, 1 minute)

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:

Dain Herbat, on behalf of Travis County

Gary Weseman, on behalf of Austin Community College

John Kohlmorgan, on behalf of Austin ISD

Bruce Hermes, on behalf of City of Austin

Jaime Guerra, on behalf of UT-Austin

Harold Nall, on behalf of UT-Austin

Syd Falk, GAATN attorney

Frank Ammons, on behalf of GAATN

Sarah Eichelberger, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

A quorum was established at roll call.

Robert Saddler – joined meeting at 1:39 p.m., left meeting at 1:58 p.m.

Members of the public:

Chris Gonzales, on behalf of BryComm

Doug Wilson, on behalf of JC Communications

Mike Ragain, on behalf of JC Communications

Wayne Wedemeyer, on behalf of UT-Austin

2. Citizen Communications: There was no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of May 5, 2020

Bruce Hermes moved to approve the draft minutes from the regular Board Meeting of May 5, 2020 as presented; Gary Weseman seconded the motion and it passed unanimously.

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

A. GAATN teleconference meetings

Frank said this agenda item is to discuss the possibility of holding GAATN meetings virtually in the long term. Frank asked Syd if anything had changed with regards to Governor Abbott's declaration that has allowed public meetings to take place virtually. Syd said the Open Meetings Act has a number of requirements for teleconference and video conference Board meetings, with teleconference being more restrictive than video conference meetings. He explained that the reason GAATN is currently able to hold teleconference meetings is because Governor Abbott suspended certain procedural requirements for video and teleconference meetings in

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response to the COVID-19 pandemic in mid-March, particularly that there be a public meeting room where the public may participate in the meeting and the emergency requirement for holding teleconference meetings. Syd said this is a temporary waiver, and the current waiver is through mid-June, but may be extended beyond that. He noted that video conference meeting requirements are different because they require a quorum of the Board to be physically present at one location that the public can access. Syd said GAATN can continue to meet via teleconference until the Governor revokes the waiver on the open meetings requirements. Frank said GAATN will continue with the virtual meetings until that happens. Syd said he will carefully monitor the Governor's orders and will keep the Board apprised of any changes. Jaime asked about the email from management that LCRA cannot provide meeting rooms through August; Frank confirmed that was correct. Jaime asked management to find an alternate location in the event the waiver does not get extended; Frank said he already has a room reserved at COA CTM offices if needed. Jaime asked for attendance data for in-person meetings versus virtual meetings. Frank said management will compile and send out that information.

B. GAATN dark fiber sweeping

Frank noted that management would like to allow the maintenance contractor to resume dark fiber sweeping with the consent of the entities whose fibers are still remaining. Frank said BryComm was more than halfway complete when they were asked to halt due to COVID-19. Frank asked each member to give them their perspective as to whether this would be allowable and if their facilities are currently accessible. Gary with ACC said he didn't have a problem, but access would have to be coordinated with his team since most campuses are closed. Jaime said UT could accommodate and he would prefer it be completed before students return in August. John with AISD asked about BryComm's staffing levels and whether they can complete the project with their current staff; Frank said yes they confirmed with BryComm they are sufficiently staffed. Dain said Travis County can accommodate but it will need to be coordinated as most of their facilities are currently closed. Bruce with COA said the city is in a similar situation and facility access would require coordination. Robert with LCRA said their facilities are closed, but it could be coordinated and he would like to see a schedule for entities. Frank said he will send out a schedule to all entities.

C. GAATN fiber inventory and lead times

Chris Gonzales said that management wanted to address the current fiber lead times and how that could affect the scheduling of future projects. He said that fiber lead times for 192 count are 16-18 weeks out, whereas three months ago, they were only six weeks out. Chris said the smaller 24, 36, and 72 count are still on the shelves, but the 192 count has longer lead times. Jaime asked about the next size up that has less lead time, Chris said 288 count ribbon fiber currently has half the lead time of the 192 count tube fiber. Frank said the slowdown is due partly to COVID-19, but the other reason is that there is an initiative from the federal level for rural areas to receive cable services via fiber optic networks. Frank said he has spoken with the fiber distributors and they expect that lead times will only increase. He said management recommends going ahead and purchasing two 10k foot reels of 192 count fiber for

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emergency stock. Jaime asked if those reels would be used for the upcoming A1N projects, Frank said they would be for emergency stock, but if there were older reels of 192 fiber in stock, GAATN could use those for projects and replenish the emergency stock with the newer reels. Dain asked if the cost of the two reels of fiber were within the network manager's spending authority; Frank said that combined, they exceeded it. Dain said that anytime Frank sees this situation, to feel free to use his spending authority to replenish. Jaime Guerra moved to direct management to purchase two 10k foot reels of 192 count fiber; Bruce Hermes seconded the motion. John asked for them to clarify that they would be purchased on next fiscal year's budget. Jaime Guerra amended his motion to direct management to purchase two 10k foot reels of 192 count fiber on next fiscal year's budget; Bruce Hermes seconded the motion and it passed unanimously during a roll call vote.

D. GAATN 10-year financial forecast

Sarah reviewed a 10-year financial forecast showing the impact to the GAATN fund balance with completion of the backup NOCC and the top four priority projects while maintaining a flat annual \$1.7 million budget. She projected that approximately \$500k will be added to the fund balance after this fiscal year because \$300k worth of projects will be carried over from FY20 to FY21 and GAATN received \$200k in project reimbursements and damage recoveries. However, if GAATN approves the remaining A1N upgrade segments, it could expend that \$500k in the next fiscal year. Bruce asked whether GAATN should consider reducing its annual budget by \$50k. Dain said another option would be to expedite the prioritized projects to complete them and expend the fund balance sooner. Frank cautioned against adjusting the annual budget at this time because management is starting to see an uptick in Austin Energy (AE) make ready cost over and above the 20% contingency that is already built in for each project.

E. Seeking approval for A1N upgrade project segments 5 – 13

Frank stated that management brought cost estimates and designs for this to the April 21 Technical meeting and it was unanimously recommended for Board approval. Segments 1-4 were approved last year and are still underway. Since the Tech meeting, management received bids for the project from both contractors. Frank noted that the bids from each contractor were in line with their contract unit pricing and therefore management recommended awarding a block of segments to each contractor in order to keep both engaged. He said the total cost for the nine segments is not to exceed \$665k. Jaime Guerra moved to approve funding A1N Segments 5-13 in an amount not to exceed \$663,195 coming out of next fiscal year's budget; Bruce Hermes seconded the motion. Gary asked about the total FY21 MAC budget; Sarah said it was \$600k for labor and \$90k for cable. Gary said that if GAATN approves these segments, it will be approving to exceed the allocated cable budget. John asked if this approval is in addition to the MAC budget for next year as a special project or inclusive of it. Frank said his recommendation was to use \$390k from the FY21 MAC labor budget and the remaining \$275k from the fund balance. Jaime Guerra amended his motion to approve funding A1N Segments 5-13 in an amount not to exceed \$665k with \$275k coming from the GAATN fund balance and \$390k coming from the FY21

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MAC labor budget; Bruce Hermes seconded the motion and a roll call vote was held and the motion passed unanimously. Jaime asked if this will complete the upgrade of A1N; Frank said yes. Frank said that if AE continues to hold up the GAATN projects, he will speak to the Board in the next meeting about a different approach with them which will include a letter to the City Manager. He said GAATN is different because it is not a telecommunications company but rather a governmental interlocal agency that services public safety, public health and local government and saves local taxpayers approximately \$20 million per year.

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

Syd said that Gunnar has spoken with the opposing attorney who insists that the tree trimming crew did not use tools capable of causing such damage to the cable, which contradicts the visual evidence of high cuts to the trees around the cable. At this point, they have not offered a settlement. Gunnar is drafting discovery to obtain more information from them. Bruce asked if they were using in-house counsel or an insurance company; Syd said he would find out and report back to the Board.

G. Property damage claim against City of Austin for damage to B1S at 7612 Bluff Springs

Frank stated that management submitted a claim executed by the GAATN Board Chair on May 29 to COA Law Claims. Frank said the damage occurred on May 11 and totals approximately \$53k. He expects this claim will be paid with no issues.

H. Property damage claim against Dan Williams Company for damage at C1S at 11517 Menchaca

Frank reported that management submitted a claim on May 26 to Dan Williams Company (DWC) and an initial response was received on May 28 from their safety coordinator who handles their claims. This damage occurred on May 2 with a cost of approximately \$4k when a DWC employee, working on a TxDOT project, boomed his backhoe into the air and tore down the cable and shifted the pole. BryComm came out and moved slack, placed a new pole and made the permanent repair.

5. Network Manager's Update:

A. GAATN Backup NOCC status update

Frank said the City Council approval for procurement methodology has been pushed out as a certificate of exemption is needed to place the item on the agenda. Frank said Bruce has been working to facilitate the certificate; Bruce said he is continuing to nudge each step along the way and hopes to have more information by the June 16 Tech meeting. John asked what this would do to the approval timeline; Bruce said the CTM CIO needs to meet with the Assistant City Manager to get her approval on the certificate of exemption. Bruce said he was scheduled to meet with her last week, but the protests broke out, and so he needs to reschedule the meeting. John asked what the certificate was for; Bruce said it is to get approval for the procurement methodology since it will not be issued to the public as a RFP but rather to a handful of preselected contractors. The basis for approval is the declaration of emergency issued by GAATN.

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B. Project status report

Frank reviewed the project status report which illustrated the FY20 approved projects that are being carried over to FY21.

C. Job budget report

Sarah reviewed the job budget report which showed that eight projects approved in FY20 totaling \$304k will be completed and paid out in FY21. She said management will bring a final report to the July meeting and recommend that GAATN pay for these projects out of the fund balance. Dain asked if GAATN approves paying these out of the fund balance, would the net increase to the fund balance really be \$200k; Sarah said that is correct. John asked if the Board had just approved paying these from the fund balance; Sarah said no, that the Board just approved paying part of the A1N Segments 5-13 out of the fund balance. However, these projects are separate, as the funding for them had been previously approved to come out of the FY20 MAC budget, and now those unexpended funds will be rolling into the fund balance at the end of FY20 and paid out in FY21. Dain asked if any of these projects were delayed due to COVID-19; Frank said yes COVID-19 has impacted permitting. John spoke to the AISD budget report for the month ending April 30 and asked members to email him with any questions.

6. Executive Session: There was no executive session.

7. Confirm date, time, and location for the next regular Board meeting on July 7, 2020 at 1:30 p.m. via Teleconference.

The date, time, and location and the next regular Board meeting were confirmed; the meeting adjourned at 2:36 p.m.