

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

MEETING OF THE BOARD OF DIRECTORS

June 4, 2024 1:30 p.m.

LCRA Red Bud Center

3601 Lake Austin Blvd., Rm 225, Austin, TX 78703

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: 802 702 253#

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:

Paul Hodge, on behalf of Austin ISD (remote)

Steve Martin, on behalf of City of Austin (remote)

Gary Weseman, on behalf of Austin Community College (remote)

Dain Herbat, on behalf of Travis County (on site)

Steve Pyle, on behalf of State of Texas DIR (remote)

Jaime Guerra, on behalf of UT-Austin (remote)

Robert Saddler, on behalf of LCRA (remote)

Bo Kinsey, on behalf of Travis County (remote)

Syd Falk, GAATN attorney (remote)

Frank Ammons, on behalf of GAATN (remote)

Carlos DeMatos, on behalf of GAATN (remote)

Sarah Eichelberger, on behalf of GAATN (remote)

A quorum was established at roll call.

GAATN Contractors:

Chris Gonzales, on behalf of BryComm (remote)

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of May 7, 2024:

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

4. Consent Agenda Items reviewed and recommended for approval from the May 21, 2024 Technical Subcommittee meeting:

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

A. Seeking approval for COA new site B1S Dove Springs Community Center at no cost to GAATN

APPROVED ON CONSENT.

B. Seeking approval of GAATN-funded project B1N Spicewood Spring Rd relocation at a cost not to exceed \$17k to be funded from GAATN FY24 MAC budget

APPROVE ON CONSENT.

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

A. Updated GAATN Financial Forecast FY24-29

Sarah provided an updated financial forecast illustrating the financial impacts of Agenda Items 4B, 5B, 5C, 5D, and 5E. She noted that those five projects total \$763k, with \$477k being fully

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reimbursable for the 183 Mobility and CapEx Central projects. She forecasted that the two reimbursable projects would include expenditures in both FY25 and FY26, while the other three non-reimbursable projects would be expended in FY24 and FY25. After reviewing the forecasts, the Board decided not to move forward with the C1N Permanent repair and span replacement at Braker Lane at this time until the funding for the NOCC relocation was secured.

B. Seeking approval for GAATN-funded fully-reimbursable project CTRMA/TxDOT B1N US183N Mobility Project at a cost not to exceed \$179k to be funded from GAATN FY25 and FY26 MAC budgets

Frank reported that this agenda item was reviewed and recommended for approval at the May 21 Tech meeting. He said this is a fully reimbursable project and is expected to be paid out in FY25 and FY26 with completion being in FY26. He noted that GAATN will submit for reimbursement periodically as expenses are incurred to minimize budgetary impact. He said management expects to incur approximately \$125k in expenses for FY25 and \$54K for FY26. He reported that Syd and management are working together to negotiate an agreement with CTRMA/Design Build Contractor that is satisfactory to GAATN. Dain Herbat moved to approve the GAATN-funded fully-reimbursable project CTRMA/TxDOT B1N US183N Mobility Project at a cost not to exceed \$179k to be funded from GAATN FY25 and FY26 MAC budgets; Steve Martin seconded the motion and it passed unanimously.

C. Seeking approval for GAATN-funded fully-reimbursable project TxDOT IH-35 Capital Express (Cap Ex) Central Ladybird Lake at a cost not to exceed \$298k to be funded from GAATN FY25 and FY26 MAC budgets

Frank reported that this agenda item was reviewed and recommended for approval at the May 21 Tech meeting. He said this is a fully reimbursable project and is expected to be paid out in FY25 and FY26 with completion being in FY26. He noted that GAATN will submit for reimbursement periodically as expenses are incurred to minimize budgetary impact. He said management expects to incur approximately \$113k in expenses for FY25 and \$185K for FY26. Jaime Guerra moved to approve GAATN-funded fully-reimbursable project TxDOT Ih-35 Capital Express (Cap Ex) Central Ladybird Lake at a cost not to exceed \$198k to be funded from GAATN FY25 and FY26 MAC budgets; Gary Weseman seconded the motion and it passed unanimously.

D. Seeking approval for GAATN-funded project SRN Fiber Replacement SRN15 to SRN16 at a cost not to exceed \$47k to be funded from GAATN FY25 MAC budget

Frank reported that this agenda item was reviewed and recommended for approval at the May 21 Tech meeting. He said that this is a GAATN-funded project to replace the brittle fiber that has caused multiple issues this year. He noted that this fiber has been identified as a risk to the network due to its age and condition and management feels that replacement is needed asap before more issues arise. He said that this \$47k project will be funded and completed in FY25. Steve Martin moved to approve GAATN-funded project SRN Fiber Replacement SRN15 to SRN16 at a cost not to exceed \$47k to be funded from GAATN FY25 MAC budget; Steve Pyle seconded the motion and it passed unanimously.

E. Seeking approval for GAATN-funded project C1N Perm Repair Braker Ln C1N21 to C1N25 at a cost not to exceed \$222k to be funded from GAATN FY25 MAC budget

Frank reported that this agenda item was reviewed and recommended for approval at the May 21 Tech meeting. He noted that this project comprises a permanent repair to replace fiber that was shot in two separate locations on two separate dates as well as replacement of a 4,500-foot contiguous 72-count fiber span. He said that it's actually a repair and project combined which includes a highway crossing at IH-35 and Braker Lane. He noted that at the Tech meeting, it was asked about an insurance claim. He said that an insurance claim was not filed because the repair part of this project was due to two separate incidents of gunshots to the cable that occurred months apart. He noted that each incident would have been subjected to the \$50k deductible; additionally,

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the temporary repairs for each incident were less than \$10k. He said that GAATN has had previous claims denied by the insurance for permanent repairs because the emergency repair restored network operation. The Board directed management to leave this project on the future projects list and to bring it back for approval once the NOCC relocation funding has been secured. Gary requested that management add an agenda item to a future Board meeting to discuss GAATN property insurance claims being denied because the emergency repair restored network operation.

F. GAATN Fiscal Manager duties and formation of a Fiscal Manager service level agreement

Sarah reported that this agenda item was first discussed in the April Board meeting where it was noted that AISD has been performing financial management duties for GAATN for 30 years without an agreement in place or compensation. She said that, in the April Board meeting, the possibility of the COA taking over financial management duties was also brought up. She noted that both AISD and COA have been discussing options with their respective entity's staff and executives. She said that at the last meeting, Steve M. noted that COA taking over the duties would cause a disruption to GAATN financial operations because it would be a major change. Steve M. reported that the City is still looking at the level of effort and that he is supportive of compensating AISD or the entity that fulfills those duties. Paul said that AISD is still reviewing and discussing the possibility of entering into an SLA. Sarah said that she will keep this as a standing Board agenda item.

G. Austin ISD 2022 Bond construction impact at GAATN super node sites

Frank reported that the AISD GAATN super node subcommittee met on May 9. He noted that at the May 21 Tech meeting, Paul reported that there had been a change to the project that he would discuss at an upcoming Board or Tech meeting. Frank asked Paul if he could discuss that update. Paul reported that AISD has discussed not doing an outside pre-fabricated building and instead including a data center room with a direct external entrance inside the newly constructed Travis High School. He said that would push the timeline out by about 2.5 to 3 years. Dain asked about the disruption to the network. Paul said that it should be minimized because they are building the new high school in the rear of the property, while keeping the original building operational, and the data center part will be completed first. Paul also reported that nothing will happen at Crockett or Northeast Early College High School that would impact GAATN aside from some temporary power outages. Frank asked if the AISD GAATN super node subcommittee should be dissolved and if this standing agenda item should be struck from future agendas; both Paul and Dain agreed.

H. GAATN Backup NOCC decommissioning

Frank said that at the May 21 Tech subcommittee, he reported that management and COA CTM GAATN Board members met with the deputy director of the COA Austin Convention Center (ACC) to discuss the decommissioning and the concessions requested by GAATN. He noted that the COA ACC agreed to help expedite the permits needed for the GAATN ring re-route for the decommissioning. Frank noted that, since that meeting, Steve M. was informed by COA that the permits cannot be expedited. He said that additionally, ACC has offered to coordinate the use of a crane to remove the generator as well as temporary storage for the generator if needed. He noted that they have also agreed to allow GAATN to leave the inside plant cabling to be demolished rather than GAATN paying to wreck it out. Steve M. stated that he and the CTM CIO met with the City Manager's Office (CMO) regarding the three concessions GAATN had requested which were 1) expediting of the required permits for the decommissioning, including the wreck out of the GAATN inside plant in the overall ACC demolition, and providing a longer guaranteed term for the new Backup NOCC agreement. Steve noted that the GAATN has support from the CMO and ACC regarding the inclusion of the wreck out of the GAATN inside plant in the ACC demolition. He said that more discussion needs to happen around the length of term of the new agreement. He said that they cannot expedite the permits because that would set a precedent they are not willing to set. Jaime said that the Technical Subcommittee will begin in depth discussions about contingency planning for the entities and their equipment should GAATN go down to one NOCC location for a period of time as that is looking like

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a probable scenario at this point.

I. GAATN Backup NOCC relocation and subcommittee update

This agenda item was discussed in executive session under Texas Government Codes 551.071, 551.089, and 418.181. Upon reconvening in open session, no additional discussion was held and no action was taken.

J. Property damage claim against JD Abrams/Lone Star Paving for damage to C1N at IH-35 and Rutherford on 9/20/21

This agenda item was discussed in executive session under Texas Government Code 551.071. Upon reconvening in open session, no additional discussion was held and no action was taken.

6. Network Manager's Update:

A. Project status report

Frank reviewed the following upcoming and recently completed projects:

- C2S TxDOT Oak Hill Pkwy US290 Phase 3 – scheduled to completed 6/5/24
- A2N Splice Case Audit – ongoing through June 30
- COA D1N Austin Energy HQ new node install – scheduled to complete 6/12/24
- C2S TxDOT Oak Hill Pkwy US290 Phase 2 – completed 5/16/24
- B1N Spicewood Springs Rd pole relocation – completed 5/24/24

B. Job budget report

Sarah reported that management is tracking 56 jobs totaling \$3.48M. So far for FY24, 28 jobs have been completed and \$990k has been invoiced. That leaves 28 jobs pending and \$2.49M encumbered. The fund balance bottom line is \$664k.

C. Discussion of GAATN luncheon

Sarah noted that this agenda item was requested at the last Board meeting. Dain explained that the Board used to have an annual holiday luncheon before the beginning of the Board or Tech meeting in December. Sarah noted that the catering budget had been reduced down to \$500 for FY25, but that would be sufficient for one luncheon. She said that the Board used to have two luncheons a year and the Board could choose to increase the catering budget if it wanted to have an additional luncheon. She recommended holding the luncheon prior to the November 12 Board meeting at the COA PDC. The Board requested management plan a Board luncheon in the fall. Sarah said she would coordinate that and send out updated meeting invites.

- 7. Executive Session:** At 2:28 p.m., GAATN Board Chairman Dain Herbat adjourned the GAATN Board Meeting for closed session, under Tex. Gov't Code sections 551.071, 551.089 and 418.181 ("H.B. 9"), 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 5I and 5J.

At 3:03 p.m. Dain Herbat reconvened the GAATN Board Meeting in open session for discussion and actions, if any, on matters considered in closed session. Agenda Items 5I and 5J were the only items discussed in executive session. Any additional discussion held or action taken on agenda items discussed in executive session will be noted in the summary for that agenda item.

- 8. Update Roll Call (only if executive session called):** An updated roll call was taken, upon reconvening in open session, and all members that announced as present at the initial roll call reconfirmed their presence at the updated roll call. A quorum was reconfirmed.

- 9. Discussion and possible action regarding the financial report and current fiscal year budget issues:**

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10. Meeting and Action Items Summary:

Frank reviewed the following action items from this meeting:

- Bring agenda item to discuss GAATN damage insurance claims to a future Board meeting
- Add agenda item to discuss the Texas Open Meetings Act training on the next Board agenda

11. Confirm date, time, and location for the next regular Board meeting on July 9, 2024 at 1:30 p.m. at LCRA Dalchau Service Center 3505 Montopolis, Bldg. A, Room A502, Austin, TX 78744, and via Microsoft Teams Videoconference.

The date, time, and location for the next regular Board meeting were confirmed; the meeting adjourned at 3:10 p.m.