

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

MEETING OF THE BOARD OF DIRECTORS

June 7, 2022 1:30 p.m.

LCRA Service Center at 3505 Montopolis, Austin, Texas 78744

Building A, Room A502/503

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: 909 209 82#

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:

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

Frank Ammons, on behalf of GAATN (remote)

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

Jaime Guerra, on behalf of UT-Austin (remote) – left meeting at 2:46 p.m.

Anthony Breckenridge, on behalf of City of Austin (remote)

John Greiner, on behalf of Austin ISD (remote)

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

Robert Saddler, on behalf of LCRA (remote)

Carlos DeMatos, on behalf of GAATN (remote)

Syd Falk, GAATN attorney (remote)

Bo Kinsey, on behalf of Travis County (remote) – left meeting at 2:28 p.m.

A quorum was established at roll call.

Harold Nall, on behalf of UT-Austin – joined at 1:32 p.m. (remote)

Ruben Reyes, on behalf of City of Austin – joined at 1:32 p.m. (remote)

GAATN Contractors/Members of the public:

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 3, 2022

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

4. Consent Agenda Items recommended by the Technical Subcommittee at its May 17, 2022 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 Austin Community College new node on A1N at UT Walter Webb Hall entity specific project at no cost to GAATN

APPROVED ON CONSENT.

B. Seeking approval for draft revisions to GAATN Teardown, Damage, and Repair policy

APPROVED ON CONSENT.

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

A. Oncor annual pole attachment agreement costs

Frank noted that the purpose of this agenda item is to discuss GAATN paying for the Oncor annual pole agreement and then requesting reimbursement from City of Austin and Travis County for their respective amounts. He explained that City of Austin/CTM originally executed the agreement with

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Oncor in 2006, however, it was executed under the name City of Austin/CTM/GAATN. Since 2006, the City of Austin has paid this annual pole attachment cost for 90 poles, because it was specifically for a COA cable going to a COA site. He noted that last year, Travis County had a project that required attaching to Oncor poles and applied as GAATN under the COA/CTM/GAATN agreement. Therefore, this year, the City was invoiced for both their 90 pole attachments and Travis County's. Frank said that one solution would be for GAATN to pay this cost to Oncor in FY23 and request reimbursement from COA and Travis County. Another option is that GAATN may prefer to assume this cost going forward without requesting reimbursement, as it does with Bluebonnet. The total cost of the FY22 attachments for COA and TC is \$4,400. A copy of the invoice and the original agreement are available for review by members. Syd asked if the cables on the poles are GAATN cables or individual entity cables; Frank said they are entity cables. Bo said that Travis County is installing 114- and 144-count fiber on the Oncor poles so that if any other entities need to utilize it in the future, there will be enough capacity to accommodate. Syd asked if this would be considered a GAATN expansion; Bo said it is strictly a Travis County project, not a GAATN project. Syd recommended this be further discussed in executive session for attorney consultation. The remainder of this discussion was held in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, the Board directed management to put together a report showing GAATN's pole attachment agreements where there are individual entities participating and the billing mechanism used for each of those.

B. Update on NOCC Maintenance service level agreement between City of Austin and GAATN for maintenance of the GAATN Backup NOCC

Frank reported that he drafted a maintenance agreement between GAATN and the City of Austin for the maintenance of the Backup NOCC and sent that to the City of Austin Data Center Operations Manager. He said the DCO Manager came back and said that the COA doesn't need an agreement and that DCO will handle and pay for the Backup NOCC maintenance as it does with City Hall and Fire Station 6. However, in the event that any of the GAATN-owned equipment should breakdown, then GAATN will be responsible for payment to fix that equipment. Frank said that management is awaiting confirmation from AISD on what kind of documentation would be needed to pay the City of Austin in that instance. Frank asked Ruben Reyes, as the City of Austin representative, to confirm that the City of Austin will not charge GAATN for ongoing preventative maintenance of the GAATN Backup NOCC at the Austin Convention Center; Ruben confirmed that is correct. Frank said that he will drop this agenda item until management can finalize with AISD what is needed to create a PO if needed.

C. Austin Energy GAATN memorandum discussion

Frank noted that this was discussed at the last Tech meeting. Previously, a meeting was held between Ruben, Dain and CTM executive management and the recommendation that came out of that meeting was for GAATN to draft a memorandum to Austin Energy (AE) with all GAATN entities signing off on it. On May 27, Frank sent out a draft version of the memo to all members and Syd. Syd said he sent Frank and the Chairs a redlined version of the memo. Robert asked if the memo can be discussed in executive session; Syd said that would be appropriate since GAATN is discussing its treatment under the ILA and seeking attorney consultation. The remainder of this discussion was held in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, the Board directed management to distribute the latest version with Syd's changes accepted to entities so they may bring that to their leadership for sign off.

D. Property damage claim for damage to C2S FM620 and Low Water Crossing on 3/14/22

Management has heard back from the adjuster for Progressive and responded to their question about the emergency permanent repair. Management expects this claim to be paid and will continue to update the Board. The total cost of the damage is less than \$15k.

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E. 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 for attorney consultation. Upon reconvening in open session, there was no further discussion held or action taken.

6. Network Manager's Update

A. Project status report

Frank reported on the following upcoming and recently completed projects:

- SRN Travis County Civil & Family Courthouse – rescheduled to complete 6/16
- C1S Emergency Repair at S. 1st and Eberhart – completed 6/2
- SRN Emergency Repair at Atkinson Rd – completed 6/4 – Carlos noted that there will be an emergency permanent repair to follow and he will send out a GAATN Alert later today with those dates.
- Jaime asked Syd about the status of the Cap Metro agreement for Rutland, Syd said that he is reviewing the agreement to ensure it is the form GAATN and Cap Metro previously agreed to, and once he does that, he will report back to Frank.

B. Job budget report

Frank reported that management is currently tracking 43 jobs totaling \$1.7 million. For FY23, so far, \$657k has been invoiced and \$1 million is encumbered. 19 jobs have been completed and 24 are still pending completion. Management will have a fiscal year end summary at the next Board meeting. Dain asked John G. if AISD has everything they need to issue the FY23 purchase orders for GAATN; John G. said he has handled the PO process for GAATN under John K. and will work with Sarah to ensure they are issued currently. John G. said he can also reach out to John K. if needed with questions.

7. Executive Session: At 2:08 p.m., Dain Herbat adjourned the GAATN Board for closed session, Texas Government Code sections 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 5A, 5C, and 5E.

At 3:11 p.m., Dain Herbat reconvened the GAATN Board in open session. Agenda Items 5A, 5C, and 5E were the only items discussed. 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 held and the following announced as present:

- Dain Herbat, on behalf of Travis County (on site)
 - Frank Ammons, on behalf of GAATN (remote)
 - Steve Pyle, on behalf of State of Texas DIR (remote)
 - Anthony Breckenridge, on behalf of City of Austin (remote)
 - John Greiner, on behalf of Austin ISD (remote)
 - Gary Weseman, on behalf of Austin Community College (remote)
 - Robert Saddler, on behalf of LCRA (remote)
 - Carlos DeMatos, on behalf of GAATN (remote)
 - Syd Falk, GAATN attorney (remote)
 - Harold Nall, on behalf of UT-Austin (remote)
 - Ruben Reyes, on behalf of City of Austin (remote)
- A quorum was re-established at the updated roll call.

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9. Discussion and possible action regarding the financial report and current fiscal year budget issues. (AISD, 10 minutes):

A. Financial Report

Frank said that this report is for the month ending April 30, 2022. As of that date for FY22, GAATN has received \$1.9 million in revenue and paid out \$1.65 million in expenses, leaving a project reserve balance of \$1.44 million. Plus, the \$2.1 million emergency reserve balance, brings the total fund balance to \$3.5 million.

10. Meeting and Action Items Summary

Frank noted the following action items taken from this meeting:

- Distribute draft with Syd's changes accepted of the AE memo to members for review.
- Put together a report showing GAATN's pole attachment agreements where there are entities participating and the billing mechanism used for each of those.

11. Confirm date, time, and location for the next regular Board meeting on July 12, 2022 at 1:30 p.m. at LCRA Service Center 3505 Montopolis Austin, TX and via Video Conference on Microsoft Teams.

The date, time and location for the next regular Board meeting were confirmed; the meeting adjourned at 3:15 p.m.