

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

MEETING OF THE BOARD OF DIRECTORS

July 13, 2021 1:30 p.m.

Via Teleconference at (512) 831-7858, Conference ID 165 806 162#

MINUTES

1. Call to Order and Roll Call (Chairperson)

GAATN Board Chairman Dain Herbat called the meeting to order.

The following announced as present at the start of the meeting:

Dain Herbat, on behalf of Travis County

Steve Pyle, on behalf of State of Texas DIR

Jaime Guerra, on behalf of UT-Austin

John Kohlmorgan, on behalf of Austin ISD

Ruben Reyes, on behalf of City of Austin

Harold Nall, on behalf of UT-Austin

Bo Kinsey, on behalf of Travis County

Syd Falk, GAATN attorney

Sarah Eichelberger, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

A quorum was established at roll call.

GAATN Contractors:

Chris Gonzales, on behalf of BryComm

Members of the public:

Wayne Wedemeyer

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the Board Meeting of June 1, 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 June 15, 2021 Technical Subcommittee Meeting

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

A. Seeking approval for COA new node at B2S Marshalling Yard entity-specific project at no cost to GAATN

B. Seeking approval for UT new node on A1N at Colorado Apartments entity-specific project at no cost to GAATN

C. Seeking approval for UT new node on A1N at Gateway Apartments entity-specific project at no cost to GAATN

D. Seeking approval for GAATN conduit use at Crockett High School Super Node Site

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

A. GAATN Board and Technical Subcommittee Chair and Vice-Chair Elections

- Board Chair – Dain Herbat re-elected

Jaime Guerra nominated Dain Herbat to continue serving as GAATN Board Chair; Ruben Reyes seconded the nomination. Jaime Guerra moved to close nominations; Ruben Reyes

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seconded the motion and it passed unanimously. Jaime Guerra moved to elect Dain Herbat as GAATN Board Chair; Steve Pyle seconded the motion and it passed unanimously.

- **Board Vice-Chair – Gary Weseman re-elected**
Ruben Reyes nominated Gary Weseman to continue serving as GAATN Board Chair; Jaime Guerra seconded the nomination. Jaime Guerra moved to close nominations; Dain Herbat seconded the motion and it passed unanimously. Jaime Guerra moved to elect Gary Weseman as GAATN Board Chair; Steve Pyle seconded the motion and it passed unanimously.
- **Technical Subcommittee Chair – Jaime Guerra re-elected**
Dain Herbat nominated Jaime Guerra to continue serving as GAATN Technical Subcommittee Chair; Ruben Reyes seconded the nomination. Dain Herbat moved to close nominations; Steve Pyle seconded the motion and it passed unanimously. Steve Pyle moved to elect Jaime Guerra as GAATN Technical Subcommittee Chair; Dain Herbat seconded the motion and it passed unanimously.
- **Technical Subcommittee Vice-Chair – Steve Pyle re-elected**
Jaime Guerra nominated Steve Pyle to continue serving as GAATN Technical Subcommittee Vice-Chair; Dain Herbat seconded the nomination. Jaime Guerra moved to close nominations; Dain Herbat seconded the motion and it passed unanimously. Jaime Guerra moved to elect Jaime Guerra as GAATN Technical Subcommittee Chair; Dain Herbat seconded the motion and it passed unanimously.

B. GAATN Cap Metro agreement update

Syd reported that this agreement has been fully executed and GAATN has paid the first year fee on behalf of Travis County. Travis County is now in the permitting phase for this project.

C. Update on continuing remote (videoconference) meetings

Sarah reported that on July 2, Texas Attorney General Ken Paxton announced that the suspensions of the Texas Open Meetings Act (TOMA) that have allowed GAATN to hold teleconference meetings will end on September 1. This means that GAATN may choose to either go back to regular in-person meetings or, pursuant to Texas Government Code 551.127, GAATN may choose to hold meetings via videoconference with the presiding chair of the meeting being present at a physical location accessible to the public. Sarah discussed the stipulations specified under 551.127 for video conference meetings and said she would poll members via email this week regarding their preference for in-person versus video conference meetings. She said management will meet with the Board and Tech chairs to discuss meeting logistics after responses are received from the poll.

D. GAATN Backup NOCC status update

Sarah reviewed the two-week look ahead schedule. She noted the substantial completion date is upcoming in the next two weeks. Jaime asked management to note the completion date for the agreement between GAATN and the City of Austin. Dain asked to review pictures of the progress. Members reviewed pictures of the facility during executive session under Texas Government Code 418.181.

E. Seeking approval for GAATN SRN Permanent Repair HWY 290 at Cameron to be funded from FY22 MAC budget

Carlos said this item was brought to the Technical Subcommittee with both an aerial-only and an underground option. He noted that the Tech members requested management get a quote from the other GAATN-approved vendor, which they did, but the quote came back more expensive than the original vendor. Sarah noted that the underground quote is only \$45k more than the aerial only quote. She said, pursuant to GAATN's damage claim policy,

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management has submitted this claim to GAATN's property insurance carrier and it is currently in the review phase. She said management is hopeful to recover about \$37-45k after the \$50k deductible. Jaime Guerra moved to approve the GAATN SRN Permanent Repair at HWY 290 and Cameron Road underground option in an amount not to exceed \$133k to be funded from the FY22 MAC budget; Steve Pyle seconded the motion and it passed unanimously.

F. 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, no further discussion was held or action taken.

G. 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, no further discussion was held or action taken.

H. 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, Dain Herbat moved to accept the Texstar offer of full settlement in the amount of \$67,267.41 and to execute the agreed release of claims agreement; John Kohlmorgan seconded the motion and it passed unanimously.

6. Network Manager's Update:

A. Project status report

Carlos reported on the following upcoming and recently completed projects:

- A2N relocation at 218 S. Lamar – scheduled to complete on 7/29
- SRS relocation at 218 S. Lamar – scheduled to complete on 8/5
- A1N upgrade project segment 3 phase 1 – completed 6/9
- B1S splice case audit – completed 6/4
- AISD D1N Eastside Memorial High School renovation – scheduled to complete 7/13
- COA C2S Fire Station 51 new node – completed 7/8
- DIR B2S TxDOT Facility Stassney Lane new node – completed 7/6

B. GAATN budget reports overview

Sarah gave a detailed overview of the GAATN annual budget and entity contributions, the monthly GAATN overall financial report and the GAATN job budget tracker. She revamped the job budget tracker for FY22 to make it more comprehensive in order to assist with better future project budgeting.

C. Job budget report

Sarah reported that, for FY21, GAATN completed 19 of 38 jobs on the books and was invoiced for \$972,415 in MAC expenses. She noted that 19 jobs with \$823,443 in encumbrances will carryover to FY22. She said that for FY22, 4 jobs had been approved totaling \$420,780. The total FY22 MAC budget is \$653k.

7. Executive Session: At 2:23 p.m., GAATN Board Chair Dain Herbat adjourned the GAATN Board for closed session, under Texas Government Code sections 551.071 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 5D, 5F, 5G, and 5H.

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At 2:59 p.m. Dain Herbat reconvened the GAATN Board in open session. Agenda Items 5D, 5F, 5G, and 5H were the only items discussed. Any further discussion held or action taken on items discussed in executive session is noted in the summary for that agenda item.

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

A. Financial Report

John Kohlmorgan reviewed the report for the month ending May 31, 2021. He asked members to review and send him or Sarah any questions.

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

Sarah noted the following action items from this meeting:

- Poll members on meeting preferences
- Note completion date for Backup NOCC for agreement purposes

10. Confirm date, time, and location for the next regular Board meeting on August 10, 2021 at 12:30 p.m. via Teleconference.

The date, time and location for the next regular Board meeting were confirmed; the meeting adjourned at 3:02 p.m.