

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

**MEETING OF THE BOARD OF DIRECTORS**

MEETING HELD August 7, 2018 12:00 p.m.

AT Lower Colorado River Authority  
LCRA Service Center, Room A502/503  
3505 Montopolis Blvd.  
Austin, Texas

**MINUTES**

**1. Call to Order and Roll Call**

GAATN Board Chairman Dain Herbat called the meeting to order at 12:12 p.m.

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

Frank Ammons, on behalf of GAATN

Sarah Eichelberger, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

Bruce Hermes, on behalf of City of Austin

Gary Weseman, on behalf of Austin Community College

Mike Gibbons, on behalf of Lower Colorado River Authority

Jaime Guerra, on behalf of the University of Texas

Harold Nall, on behalf of the University of Texas

Dain Herbat, on behalf of Travis County

A quorum was established at roll call.

Members of the public present:

Wayne Wedemeyer, on behalf of the University of Texas

**2. Network Management Service Level Agreement Annual Evaluation**

The Board participated in an annual evaluation of the network management SLA. Network management received an evaluation score of 4.73 out of 5.

**3. Short Break**

**4. Updated Roll Call**

At 1:18 p.m., GAATN Board Chairman Dain Herbat reconvened the meeting.

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

Sarah Eichelberger, on behalf of GAATN

Carlos DeMatos, on behalf of GAATN

Bruce Hermes, on behalf of City of Austin

Gary Weseman, on behalf of Austin Community College

Mike Gibbons, on behalf of Lower Colorado River Authority

Jaime Guerra, on behalf of the University of Texas

Harold Nall, on behalf of the University of Texas

Dain Herbat, on behalf of Travis County

A quorum was re-established at the updated roll call.

Syd Falk, GAATN attorney, joined the meeting at 1:26 p.m.

Members of the public present:

Wayne Wedemeyer, on behalf of the University of Texas

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Chris Gonzales, on behalf of BryComm LLC  
Cory Brymer, on behalf of BryComm LLC

**5. Citizen Communications**

There were no citizen communications.

**6. Review and Approve the minutes for the regular Board Meeting of July 10, 2018 (5 minutes)**

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

**7. Consent Agenda Items from Technical Subcommittee Meeting:**

Gary Weseman moved to approve Agenda Items 7A and 7B on consent; Dain Herbat seconded the motion and it passed unanimously.

- A. Seeking approval for D1N Travis County new node at AISD Allan elementary** Approved on consent
- B. Seeking approval for revision to GAATN Technical Guildelines section on Supernode Facility Entry** Approved on consent

**8. Technical Subcommittee Update:**

**A. Seeking approval for additional funding for Capital Improvement Project A2N - Re-route on Sabine between 4th and 6th St**

Carlos explained that this project was initially approved at the July Board meeting and, at the time, the cost was under \$25k. Since that meeting, the City has come back informed management that GAATN will be responsible for a joint trenching cost with other telecomms. Dain Herbat said he would like for this project to come from the CIP/Unplanned Project fund. Dain Herbat moved to approve the Capital Improvement Project A2N Re-route on Sabine between 4<sup>th</sup> and 6<sup>th</sup> St in an amount not to exceed \$71k to be funded from the \$250k CIP/Unplanned Project fund under condition that GAATN legal reviews City Code and agrees GAATN is responsible; Jaime Guerra seconded the motion and it passed unanimously.

**B. Seeking approval for D1N Permanent repair at Webberville Road**

Carlos stated that a GAATN cable was struck by a roll-off dumpster truck on 7/13. Carlos said that the maintenance contractor performed an emergency repair at a cost of \$7,755.89. Carlos reported that there were witnesses to the event who named Captain Hook Austin as the dumpster company that struck the cable. Carlos said that network management had already sent a certified demand letter to Captain Hook for the cost of the emergency and permanent repairs. Gary Weseman moved to approve the D1N Permanent repair at Webberville Road in an amount not to exceed \$36,741; Bruce Hermes seconded the motion and it passed unanimously.

**9. Board Chairperson Update:**

**A. Status update and possible approval to execute ILA between GAATN and Austin Convention Center for GAATN Backup**

This item was discussed in executive session for attorney consultation. Upon reconvening in open session, Dain Herbat moved to have the Board allow the NOCC ILA subcommittee to continue to negotiate the finer points of the ILA between GAATN and the Convention Center with GAATN legal's assistance and for the GAATN Board Chairperson to execute with the

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existing deal points remaining the same; Bruce Hermes seconded the motion. Jaime Guerra asked for the existing deal points for the record; Syd Falk said the main deal points are: 1) the agreement will not be terminated by the City for at least five years and 2) notice of relocation or termination will be a minimum of one year. Gary mentioned that two Board members were absent and if the Board needed to delay the vote until all members were present. Gary said he doesn't want to vote for it today because he's never been convinced that the Convention Center is the right move – it's a big investment and is too close to the other NOCC. Mike Gibbons said he felt the same way, but that he didn't have the same level of concern. Bruce said that he is concerned about the risk to GAATN having only one operational NOCC. Dain said that Travis County operations are at risk if GAATN goes to only one NOCC. Dain said there is a motion and a second on the table and asked for a vote; a vote was taken and the motion passed unanimously. The Board directed management to bring a revised value engineering cost estimate to the next Technical Subcommittee meeting.

### **B. Seeking approval for GAATN Overlash Policy**

Carlos said that this policy was requested by a Board member at the June Technical meeting and pertains to when an entity overlashes to GAATN cable. Carlos said it speaks to who is responsible for overlashing costs, who bears liability in the event of damage to the GAATN cable and who is responsible for AE electrical make ready costs. The Board directed GAATN's attorney to revise the policy to define specific situations it applies to and to put a provision requiring documentation and to bring the revised policy to the next Technical Subcommittee meeting.

### **C. Seeking approval for Policy for contractors permitted to perform work on the GAATN Network**

Carlos said this policy speaks to which contractors are allowed to perform work on the GAATN network. Jaime Guerra proposed an and/or edit on the first bullet point. Bruce moved to approve with the proposed amendments, striking the first 4 blanks and filling in the last one with 180 days; Jaime Guerra seconded the motion and it passed unanimously.

### **D. City of Austin seeking approval to complete projects using previously approved GAATN contractor**

Bruce said that the City has 10 jobs that touch the GAATN network pending with a previously approved GAATN contractor and they would like to authority to proceed with those jobs using that contractor. Dain Herbat moved to allow the City of Austin to follow the GAATN Policy for Contractors permitted to perform work on the GAATN network and allow them to complete the jobs that were previously approved by the Board using a previously approved GAATN contractor; Bruce Hermes seconded the motion and it passed unanimously.

### **E. Property damage claim resulting from tear down at D1N Webberville Road/Delores Ave**

This item was reviewed in executive session for attorney consultation. Upon reconvening in open session, no further discussion or action was taken.

## **10. Network Manager's Update:**

### **A. Any existing network operations, repairs, or maintenance issues, including any that occurred since the last Board Meeting**

#### **1. Treaty Oak Decommission project status update**

Carlos said the placement is complete for A1N and network management is waiting to hear that all entities are out and ready for JC to splice.

#### **2. Pending projects**

Carlos reviewed the following pending projects:

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- Supernode Connector Alignment projects – completed 6/19
- D1N Temp repair at 1100 Webberville Rd – completed 7/16
- D1N AISD Alternative Learning Center splice out – to be completed 7/23
- C1S COA FS 29 node replacement – to be completed 7/26
- SRN – DIR TxDOT node replacement – to be completed 8/16
- B2S COA Dalton Lan new node – to be completed 8/29
- B2S AISD Southfield new node – completed 7/19
- B2S TC SE Metro Park – completed 7/17

### **3. Job Budget Tracking review**

Sarah reported that the FY19 MAC budget is currently 49.7% encumbered, leaving \$365k for additional FY19 jobs.

### **4. GAATN Utility Locates RFP Update**

Sarah stated that she is working with Austin ISD to get the new utility locates RFP issued in September and asked for a Board member to participate on the evaluation subcommittee. Harold Nall volunteered for the subcommittee.

- 11. Executive Session:** At 1:51 p.m., GAATN Board Chairman Dain Herbat announced that the GAATN Board was adjourning to executive 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) Agenda Items 9A and 9E. At 2:28 p.m., Dain Herbat announced that the GAATN Board was reconvening in open session. Agenda Items 9A and 9E were the only items discussed.

### **12. Discussion and possible action regarding the financial report and current fiscal year budget issues.**

#### **A. Financial Report**

This item was not discussed as Austin ISD was not present.

### **13. Meeting & Action Items Summary:**

- Bring a trimmed down estimated cost for the Convention Center Backup NOCC to the next Technical Subcommittee meeting
- Have GAATN legal do a review of the City Code to determine if GAATN is responsible for Joint Trenching cost on Sabine Re-route project
- Syd will make revisions to GAATN Overlash Policy, define specific situations it applies to, put something in there that requires documentation, so they know the infrastructure is there which will be reviewed at the Tech Sub

### **14. Confirm date, time, and location for the next regular Board meeting on September 4, 2018 at 1:30 p.m. at the LCRA Service Center, 3505 Montopolis Blvd., Room A502/503, Austin, Texas.**

#### **A. Items to be added to the next Board Agenda:**

The date, time and location for the next regular meeting were confirmed; the meeting adjourned at 3:55 p.m.