



CITY OF FULLERTON
TECHNOLOGY WORKING GROUP
MEETING MINUTES
March 26, 2009
9:00 A.M.

CALL TO ORDER Chair Burtner called the meeting to order at 9:02 a.m.

ROLL CALL

Members Present

Roger Burtner, Chair	Carl Samantello
Fred Canfield	Thad Sandford
Helen Hall	Ed Smith
Larry Iboshi	Paul Stover, Vice Chair
Harry Lamberth	

Staff

Robert Ferrier, Assistant to the City Manager

Member Madusha Palliyage arrived after roll call.

APPROVAL OF MINUTES

No minutes were available for approval.

DISCUSSION ITEMS

1. **Creation of an educational/municipal (institutional) fiber/wireless network, FullertonNet**

Next steps, postmortem of presentation to City Council

Chair Burtner began by thanking Vice Chair Paul Stover for the excellent job he did in presenting the TWG's recommendations to Council on March 17, and his excellent work in preparing the graphics used in the presentation, and noted that he was very pleased that most of the TWG members were present at the Council meeting. Chair Burtner reported that by a Council vote of 4-0, the TWG had been given direction to take the next steps toward creation of the I-Net. He asked Mr. Ferrier to provide the TWG with details of Council's direction.

Mr. Ferrier briefed the TWG that on March 17 Council gave direction to staff for two tasks:

1. Work with the Technology Working Group to refine both the scope and the potential costs associated with a network that links City facilities only.
2. Working with the City's federal lobbyist (Smith, Dawson & Andrews), explore the feasibility of using resources under the Recovery Act to fund design as well as potential construction of the I-Net.

Mr. Ferrier began the discussion with Task #2. He explained that the City's lobbyist has been asked to provide daily updates to the City Manager's office regarding the recovery and various funding opportunities that are available under the Recovery Act, specifically the estimated \$7 billion that is being directed toward broadband infrastructure across the country. The funding is proposed to be split between two different federal agencies: Department of Agriculture, to expand broadband to rural communities, and the Department of Commerce (NTIA) to fund expansion of broadband in underserved areas. He noted that the NTIA has been conducting meetings to solicit comments in an effort to determine how grants and loans could be disbursed under the Broadband Technology Opportunities Project (BTOP). The BTOP is an existing program within NTIA that has been around for a few years. The federal government has decided that instead of creating new programs and services to handle the stimulus funding, they will distribute the money via existing outlets. Mr. Ferrier indicated that as information becomes available regarding funding opportunities, he will share it with the Technology Working Group.

Regarding Task #1, Mr. Ferrier asked for suggestions from the TWG on what approach they want to take in accomplishing the task of refining the scope of work and potential costs associated with a network linking City facilities only.

Mr. Sandford suggested two possibilities: one would be to put out a specific RFP for cost estimates for the necessary elements of design and construction. The second option would be to have an in-house cost estimator develop assumptions and construct a cost estimate that would then be the basis against which the TWG would later evaluate RFPs. In regard to the second option, Mr. Sandford asked Ms. Hall and Mr. Ferrier if the City had such a cost estimator on staff. Ms. Hall stated that for this type of project, there is no telecommunications expertise in-house. Mr. Ferrier concurred. Ms. Hall explained that for this type of project, the City would typically bring in consultants expert in that particular field to work with in-house staff. Staff would make sure the consultant has an understanding of the scope of work, and based on their experience and staff's input, the consultant would come up with a needs assessment and quote.

With no in-house expertise, Mr. Sandford suggested not using a consultant to construct a stand-alone cost. He recommended instead that the TWG develop the RFP and ask for competitive bids.

Mr. Sandford suggested the TWG might consider the project to be a two-step process, in which the City issues an RFP to be bid in two parts. The first part would be for working with the TWG to develop the specs and design; the second part would be for the construction, testing, operations, and maintenance.

Mr. Samantello pointed out that based on a meeting with the School District Superintendent, City Manager, and TWG members in 2008, it was his understanding that the next step was to hire a consultant to help the TWG develop an RFP, and suggested that you cannot ask someone to create an RFP if you have not defined the scope of work, and the scope of work requires an outline of what it is exactly that you want and what you want it to do, and that requires technical specifications.

Chair Burtner agreed that the next step should be an RFP or statement of work that defines at least some level of specifications against which people can build cost estimates, and to create that RFP, more detail is needed with regards specifically to the City. He indicated he would entertain a motion that he be authorized to appoint a small committee to work with the City in terms of defining an RFP to obtain competitive bids in order to get a refined cost estimate. Mike Carter so moved. The motion was seconded by Larry Iboshi, and unanimously passed.

Ms. Hall noted the subcommittee would be defining the scope of the project, which is for the City portion of it only, as directed by Council, but should keep in mind the big picture of where the TWG eventually wants to go with the I-Net. Mr. Ferrier indicated that if, at some point, the study or proposal request process requires funding, the TWG would need to make a recommendation to Council, and Council would decide if they are willing to pay for it.

Mr. Sandford indicated that it would be prudent for the City to be prepared to respond to the stimulus package by the first of June, even though no information is yet available as to application deadlines for funding. With that time frame in mind, he suggested that the TWG needs to have an RFP completed in two to three weeks, allow an additional two to three weeks for consultants to respond, plus time for the TWG to review the responses, sort through the information, and begin to assemble a package with real data.

Mr. Stover pointed out that City Manager Meyer had specifically told Mr. Stover that his intention of getting the TWG before the Council at the March 17 meeting was to get ahead of the budget cycle. Mr. Stover asked Mr. Ferrier if Mr. Sandford's suggested schedule was doable with regard to the budget cycle. Mr. Ferrier indicated that the budget cycle ends June 30, and the TWG would need to submit to Council no later than June 16.

ISMS Proposal

The proposal submitted by ISMS to the City of Fullerton was marked proprietary and confidential; therefore, the contents of that proposal will not be mentioned in these minutes.

Mr. Samantello questioned why ISMS had submitted the proposal, but indicated the project ISMS is proposing should be considered by Council, since it might provide an opportunity to get the I-Net built. But he also questioned how the members of the TWG received their copies of the proposal, and why it was being discussed by the TWG considering that Council had not asked them to do so or to render an opinion on the proposal.

Mr. Ferrier noted that the ISMS proposal was addressed to the Mayor, with a copy to the City Manager and TWG Chair Roger Burtner. Copies of the proposal were made and distributed to all Council members. Chair Burtner indicated he had received his copy electronically, and he forwarded copies to TWG members.

Mr. Ferrier pointed out that the ISMS proposal was unsolicited by the City, and it is his understanding that no member of the TWG requested the proposal. Mr. Ferrier reminded the TWG that Council's direction to staff and the TWG was to refine the scope of work and costs for networking City facilities only, and staff may not review or consider the ISMS proposal without direction from Council.

Chair Burtner offered an explanation as to how the ISMS proposal came about. He indicated that when ISMS was touring different fire stations, as part of their study of the proposed I-Net, ISMS CEO James Hettrick had mentioned ISMS was working with different cities on putting in fiber, and in some cases ISMS had actually been able to fund some of those projects. And being knowledgeable of the City's interest in an I-Net, and because ISMS had already submitted these types of proposals to other cities, Mr. Hettrick evidently decided to submit a similar proposal to the City of Fullerton. In addition, Chair Burtner learned that ISMS apparently has a partnership or relationship with a venture capital firm (one of the largest in the country) which is providing backing to ISMS in making these types of proposals, basically providing the front money for this type of development. Again, knowing that Fullerton has an active interest in this area, Chair Burtner believes that is why ISMS submitted the proposal to Fullerton.

Chair Burtner noted there is no certainty of the City receiving stimulus funds from the Recovery Act, and ISMS' proposal is a very creative, imaginative option, and suggested that the City should keep all of its options open.

Vice Chair Stover noted that communities that have moved in a progressive way have figured out how to put in a municipal network through a public/private partnership because they have welcomed the conversation, and the City of Fullerton should exhibit some leadership in moving this project forward.

Mr. Smith asked if the City plans to respond to the ISMS proposal. Mr. Ferrier indicated he had not yet been given any direction from Council regarding the ISMS proposal.

Chair Burtner noted that the proposal asked for a response within 30 days. He indicated the City may have an interest in following up and obtaining more information.

Mr. Sandford noted that the ISMS proposal is both innovative and interesting, and it confirms there are other ways in which the City can modernize its communications other than a stimulus package – there is definitely a commercial interest. Mr. Sandford suggested that the City respond by thanking ISMS for their proposal, and indicate that the City is not ready to respond specifically at this time, but hopes that as the City's plans evolve that ISMS will continue to track our progress and be supportive, and also point out that Fullerton is looking forward to working with industry to help Fullerton get the job done.

Mr. Lamberth noted that the ISMS proposal presents an issue from a liability and legal standpoint, and suggested that typically procurement departments send a disclaimer response to companies who submit unsolicited proposals that the City reserves the right to use the information without future remuneration. Such a response would provide closure without commitment.

Mr. Smith questioned whether any ideas in an unsolicited proposal, even though it is marked proprietary, could be used by the City later on. Mr. Lamberth explained that is exactly why the City needs to respond to the proposal with a disclaimer letter.

Mr. Ferrier reminded the TWG that ISMS' unsolicited proposal can be viewed as nothing more than a consultant fishing for business. And, unfortunately, from staff's perspective, what the proposal suggests is not consistent with the direction that has been given to staff and the TWG by the City's policy makers, i.e., Council members. Therefore, until such time as Council provides direction to staff regarding ISMS' proposal, no action will be taken.

ITEMS FOR NEXT MEETING

To be determined.

PUBLIC COMMENTS

None

ANNOUNCEMENTS

None

ADJOURNMENT

With no further business, Chair Burtner asked for a motion to adjourn. Thad Sandford so moved. Carl Samantello seconded. The meeting was adjourned at 10:25.

Next meeting scheduled for April 16, 2009.