



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

CALL TO ORDER Chair Burtner called the meeting to order at 9:01 a.m.

ROLL CALL

Members Present

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| Roger Burtner, Chair | Madusha Palliyage |
| Fred Canfield | Edward Smith |
| Helen Hall | Paul Stover, Vice Chair |
| Harry Lamberth | |

Members Absent

Mike Carter
Larry Iboshi
Carl Samantello

Staff

Robert Ferrier, Assistant to the City Manager

Member Thad Sandford arrived after roll call.

APPROVAL OF MINUTES

No minutes were available for approval.

DISCUSSION ITEMS

Before beginning the discussion items, Assistant to the City Manager Rob Ferrier requested that a motion be made to remove the ISMS proposal from the agenda. Mr. Lamberth so moved. Ms. Hall seconded, and the motion was unanimously passed.

Mr. Ferrier also requested that the TWG invite a representative from the City Attorney's office to provide a refresher course to the TWG members on SB 343 and the Brown Act – the rules and regulations which control open meetings in the State of California. It was agreed. Mr. Ferrier indicated he would make the arrangements.

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

RFP for I-Net

Chair Burtner turned the discussion over to Mr. Ferrier, who asked if the members of the TWG were in agreement that the RFP was complete and ready to be submitted to the City Manager for review.

Mr. Lamberth acknowledged that he had missed the last meeting of the TWG, had not read the latest version of the RFP, was concerned that it had come forward faster than the order of events that were to have taken place, and asked for clarification of the intent of the RFP at this point in time and its purpose, and what the planned action was for moving forward.

Ms. Hall provided a brief recap of the process that took place, i.e., at the last meeting (June 4) the TWG members performed a line-by-line review of the RFP, Mr. Sandford made the final changes to the document based on that review and forwarded the RFP to Ms. Hall for her input regarding any City requirements pertaining to telecommunications, which she completed and then forwarded the RFP to Mr. Ferrier for review by the City Manager.

Ms. Hall pointed out that City Engineering Department staff are not telecommunications experts, that the City would expect the consultants who submit proposals to provide the expertise necessary to refine the specifications to the level of detail needed to accomplish the project's objective. She further explained that the RFP should include any City standards that might exist pertaining to telecommunications projects, but leave the RFP open enough as to detail so that it does not close off potential vendors that might be interested in submitting a proposal.

Vice Chair Stover noted that that was exactly what was discussed at the last meeting – that the objective of the TWG was to leave the RFP open enough as to allow a wide spectrum of vendors to respond.

Mr. Lamberth responded by pointing out that at the May 7 meeting the TWG agreed they would request the City to provide support from Engineering Department staff to finish the path map for the I-Net. In fact, Mr. Lamberth was asked to prepare a written request ("white paper") describing the TWG's intent and explaining the request for support from Engineering, for the City Manager's consideration. It was Mr. Lamberth's understanding that the request had been submitted to Mr. Ferrier by Mr. Sandford. Mr. Lamberth also pointed out that considerable time and effort by TWG members as well as IT staff had gone into consolidating the original traffic signal map (showing the locations of conduits) with an overlay of the proposed I-Net path, and all that was needed was Engineering's input on whether the traffic signal conduit locations were viable terminal points for the I-Net path. Mr. Lamberth further noted that Engineering staff was receptive to the request for their help but informed Mr. Lamberth they would need authorization from the City Manager to reallocate staff resources in order to assist with this project. Mr. Lamberth asked what happened to the request for Engineering's support.

Chair Burtner indicated that Mr. Sandford had learned that Engineering did not receive authorization to work on the project, so Mr. Sandford finalized the document based on the TWG members comments and input from their June 4 review, and forwarded the final draft RFP to Ms. Hall and Mr. Ferrier for them to take the next step, i.e., determine at what point the City was willing to issue the RFP. Chair Burtner noted the general belief among the TWG members is that the commission has done everything it can possibly do, and the RFP is now in the hands of the City to move forward.

Mr. Sandford confirmed that Engineering had not been able to provide the TWG with the additional detail that Mr. Lamberth had requested, and acknowledged that while it is always preferable to have as much detail in an RFP as possible, what is also true is that you can contract for the job at whatever level of detail you have available and whatever level of detail you know you want in terms of an end product; and the RFP can be structured in such a way that, in fact, the bidding contractor assists you in filling in the details to complete the task. Mr. Sandford further noted that he is of the opinion that the technical requirements of the RFP are sufficiently defined and the RFP is adequately structured to allow a large number of companies to bid on the project.

Mr. Sandford explained there were now some important steps that needed to be taken to get the best work: 1) the City needs to be structured such that it can respond to questions bidders might have as they put their proposals together; 2) there needs to be a careful evaluation of the proposals so the City can determine those proposals that are fluff and the ones that are solid, i.e., the ones that have an understanding of the issues and risks, and those that don't, and those that have structured their program in a way that can be delivered; and 3) the City needs to support the contractor's work.

Mr. Lamberth stated he believes it is a mistake to put out the RFP without a baseline path, since that is the primary cost driver. And having a defined path will speed up the overall process and eliminate wasting the time of City staff as well as the prospective bidders. Mr. Lamberth also asked, for the record, what the intent is of the TWG for recommending the RFP go forward at this point in time, considering there is no funding currently in place for the project, i.e., if the City issues the RFP they will basically be asking consultants to bid on a job for which there are no funds.

Chair Burtner reiterated that the TWG has taken the RFP as far as it can at this point, and it is now the responsibility of City staff to finalize the document and to decide whether or not to move forward with issuing the RFP. Vice Chair Stover agreed, noting that the TWG is a volunteer agency, and at some point the TWG needs to give up what it is doing to those who can manage the project forward. Vice Chair Stover praised the work done by Mr. Sandford and the entire committee, but noted the TWG does not control the next steps in the process, nor does the TWG control the City's internal departments and how they respond or do not respond. Also, he does not believe the TWG is ultimately responsible for writing RFPs, but the TWG had accomplished the task and produced a document that is as professional as you would expect from outside consultants because of the expertise of the TWG members. He commented that he is hopeful that the City will view the work of the TWG to produce the RFP as being above and beyond this committee's directives. Chair Burtner also acknowledged the considerable work by Mr. Lamberth on the RFP.

Vice Chair Stover recommended that the issue of a defined I-Net path map be dealt with as a separate item, outside of moving the RFP forward, and as the path develops it can certainly be added to the RFP as it moves through City channels. Chair Burtner asked Mr. Sandford to work with Helen Hall and Harry Lamberth to resolve the issue of the I-Net path map, i.e., upgrade it as much as possible between now and the end of July. Mr. Sandford agreed he would work with Ms. Hall and Mr. Lamberth, as well as the Engineering Department with Mr. Ferrier's concurrence, and requested Mr. Ferrier's assistance in coordinating the City Engineer's assistance. Mr. Ferrier agreed.

Chair Burtner noted the RFP will not go out until such time as the City Manager reviews and approves it, which will probably not take place until mid August.

Mr. Sandford asked if Mr. Ferrier could update the group on the prospects of getting federal funding.

Mr. Ferrier reported that the City's lobbyists, who work both in Sacramento and D.C., have been directed to keep the City updated on NOFAs (Notices of Funding Availability) as they are released. He further explained the agency handling broadband grants is BTOP (Broadband Technology Opportunities Program), and it is his understanding there will be three rounds of funding. The first NOFA is expected to be released fairly soon, with an award sometime in late Fall 2009. The second and third rounds will be roughly a year thereafter. The BTOP funds are approximately \$4.7 billion.

Mr. Sandford expressed concern that the City needs to be ready to apply for the first round of funding, and asked what the TWG might do to help the City be prepared. He noted that his experience with government programs is that the "guys at the first trough" do the best.

Mr. Ferrier explained that until the NOFA is released and the application requirements are known, it would be difficult to answer that question, but he agreed that an applicant does stand a better chance of success by submitting at the first round. Even if the application is rejected the first time, it would be a learning experience and might improve the chances of success for the second or third attempts.

Mr. Sandford suggested that perhaps the City's lobbyist might provide the City with an idea of what is required for the grant application, and the TWG could start working on putting together the majority of the required application materials. Mr. Ferrier indicated it would be speculation on the part of the lobbyist, but he would make the inquiry.

Vice Chair Stover suggested the TWG shift gears away from the RFP and almost entirely to the issue of funding. He asked Mr. Ferrier if the City had staff dedicated to grant writing. Mr. Ferrier indicated the City has two lobbyists who write grants, as well as a contract grant specialist. Mr. Ferrier also reported that he has confirmed the lobbyist can assist the City with this project.

Vice Chair Stover inquired as to whether or not redevelopment money might be available. Mr. Ferrier indicated that redevelopment money can be used for this project,

but whether or not the Redevelopment Agency's board, i.e., the City Council, would approve use of redevelopment dollars for this project is unknown.

Mr. Stover asked Mr. Ferrier if the TWG should write the grant. Mr. Ferrier indicated he would welcome the TWG's participation, but would not suggest writing the grant unless the members have significant experience. Mr. Stover and Mr. Sandford indicated they were experienced grant writers.

Mr. Canfield noted the Department of Homeland Security might be another possible source of funding. Mr. Ferrier indicated the lobbyist has been directed to look for any potential funding source, and the DHS would be one of them.

Vice Chair Stover asked Mr. Ferrier to bring to the next TWG meeting more information about BTOP, or send the information to TWG members via email. Mr. Ferrier agreed.

Mr. Ferrier asked the TWG members to provide him with the names, addresses, and contact names of any company that should receive the RFP. Ms. Hall noted the RFP would also be placed on the City's website.

Chair Burtner provided a list of 31 companies taken from Broadband Properties trade magazine. These 31 companies were among those listed among the "100 top telecom companies" that provide network planning, design, engineering, and construction. The list of 31 excludes those companies that only build networks they will own and manage. Chair Burtner suggested adding Paragon Partners, Paxio, Broadband Associates, and ISMS to the list for a total of 35.

ITEMS FOR NEXT MEETING

City Attorney training on the Brown Act, specifically SB 343.

PUBLIC COMMENTS

None

ANNOUNCEMENTS

Mr. Canfield announced that the TWG membership might be increasing in number, as interviews of applicants for vacancies on the TWG committee are scheduled to be conducted by City Council on July 21. Mr. Sandford stated that he is one of the individuals to be interviewed, as his original appointment was only for a short term.

ADJOURNMENT

With no further business, Chair Burtner asked for a motion to adjourn. Thad Sandford so moved. Madusha Palliyage seconded, and the motion was unanimously approved. The meeting was adjourned at 10:09.

Next meeting scheduled for August 6, 2009.