City of Davis
Broadband Advisory Task Force Minutes
Wednesday, March 27, 2019

Task Force Members Present: Chair - Chris Clements - UC Davis, Jeff Mischkinsky - DavisGig, Matthews Williams, Davis Community Network, Autumn Labbe-Renault - Davis Media Access, Lorenzo Kristov - Utility Rate Advisory Committee, Carolyn Stiver - Davis Chamber of Commerce, Stephen McMahon - Community Representative
Task Force Members Absent: Vice-Chair - Christine Crawford, Yolo County Broadband Working Group, Marcia Bernard - DJUSD, Scott Adler - Community Representative

Staff: Diane Parro, Director of Community and Business Engagement, Sarah Worley, Business Engagement Manager, Jason Best, IS Administrator, Robert Schulz, Media Services Specialist

1. Call to Order & Roll Call - 6:33 p.m.

2. Approval of Agenda – Chair proposal to change order of agenda items 6B ii and iii to have discussion of revised fiber agreement first, followed by report from subcommittee. Motion to approve as revised by Lorenzo Kristov. Seconded by Autumn Labbe-Renault. Passes unanimously 7-0.

3. Brief Announcements from Staff and Task Force - none

4. Public Comment –
   Andrew Waterhouse – City ability to protect internet privacy in future will be very valuable.
   Don Sherman - be wary of providing any private entity exclusive use of public facilities. Examine who benefits the most and why they are so interested. Evaluate contract value.
   Josh Zeldner - DavisGig survey showed what was expected. Supports community fiber.
   Crilly Butler - Willing to wait for public internet vs. creating no competition. Submitted electronic comments.
   George Galamba - Support treating broadband as an essential utility. Don’t turn to private sector if we want City in charge.

5. Consent Calendar
   A. Approval of February 27, 2019 Draft Minutes (Attachment 1) Motion to approve by Carolyn Stiver. Seconded by Autumn Labbe-Renault. Passes 6-0, with 1 abstention (McMahon).

6. Regular Items
   A. Guest Speaker Robert Nickerson, DavisGig Survey Update
   Robert Nickerson provided overview of survey purpose and results. Received 800 responses using mailers and emails. 95% were interested in community owned/operated broadband. Net neutrality ranked #1 most important benefit of community broadband. Results available on web.
B. City Fiber Optic Agreement with Astound (aka WAVE) Broadband 
ii. Discussion of Revised Agreement

Staff summarized expiration of City I-net cable franchise agreement requiring City to find new solution; and elements of proposed fiber agreement with Astound. Comments from public and Task Force have informed revisions made to the agreement to clarify agreement limitations. Proposed agreement does not give Astound exclusive access.

Task Force discussion included following topics/questions:
- Could City do I-net portion as first phase of community broadband?
- Would like to see analysis of what costs of alternatives might be.
- More precise contract language is needed to protect the City and clarify what specific conduit or portion of conduit is included.

Steve McMahan provided staff list of questions about the fiber contract.

C. City Fiber Optic Agreement with Astound (aka WAVE) Broadband
i. Subcommittee Report

Subcommittee report provided by Lorenzo Kristov. Matt Williams distributed maps showing how connecting conceptual I-net facility locations has similar overlay with fiber ring map from the broadband feasibility study. Subcommittee recommends BATF recommend City Council defer action on the fiber agreement and take 5 actions.

Public Comments - following is a summary of the numerous public comments.
Mike Adams - Not enough information about new fiber agreement to determine it is not a big city give away. There is not duplicate conduit in all places. Need to be cautious and do fiscal analysis.
Rowan Kalo - Appeal to City Council to slow down the process and give time to get questions answered.
Josh Zeldner - Fiber agreement is an attractive solution for City, but there is an alternative. WAVE knows what the 88% of fiber installed is worth. $2 million in costs over 30 years is not that high a cost, especially when considering potential revenue.
Doug Walter - Support what subcommittee is suggesting. With results of Task Force process to be submitted in May, this is not the time for this fiber agreement.
David Waggoner - Don’t sign any long term contract that gives anyone exclusive rights. A municipal network would be huge draw for “soft” companies.
Tim Thatcher - A 30 year contract would impact the ability for the City to implement a phase 1 (community fiber) project. Controlling the last mile is valuable.
Andrew Waterhouse - Find out what we could lease the fiber for and make money on it.
Johannes Troost - as Chair, URAC voted at last meeting that Council should pause and consider alternatives to the fiber agreement.
Johannes Troost - As citizen, biggest challenge is lack of collaboration between different city efforts. Need to change the process.
Robert Nickerson - Written statement submitted re: need for community broadband, treat like other utilities. Bandwidth needs to be unlimited – private providers create scarcity.

Staff noted City cannot deny permits for companies with Certificates of Public Convenience and Necessity (CPCN).

Motion by Matt Williams to extend meeting to 8:45 p.m. Seconded by Jeff Mischkinsky. Motion fails 3 - 4.

Motion by Lorenzo Kristov - Task Force accept the Subcommittee Recommendation except for items #4 & #5, and include additional recommendation in italics for BATF to develop a counter proposal to the fiber agreement to develop a proposal that meets needs of community broadband network, to read:

“**The BATF recommends that the City Council defer action on Staff’s proposed Astound contract and direct Staff to work with the BATF or a designated subcommittee thereof to, at a minimum:**

(1) Have the City Finance Director perform a detailed financial analysis of the proposed Astound contract;

(2) Assess the potential impacts of the proposed Astound contract on the viability of and support for a City-owned broadband network that can serve all Davis residents and businesses;

(3) Identify and comparatively assess alternatives, including an option whereby the City owns and controls all fiber capacity in City conduit and leases shares of capacity on an open-access basis to third-party ISPs and content providers;

*The BATF also recommends that the City Council direct Staff to consult with the BATF and provide an opportunity for a BATF recommendation to City Council prior to bringing the proposed or a revised Astound contract or an alternative to City Council for approval.*”

The BATF Subcommittee also recommends that the BATF extend the charge of this subcommittee for the purpose of collaborating with City Staff on the above items.

Seconded by Jeff Mischkinsky.

**Discussion**

Task Force extensive discussion of potential options. Topics included introducing competition and jumpstart better access to broadband service at a lower cost; considering phase 1 community broadband; gaining further understanding of fiber agreement etc.

Substitute Motion by Steve McMahon - to remove extending charge of subcommittee. Seconded by Autumn Labbe-Renault.
Discussion
Task Force need to finish assigned tasks and report back on its findings and recommendations to City Council.

Substitute Motion passes 6-1 (Mischkinsky opposed).

Main Motion on floor as modified passes 6-0, with 1 abstention (Stiver)

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*The BATF also recommends that the City Council direct Staff to consult with the BATF and provide an opportunity for a BATF recommendation to City Council prior to bringing the proposed or a revised Astound contract or an alternative to City Council for approval.*

Meeting adjourned at 8:45 p.m. by consensus. Remaining items deferred to next meeting.

**D. Preparation for May Broadband Advisory Task Force report to City Council –**

7. **Task Force and Staff Brief Communications –**
   A. Agenda Planning and Long Range Calendar – (confirm next meeting date – April 24, 2019)
   B. Community News
   C. Recommended Reading

8. **Adjourn – 8:45 p.m.**