



Agenda

Economic Development Advisory Committee

Market Station at the Railyard
500 Market Station, Suite 200

Wednesday, April 11, 2018
11:00 AM – 1:00 PM

I. PROCEDURES

- A. Roll Call
- B. Approval of Minutes
 - 1. March 14, 2018
- C. Approval of Agenda
- D. Approval of Consent Agenda

II. CONSENT AGENDA (None)

III. ACTION ITEMS

- A. Request for approval of an Ordinance granting Broadband Network of New Mexico, LLC a non-exclusive franchise to operate a telecommunications network within the City of Santa Fe; the right to use City public rights-of-way to provide telecommunications services within the City; and fixing the terms and conditions thereof. (Councilor Harris) (Matt Brown, Sean Moody and Larry Worstell)

Committee Review

Public Works Committee	03/26/18
Economic Development Advisory Committee	4/11/18
City Council (notice to publish)	4/11/18
Finance Committee	4/16/18
City Council (public hearing)	5/9/18

Fiscal Impact: TBD

- B. Request for approval of an Ordinance granting Computer Network Service Professionals, Incorporated, DBA NMSURF a non-exclusive franchise to operate a telecommunications network within the City of Santa Fe; the right to use city public rights-of-way to provide telecommunications services within the city; and fixing the terms and conditions thereof. (Councilor Harris) (Matt Brown, Sean Moody and Larry Worstell)

Committee Review

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City Council (notice to publish)	4/11/18
Finance Committee	4/16/18
City Council (public hearing)	5/9/18

Fiscal Impact: TBD

- C. Request for approval of an Ordinance granting Conterra Ultra Broadband, LLC a non-exclusive franchise to operate a telecommunications network within the City of Santa Fe; the right to use city public rights-of-way to provide telecommunications services within the city; and fixing the terms and conditions thereof. (Councilor Harris) (Matt Brown, Sean Moody and Larry Worstell)

Committee Review

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Finance Committee	4/16/18
City Council (public hearing)	5/9/18

Fiscal Impact: TBD

- D. Request for approval of an Ordinance granting Cyber Mesa Computer Systems, Incorporated a non-exclusive franchise to operate a telecommunications network within the City of Santa Fe; the right to use city public rights-of-way to provide telecommunications services within the city; and fixing the terms and conditions thereof. (Councilor Harris) (Matt Brown, Sean Moody and Larry Worstell)

Committee Review

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Fiscal Impact: TBD

- E. Request for approval of an Ordinance granting Plateau Telecommunications, Incorporated a non-exclusive franchise to operate a telecommunications network within the City of Santa Fe; the right to use city public rights-of-way to provide telecommunications services within the city; and fixing the terms and conditions thereof. (Councilor Harris) (Matt Brown, Sean Moody and Larry Worstell)

Committee Review

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Fiscal Impact: TBD

IV. INFORMATIONAL ITEMS

A. New Mexico's Broadband Initiatives – Fabian Trujillo/George Clark, NMDOIT

V. ITEMS FROM THE COMMITTEE

VI. ITEMS FROM STAFF

VII. ITEMS FROM THE CHAIR

VIII. ITEMS FROM THE PUBLIC

IX. NEXT MEETING DATE – **May 9, 2018**

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**SUMMARY OF ACTION
 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
 MARKET STATION AT THE RAILYARD
 500 MARKET STATION, SUITE 200
 WEDNESDAY, APRIL 11, 2018, 11:00 AM**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF MINUTES	APPROVED	1-2
APPROVAL OF AGENDA		
APPROVAL OF CONSENT AGENDA	NONE	2

ACTION ITEMS

REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING BROADBAND NETWORK OF NEW MEXICO, LLC, A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.	APPROVED	2-4
REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING COMPUTER NETWORK SERVICE PROFESSIONALS, INC., DBA NMSURF, A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE THE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES	APPROVED	4

WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

REQUEST FOR APPROVAL OF AN APPROVED 4-5
ORDINANCE GRANTING CONTERRA
ULTRA BROADBAND, LLC, A
NON-EXCLUSIVE FRANCHISE TO
OPERATE A TELECOMMUNICATIONS
NETWORK WITHIN THE CITY OF
SANTA FE; THE RIGHT TO USE THE
CITY PUBLIC RIGHTS-OF-WAY TO
PROVIDE TELECOMMUNICATIONS
SERVICES WITHIN THE CITY; AND
FIXING THE TERMS AND CONDITIONS
THEREOF.

REQUEST FOR APPROVAL OF AN APPROVED 5
ORDINANCE GRANTING CYBER MESA
COMPUTER SYSTEMS, INC., A
NON-EXCLUSIVE FRANCHISE TO
OPERATE A TELECOMMUNICATIONS
NETWORK WITHIN THE CITY OF SANTA
FE; THE RIGHT TO USE THE CITY PUBLIC
RIGHTS-OF-WAY TO PROVIDE
TELECOMMUNICATIONS SERVICES WITHIN
THE CITY; AND FIXING THE TERMS AND
CONDITIONS THEREOF.

REQUEST FOR APPROVAL OF AN APPROVED 5
ORDINANCE GRANTING PLATEAU
TELECOMMUNICATIONS, INC., A
NON-EXCLUSIVE FRANCHISE TO
OPERATE A TELECOMMUNICATIONS
NETWORK WITHIN THE CITY OF
SANTA FE; THE RIGHT TO USE THE CITY
PUBLIC RIGHTS-OF-WAY TO PROVIDE
TELECOMMUNICATIONS SERVICES WITHIN
THE CITY; AND FIXING THE TERMS AND
CONDITIONS THEREOF.

INFORMATIONAL ITEMS

NEW MEXICO'S BROADBAND INFORMATION/DISCUSSION 5-8
INITIATIVES

ITEMS FROM THE COMMITTEE	INFORMATION/DISCUSSION	8
ITEMS FROM STAFF	INFORMATION/DISCUSSION	9
ITEMS FROM THE CHAIR	NONE	9
ITEMS FROM THE PUBLIC	NONE	9
NEXT MEETING DATE	MAY 9, 2018	9
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**ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
MARKET STATION AT THE RAILYARD
500 MARKET STATION, SUITE 200
WEDNESDAY, APRIL 11, 2018, 11:00 AM**

I. CALL TO ORDER

The meeting of the Economic Development Advisory Committee was called to order by Councilor Roman Abeyta, Chair, at 11:00 am on Wednesday, April 11, 2018, at Market Station at the Railyard, 500 Market Station, Suite 200, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT

Councilor Roman Abeyta, Chair
Holly Bradshaw-Eakes, Vice Chair
Kate Kennedy
John Feins
Doug Orr
Dr. Camilla Bustamante
Chuck Higgins
Helen Brooks
Kim Kelly
(Vacancy)

MEMBERS ABSENT

OTHERS PRESENT

Matt Brown, Economic Development Director, City of Santa Fe
Fabian Trujillo, Economic Development, City of Santa Fe
Rich Brown, Economic Development, City of Santa Fe
Liz Camacho, Economic Development, City of Santa Fe
Sean Moody, Economic Development Department Consultant
Gar Clark, NMDOIT, State of New Mexico
Kelly Boan, Conterra, Regulatory and Special Projects Manager
Elizabeth Martin, Stenographer

**B. APPROVAL OF MINUTES
MARCH 14, 2018**

MOTION A motion was made by Mr. Feins, seconded by Ms. Bradshaw-Eakes, to approve the minutes as presented.

VOTE The motion passed unanimously by voice vote.

C. APPROVAL OF AGENDA

MOTION A motion was made by Mr. Feins, seconded by Ms. Bradshaw-Eakes, to approve the agenda as presented.

VOTE The motion passed unanimously by voice vote.

D. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

II. CONSENT AGENDA

None.

III. ACTION ITEMS

A. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING BROADBAND NETWORK OF NEW MEXICO, LLC, A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

Mr. Moody said in the City's broad strategy for broadband one strategic path is to open the franchise process. There are 2 different forms of agreement. Broadband Network of New Mexico intends to build overhead facilities. That is included in item A, but is not planned for the other 4. This is in anticipation of another change in State law. This one is written as a one off. This carrier has the right under current law to build this under this franchise. That will change with the new law. The State law changing is intended to take out of the hands of municipal government a lot of the controls on the rights-of-way to allow the cell companies to deploy smaller antennas, particularly on street lights, more quickly. This is to supply coverage to areas of the City.

Mr. Orr asked we allowing rights-of- way on poles. How do we limit the connections due to physical space.

Mr. Moody said there will not be a number or limit on overhead wireless units or

how many wires can go on a pole. 98% of the poles in the City are owned by PNM. They rent out the space with their own agreement. Both PNM and the City, who defers to PNM, are concerned with safety issues. A survey done 10 years ago showed too many poles in Santa Fe are fully occupied. Conterra will use poles as they can, but they don't anticipate many more wires going overhead.

Mr. Orr said this opens up things for franchising. Is it something we need to limit.

Mr. Moody said from the City point of view there is a lot involved protecting the City landscape and view scape without limiting service. Part of that is allowing new poles.

Mr. Feins asked with the decline is there is going to be franchise revenue why not ask for a larger fee.

Mr. Moody said the City attempted to raise rates 6 years ago. It went to both Federal and State court and took a number of years to resolve. The outcome is in our new code and this is consistent with that code.

Ms. Kelly said she understood that broadband would be underground, but there are cell towers mixed in here. Why is that.

Mr. Moody said our Chapter 27 addresses telecommunications including telephone service. A lot of what the City is doing is making its code comply with Federal code. The City wants to keep regulation where it can and make sure regulations do not conflict with Federal law.

Mr. Brown said broadband is going across wires and airwaves. Both use wireless and cable. Think of them together.

Mr. Clark said based upon speed, 23 mega bits per second is the definition of broadband in Federal regulations. 25 down, 4 up. What technology type it rides on does not matter. They all meet those capacities and speeds.

Ms. Kelly asked if all of this is being taken out of the regulation of the City in the fall does that mean cell towers can be built wherever they want.

Mr. Moody said no. The State Act allows the City to do some regulations still. Part of that is placement. The City goal is to try to restrict small wireless to places who already have street lights and utility poles. He will send out the new State law through Mr. Trujillo.

Mr. Orr said they are talking about small wireless.

Ms. Bradshaw-Eakes asked in clarifying fees, don't the fees go away when the

Statute kicks in in September.

Mr. Moody said small wireless yes, otherwise no. The wireless is a stand alone.

Mr. Brown said it is a \$250 annual fee for each antenna that is put up.

MOTION There was a motion by Ms. Kennedy, seconded by Mr. Orr, to approve the request.

VOTE The motion passed unanimously by voice vote.

B. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING COMPUTER NETWORK SERVICE PROFESSIONALS, INC., DBA NMSURF, A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE THE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

Mr. Higgins asked why is there an upper limit on these as to the speed.

Mr. Moody said these broad descriptions are not meant to limit anything. There is no limit to the speed allowed. They don't have speed limits in law. The numbers in the descriptions are taken from the applicants data.

Mr. Moody said Conterra, one of the applicants, is here today. They are in town to deliver a wide area network to the school system. They will be supplying underground and over ground lines. On top of that network they will be supplying a faster network. They are building fiber.

MOTION A motion was made by Ms. Bradshaw-Eakes, seconded by Ms. Kennedy to approve the request.

VOTE The motion passed unanimously by voice vote.

C. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING CONTERRA ULTRA BROADBAND, LLC, A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE THE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

MOTION A motion was made by Dr. Bustamante, seconded by Ms. Kennedy, to

approve the request.

VOTE The motion passed unanimously by voice vote.

- D. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING CYBER MESA COMPUTER SYSTEMS, INC., A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE THE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.**

MOTION A motion was made by Dr. Bustamante, seconded by Ms. Bradshaw-Eakes, to approve the request.

VOTE The motion passed unanimously by voice vote.

- E. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING PLATEAU TELECOMMUNICATIONS, INC., A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE THE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.**

MOTION A motion was made by Ms. Kennedy, seconded by Ms. Kelly, to approve the request.

VOTE The motion passed unanimously by voice vote.

IV. INFORMATIONAL ITEMS

A. NEW MEXICO'S BROADBAND INITIATIVES

Mr. Brown said he had to leave the meeting. He welcomed Councilor Abeyta and thanked him for being the Chair.

Mr. Trujillo introduced Mr. Clark. He said he was with NMDOIT and is an expert in broadband. He is going to talk to the Committee today about the State's initiatives to employ broadband across the State.

Mr. Clark said his report is in the packet. He reviewed the report.

Questions from the Committee were as follows:

Mr. Feins said he sees on page 8 that Santa Fe is way up there in the number of under served businesses. On page 10 it said businesses have a lot less revenue without broadband. How much are we losing in GRT and income taxes. We have 1,298 under served businesses in the State Capital and need \$4.2 million to address it. What are the next steps.

Mr. Clark said we are partnering with the internet providers. Comcast's cable is underutilize. We need to put together a business plan with a \$1 million investment for the City of Santa Fe to plan how to deal with that. We need a business and an engineering plan. Then a competitive bidding process to light things up. What are the ISPS willing to bring to the table. We would need to do a survey of is it that good or bad with businesses. That is where we can help and the chambers of commerce can help as well. We have the survey instrument.

Mr. Fiens asked do these businesses know they are under served.

Mr. Clark said we need the data on that.

Mr. Feins said Century Link has \$65 million for rural areas and we need \$4 million in Santa Fe. There has to be a fix here and a rapid response plan we could do. Maybe this is something we could look into.

Mr. Feins said we need to make sure there is a link between what you folks know and what economic development understands. He is concerned about businesses not locating here due to lack of broadband.

Mr. Clark said with the LEDA funds you cannot directly fund broadband, but if you are building you can bring internet in to that building. Back dooring broadband into businesses can work. It would be nice to have something equivalent to LEDA for broadband so we could utilize funds in the State to establish broadband. Getting a fund on a State level would be helpful. On the economic development side the Association of General Contractors is an entity we are working with to get into unions and established companies in order to survey their businesses to see where the push points are. The other part is bringing in the Chambers of Commerce to go out to businesses to survey the businesses. Survey is the first thing. We did one in Socorro that was very successful.

Ms. Kelly asked don't we have all the emails of the businesses.

Mr. Moody said we did use that database for a survey 2 years ago and got very little response.

Mr. Clark said we have Santa Fe County's data and sent out the link to a survey. There was very little response.

Ms. Kennedy asked are schools considered in the business category in terms of under served businesses.

Mr. Clark said they are public facilities.

Ms. Kennedy said we have struggled with schools not having bandwidth for testing. How could you best address that in terms of State funding and is there a positive outlook. They are suffering from low test scores because they cannot test.

Mr. Clark said the \$50 million we got was sparked from the Governor's passion for testing. We did that 2 years ago. The outlook is looking excellent because we are lighting up the schools. PED mandated the schools to test before they had the infrastructure to support it. That was wrong. The schools need technical support.

Ms. Kennedy asked what about the film industry. We lose post production. We have to send it to a larger market. She did not see film addressed in here.

Mr. Clark said it is part of the puzzle. You are correct. We did an assessment of where all the studios are. We need to be working with New Mexico Partnership.

Mr. Trujillo said the school district approved educational technology for \$55 million for technology and Conterra is responsible for implementing that.

Mr. Boan said he deals with 13 states and the Federal government. There is a lot of Federal money and it is carefully siloed. The e-rate funding makes it easier to get larger amounts of capital injected into schools for broadband. E-rate 2.0 allows them to get all their money back. Santa Fe is utilizing this fund. The State can put up 10% of the budget and the Feds will put in 10%. NM Public Schools will have zero in it. That is how things are getting done. Our first customer was Gadsden School District. The program has one more year to run from a Federal level. It is an open question as to if it will be extended. He has advised the schools to lean on their Federal politicians to lean on the FCC. They need a couple of more years to get it done.

Mr. Higgins asked for clarity what do you need for the State in an ideal world.

Mr. Clark said we need a fund so that we can match money in the same model as the schools for healthcare clinics and libraries. We need \$5 mill. We can leverage that for large funds.

Mr. Higgins asked is there a piece of legislation out there we could look at.

Mr. Clark said we got the library fund, but no cash. We need a broadband fund. He can send him that legislation as a sample. He will send it to Fabian for the Committee. Also we need the continuation of funding for schools. It sunsets in 2 ½ years. Maybe a Broadband Advisory Committee that includes industry, State and local.

Chair Abeyta said thank you.

V. ITEMS FROM THE COMMITTEE

Mr. Feins said he wanted to point out that in his neighborhood there is fiber being put in. They drilled into the PNM electric line. We had no power. We want to expand and have economic competition, but he hopes the City is careful in holding them accountable.

Mr. Higgins said he is getting the sense that the toilet downtown program is getting some traction. It has become more specific. The program has been submitted to the Mayor who seems to be interested. An app is being worked on to find the bathroom downtown. Santa Fe may be the first place to do this.

Ms. Kennedy said the Prom Closet opens this Sunday at the Fraternal Order of Police. We have joined the Special Needs program and the Police program to form the Prom Closet. We are supporting low income and disabled children from Taos to Valencia County. She will send a flyer to Fabian so he can send it out.

VI. ITEMS FROM STAFF

Mr. Trujillo welcomed the Chair and said it was great to have him here.

Mr. Trujillo said a lot of members are asking about appointments. He has not gotten any word from the Mayors Office except a request to submit the list of members and their terms. Most of ours are up in 18 and 19.

Chair Abeyta asked that Mr. Trujillo give him a copy and he will go to Mayor and work on that.

Chair Abeyta said if there are things we want to change about the Committee now is the time to do it. The make up or the charge of it. The Mayor is going to try to look at all the Committees and at consolidating and eliminating some. He doesn't see this Committee going anywhere. Again, if there are any ideas how to improve this Committee now is the time. He will share the information with the Mayor and will make it happen. The economic development business of the City is a priority of his.

VII. ITEMS FROM THE CHAIR

None.

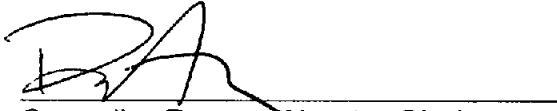
VIII. ITEMS FROM THE PUBLIC

None.


**IX. NEXT MEETING DATE
MAY 9, 2018**

X. ADJOURN

There being no further business before the Committee the meeting adjourned at 12:35 pm.



Councilor Roman Abeyta, Chair



Elizabeth Martin, Stenographer