



2006 NOV 31 PM 5:40

December 12, 2006

Oakland City Council
Oakland, California

Chairperson Quan and Members of the Finance and Management Committee:

RE: Resolution Authorizing the City Administrator to Execute a Professional Services Agreement between the City of Oakland and Miller & Van Eaton in an Amount not to Exceed \$80,000 to Represent the City of Oakland in Cable Television Franchise Renewal Negotiations with Comcast and for Providing Advice to City Council and City Staff Regarding Franchise Renewal Negotiations for the Period January 1, 2006 through June 30, 2007 with One Option of One Year to Renew

SUMMARY

This report seeks approval of a Resolution to authorize a contract with Miller & Van Eaton to represent the City of Oakland in cable television franchise renewal negotiations with Comcast and for providing advice to City Council and City staff regarding franchise renewal negotiations.

The law firm of Miller & Van Eaton has been indispensable in our ongoing negotiations with Comcast over the past eight years. The firm and our contact, Bill Lowery, have extensive experience in cable television franchise negotiations. The services of Miller & Van Eaton are required at least through June 30, 2007 because a new cable television franchise has not yet been signed with Comcast. This contract covers expenses over the past year, as well as some future work, if required, on negotiations with Comcast for a cable franchise.

FISCAL IMPACT

Approval of the proposed resolution will authorize a contract with Miller & Van Eaton, in an amount not to exceed \$80,000, to represent the City of Oakland in cable television franchise renewal negotiations with Comcast and for providing advice to City Council and City staff

Item: _____

Finance & Management Committee
December 12, 2006

regarding franchise renewal negotiations. Funding is available within the Telecommunications Fund (1760), Citywide Activities Organization (90591), and Miscellaneous Contract Services (54919) for this activity.

BACKGROUND

Miller & Van Eaton was first hired by the City of Oakland in August of 1998 to assist with the cable television franchise negotiations with Comcast. The services they have provided include: managing the development and follow through of a negotiation strategy and project plan, providing advice to the City Council and staff of items that should be included in the new franchise agreement, providing guidance on items which the City is prohibited from including in a cable television franchise agreement, developing a comprehensive community needs assessment for the new franchise agreement, representing the City in negotiations, drafting the new franchise agreement and drafting the city's new cable ordinance.

This contract will cover past expenses for this negotiations work, as well as some future work if needed. Because the new cable franchise agreement has not yet been signed by Comcast, the services of Miller & Van Eaton will be required for the foreseeable future.

KEY ISSUES AND IMPACTS

The term of the contract is January 1, 2006 through June 30, 2007 in order to pay outstanding bills to Miller & Van Eaton for past work and also to cover work for the foreseeable future. This report also seeks authorization to renew this contract for up to one year in the event that the services of Miller & Van Eaton are required beyond June 30, 2007.

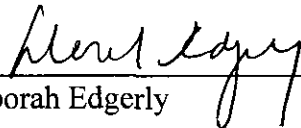
RECOMMENDATIONS

Staff requests City Council approval to authorize the City Administrator to execute a contract with Miller & Van Eaton in an amount not to exceed \$80,000 to represent the City of Oakland in cable television franchise renewal negotiations with Comcast and for providing advice to City Council and City staff regarding franchise renewal negotiations.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that Council approve a resolution authorizing the City Administrator to execute a contract with Miller & Van Eaton in an amount not to exceed \$80,000 to represent the City of Oakland in cable television franchise renewal negotiations with Comcast and for providing advice to City Council and City staff regarding franchise renewal negotiations for the period between January 1, 2006 through June 30, 2007 with the option to renew the contract for one term of one year.

Respectfully submitted,



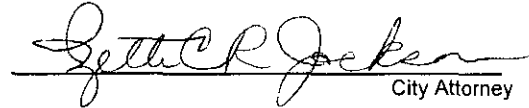
Deborah Edgerly
City Administrator

Prepared by:
Anne Campbell Washington
Assistant to the City Administrator

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 NOV 30 PM 5:40

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OAKLAND AND MILLER & VAN EATON IN AN AMOUNT NOT TO EXCEED \$80,000 TO REPRESENT THE CITY OF OAKLAND IN CABLE TELEVISION FRANCHISE RENEWAL NEGOTIATIONS WITH COMCAST AND FOR PROVIDING ADVICE TO CITY COUNCIL AND CITY STAFF REGARDING FRANCHISE RENEWAL NEGOTIATIONS FOR THE PERIOD JANUARY 1, 2006 THROUGH JUNE 30, 2007 WITH ONE OPTION OF ONE YEAR TO RENEW

WHEREAS, Miller & Van Eaton was first hired by the City of Oakland in August of 1998 to assist with the cable television franchise negotiations with Comcast; and

WHEREAS, the services Miller & Van Eaton has provided include: managing the development and follow through of a negotiation strategy and project plan, providing advice to the City Council and staff of items that should be included in the new franchise agreement, providing guidance on items which the City is prohibited from including in a cable television franchise agreement, developing a comprehensive community needs assessment for the new franchise agreement, representing the City in negotiations, drafting the new franchise agreement and drafting the city's new cable ordinance; and

WHEREAS, the law firm of Miller & Van Eaton and our assigned attorney, Bill Lowery, have extensive experience in cable television franchise negotiations and have been indispensable in our ongoing negotiations with Comcast over the past eight years; and

WHEREAS, the services of Miller & Van Eaton are required at least through June 30, 2007 because a new cable television franchise has not yet been signed with Comcast; and

WHEREAS, this resolution authorizes a contract to cover past expenses, as well as future work, if required, on negotiations with Comcast for a cable franchise; and

WHEREAS, Funding is available within the Telecommunications Fund (1760), Citywide Activities Organization (90591), and Miscellaneous Contract Services (54919) for this activity; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to execute a contract with Miller & Van Eaton in an amount not to exceed \$80,000 to represent the City of Oakland in cable television franchise renewal negotiations with Comcast and for providing advise to City Council and City staff regarding franchise renewal negotiations; and be it

FURTHER RESOLVED: That the term of the contract will be set for the period between January 1, 2006 through June30, 2007 with the option to renew the contract for one term of one year.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California