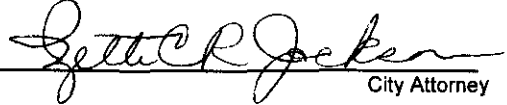


OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2006 NOV 30 PM 5:40

APPROVED AS TO FORM AND LEGALITY

  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 80325 C.M.S.

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**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, DEC 19 2006, 20    

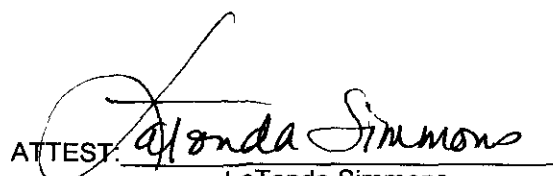
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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