



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by MediaOne regarding infrastructure improvements in the Lodi area

MEETING DATE: October 15, 1997

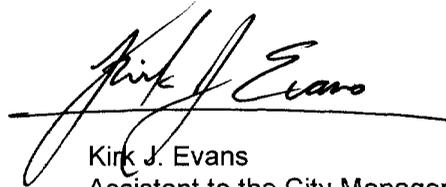
PREPARED BY: Assistant to the City Manager

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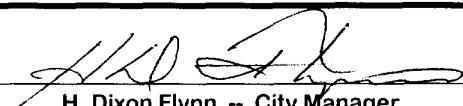
RECOMMENDED ACTION: None required

BACKGROUND INFORMATION: Eileen Martin, General Manager and Doug Kyler, Project Manager for MediaOne, will be at the meeting of October 15, 1997 to make a presentation to City Council regarding infrastructure upgrades the cable television company is making to its signal distribution system - and what this means to the citizens of Lodi.

FUNDING: None required.

  
Kirk J. Evans  
Assistant to the City Manager

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
KEITH LAND  
STEPHEN J. MANN  
DAVID P. WARNER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807

H. DIXON FLYNN  
City Manager  
RANDALL A. HAYS  
City Attorney  
ALICE M. REIMCHE  
City Clerk

October 24, 1997

Mrs. Gudrun Meisner  
221 Mokelumne River Drive  
Lodi, CA 95240

Re: Easement Utilization

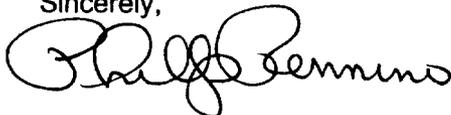
Dear Mrs. Meisner:

I wish to thank you for your appearance before the City Council on October 15, 1997. Our system of government works best when the people we represent make their concerns known. Your input regarding the performance of Media One as the City's cable television franchise is important to us.

One of the concerns you expressed was the use by cable television of the easement that crosses your property. While this easement is titled a public utility easement, it is not limited to those things which fit the definition you mentioned in your letter. The definition is somewhat broader and is not solely limited to something which is an essential public service. Cable television is regulated both at the federal level, the state level and the local level. At the local level, even in 1978, the then cable operator was granted rights to use the easement by the City. In recent years the cable operators have gained substantial rights through the Federal government, which have actually diminished the local controls.

Again, thank you for your input.

Sincerely,



PHILLIP A. PENNINO  
Mayor

PAP/pn

Gudrun Meisner  
221 Mokelumne River Dr.  
Lodi, Ca. 95240

October 15th, 1997

To the Lodi City Council:

Having had several encounters with Media One, I am convinced, that every employee of this entertainment company has been specially trained to be bullish, aggressive, and even insulting in order to get their job done. The job, of course, consists of installing new equipment.

A few weeks ago I noticed some of my ground cover dying and then I saw that the roots had been pulled out of the ground. A neighbor told me that she saw a cable television man tramping around in my rock garden. I had four more visits by Media One employees, and it is difficult to decide which one was the biggest bully.

"I am from the government and I have to check some of our equipment." one guy told me while tearing on my plants in my rock garden.

"The government?" I asked pointing at his Cable TV truck parked across the street. He still insisted, that he was working for the government. A week later another guy told me, that he works for the City of Lodi. I told him, that it is new to me that the City of Lodi employees drive around in Media One trucks.

Sometimes later a third guy went so far as to tell me: "Ma'am - this is not your property. We (Cable TV) have bought this area from the government." He pointed at the area where the easement is.

The last guys visiting gave me two choices.

First choice: They would remove the old cable box which is buried and not visible in my rock garden and replace it with a new cable box placed above the ground, which obviously will be an ugly eye sore in my rock garden - not to mention the damage done to my plants.

2nd Choice: They would have to dig up an enormous area in order to remove the cable box for good, and then I would have that big hole to look at.

The fact is, that it took me three years to have the ground cover and plants look the way they look now. The ground cover has six foot long runners in all directions. If you damage the roots - everything will die around it. There is no quick fix for a re-landscaping.

My home is 18 years old. The previous owner never subscribed to Cable TV, and I live 11 years in this house and likewise have never subscribed to Cable TV - and I guarantee you that I never will!

Now my question is, what right had the City of Lodi 18 years ago to allow Cable Television to bury their equipment in my property. In my property deeds it reads, EASEMENT PURPOSE: PUBLIC UTILITY.

By law an easement means, a right held by someone to make use of the land for a LIMITED PURPOSE. In this case: FOR PUBLIC UTILITY.

Now PUBLIC UTILITY is defined as: A business enterprise, as a public service corporation - PERFORMING AN ESSENTIAL PUBLIC SERVICE and regulated by the federal and local government. .

ESSENTIAL is defined as: ABSOLUTELY NECESSARY; INDISPENSABLE.

I doubt very much, that Cable TV qualified as such 18 years ago when they put their equipment into my grounds.

I am sure, Cable TV paid and still is paying the City of Lodi plenty of money to keep their equipments in the homeowners easements. Meanwhile, I have to put up with a lot of harassments and the threat that they will tear up my rock garden.

May I suggest, to leave that cable box buried under my rock garden and go and dig somewhere else!

Thank you,

*Gudrun Meisner*  
(Gudrun Meisner)

I am questioning the legality of that cable box being buried in my front yard in 1978!?

*Randy*

Please Prepare a letter for my signature.

Thank *Paul*



## MEMORANDUM, City of Lodi, Public Works Department

**To:** Management Team  
**From:** City Engineer  
**Date:** October 16, 1997  
**Subject:** Media One Complaints

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At the October 15 City Council meeting, the various problems with Media One's cable TV system rebuild were presented. During their presentation Media One promised to improve communications with the affected public and deal with the problems they have created. At the meeting, the City Manager stated we would forward a list of all the complaints we have received to Media One.

Since the Engineering Division has issued the encroachment permits covering this work, I feel we should compile this list. We also intend to use what little authority we have under our Cable franchise ordinance to require a better installation. If you have any suggestions in this regard, please contact me at extension 759. Please send complaint information you or your department, particularly addresses and names/phone numbers, to Jeannie Matsumoto at City Hall by Wednesday, October 22, 1997.

Thanks for your help.

A handwritten signature in black ink, appearing to read "Richard C. Prima, Jr.".

Richard C. Prima, Jr.  
City Engineer

RCP/rcp

cc: Public Works Director  
Jeannie Matsumoto

Date \_\_\_\_\_

Time \_\_\_\_\_

Dear Resident,

Media One is upgrading the cable system in your neighborhood. This will require the placement of an above ground enclosure within the easement in the vicinity of the property line.

Please call:

\_\_\_\_\_

if you have any questions. Work is scheduled to take place the week of \_\_\_\_\_

Thank you very much.

**Media One Construction Services**

**Media** **One**<sup>SM</sup>

410  
15

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221 Mokelumne River Dr.  
Lodi, Ca. 95240

October 15th, 1997

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