



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving a Renewal Agreement with the Woodbridge Irrigation District for the Use of Property for Filter System at Well 16, 1426 West Century Boulevard

MEETING DATE: September 19, 2001

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to execute a renewal agreement with the Woodbridge Irrigation District for the use of property for the granular activated carbon filter system at Well 16, 1426 West Century Boulevard.

BACKGROUND INFORMATION: The Woodbridge Irrigation District (WID) is allowing the City to use a portion of its right-of-way to house a State-required granular activated carbon filter system at Well 16. These units are installed to remove dibromochloropropane (DBCP). This ten-year agreement gives the City permission to maintain the filter system and enter the WID right-of-way for inspection and maintenance purposes. If additional filtering time is required, a new agreement will be negotiated at that time.

FUNDING: Not applicable.

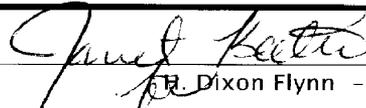

Richard C. Prima, Jr.
Public Works Director

Prepared by Fran E. Forkas, Water/Wastewater Superintendent

RCP/FEF/MD/dsg

cc: Randy Hays, City Attorney
Woodbridge Irrigation District
Fran E. Forkas, Water/Wastewater Superintendent
Marlinda C. Devera, Management Analyst

APPROVED: _____



H. Dixon Flynn -- City Manager

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2001, by and between **WOODBRIIDGE IRRIGATION DISTRICT**, hereinafter called “**DISTRICT**”, and the **CITY OF LODI**, a Municipal Corporation, hereinafter called “**CITY**”.

WITNESSETH

WHEREAS, CITY purposes to use additional DISTRICT right-of-way for the purpose of housing and maintaining a State-required granular activated carbon filter system on the CITY’S domestic water Well Number 16.

NOW, THEREFORE, in consideration of and subject to the covenants and conditions herein contained, it is further agreed by and between the parties as follows:

The CITY agrees to:

- A. Maintain installed equipment necessary to remove dibromochloropropane (DBCP) from the CITY’S domestic water Well Number 16. The CITY will not block ingress or egress of the DISTRICT personnel nor will the CITY interfere with any DISTRICT activities by the installation or maintenance of the equipment. During any maintenance of the granular activated carbon filter system ingress and egress may be blocked although the CITY will make all reasonable efforts to comply with any reasonable District request for ingress and egress to DISTRICT property and facilities.

CITY shall be solely responsible for the maintenance, repair, and replacement of all installations involving the granular activated carbon filter system, and for the disposal of all wastes or particles removed by the process, and for the repair or cost of repair of any damage or injury which may occur to DISTRICT facilities or third parties and shall pay all costs associated therewith, unless said damage or injury is caused by activities of the DISTRICT.

- B. Do no work in the right-of-way of the DISTRICT other than inspection and maintenance without receiving authorization from the DISTRICT. DISTRICT reserves the right to enter upon the premises at all times for the purpose of inspection of its own facilities, and in the event that repair of the DISTRICT facilities is necessary or required because of damage caused by the CITY, the CITY after notice from the DISTRICT will immediately proceed to repair the same at its own costs and expense, or failing to do so, the DISTRICT may repair the same at the cost and expense of the CITY.

- C. Allow DISTRICT to inspect that portion of the domestic water system in the DISTRICT right-of-way.

- D. Will maintain Class III aggregate base on the levee area in the vicinity of the proposed work. This work shall also be done by the CITY as directed by the DISTRICT at the sole cost and expense of the CITY.

- E. Will maintain the existing chain link fence in the DISTRICT right-of-way at the sole cost and expense of the CITY. The CITY shall do all maintenance within the fenced

area. With authorization from the DISTRICT, the CITY shall be allowed access through the DISTRICT gate on Century Boulevard for the purpose of doing maintenance work on the CITY'S domestic water system.

- F. The materials removed by the granular activated carbon filter system shall not be discharged onto or into any DISTRICT facilities including, but not limited to, the right-of-way which is subject of this agreement.
- G. The CITY shall indemnify and hold DISTRICT and its employees, agents, and representatives, harmless from any loss, claim, damage, or cause of action which may be claimed or asserted against the DISTRICT and its employees, agents, and representatives as a result of the installation and operation of the CITY facilities including the granular activated carbon filter system and the CITY'S use of the right-of-way in which the same is contained, except for any loss, claim, damage, or cause of action caused by activities of the DISTRICT.
- H. This agreement shall remain in effect for ten years from the date of its execution. At the end of that time the CITY may negotiate with the DISTRICT for a new agreement. If no new agreement is entered, the CITY shall remove its equipment from the right-of-way at its sole cost and expense and return the right-of-way to its original condition as much as possible.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year hereinabove written.

WOODBIDGE IRRIGATION DISTRICT

CITY OF LODI, A Municipal Corporation

BY: _____
President of the Board of Directors

BY: _____
H. Dixon Flynn, City Manager

DATE SIGNED: _____

DATE SIGNED: _____

ATTEST: _____
Secretary to the Board

ATTEST: _____
Susan Blackston, City Clerk

APPROVED AS TO FORM:

Randall Hays, City Attorney

RESOLUTION NO. 2001-221

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING A RENEWAL AGREEMENT WITH THE
WOODBIDGE IRRIGATION DISTRICT FOR USE OF
PROPERTY FOR FILTER SYSTEM AT WELL 16, 1426
WEST CENTURY BOULEVARD

=====

WHEREAS, the Woodbridge Irrigation District (WID) is allowing the City to use a portion of its right-of-way to house a State-required granular activated carbon filter system at Well 16, located at 1426 West Century Boulevard; and

WHEREAS, the filter system is installed to remove Dibromochloropropane (DBCP); and

WHEREAS, this ten-year renewal agreement will continue to give the City permission to maintain the filter system and enter the WID right-of-way for inspection and maintenance purposes.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the renewal agreement with Woodbridge Irrigation District for the granular activated carbon filter system at Well #16; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to execute said Agreement on behalf of the City of Lodi.

Dated: September 19, 2001

=====

I hereby certify that Resolution No. 2001-221 was passed and adopted by the City Council of the City of Lodi in a special meeting held September 19, 2001, by the following vote:

- AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk