

AMENDMENT NO. 2 TO INDUSTRIAL WASTE CONNECTION  
MEMORANDUM OF UNDERSTANDING

MICHAEL/DAVID WINERY, LLC

THIS AMENDMENT NO. 2 to INDUSTRIAL WASTE CONNECTION MEMORANDUM of UNDERSTANDING ("Amendment No. 2"), made and entered this \_\_\_\_ day of \_\_\_\_\_, 2026, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and VAN MICHAEL/DAVID WINERY, LLC, a California limited liability company (hereinafter "WINERY").

WITNESSETH:

1. WHEREAS, WINERY and CITY entered into an Industrial Waste Connection Memorandum of Understanding on October 18, 2006, allowing WINERY to truck in their industrial effluent to the City's Industrial Wastewater Treatment Plant as a business attraction incentive for downtown revitalization ("MOU"), attached hereto as Exhibit A and made a part hereof; and
2. WHEREAS, Amendment No. 1 of said MOU, attached as part of Exhibit A was made and entered on February 28, 2014, to delete the time and year restriction in paragraph 2b of the MOU;
3. WHEREAS, the Definitions Section 1(a) "Downtown Lodi" means the area bordered by Church Street, Lodi Avenue, Pacific Railroad, and Lockeford Street ; and
4. WHEREAS, the Lodi Downtown Specific Plan, adopted on June 3, 2026, expanded the Downtown Lodi geographic area ; and
5. WHEREAS, the WINERY is relocating their downtown tasting room within the Downtown Specific Plan area;
6. WHEREAS, the WINERY has requested the "Downtown Lodi" definition be amended to reflect the Downtown Specific Plan area in order for the tasting room to be compliant with MOU;

NOW, THEREFORE, all parties agree to amend Section 1 (a) "Downtown Lodi" as defined by the Downtown Specific Plan Area. All other terms and conditions of the MOU shall remain unchanged.

IN WITNESS WHEREOF, CITY and WINERY have executed this Amendment No. 2 to the Industrial Waste Connection Memorandum of Understanding on the day and year first above written.

CITY OF LODI, a municipal corporation  
hereinabove called "CITY"

MICHAEL/DAVID WINERY, LLC,  
a California limited liability company  
hereinabove called "WINERY"

\_\_\_\_\_  
AARON M. BUSCH  
Interim City Manager

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DAVID PHILLIPS  
Co-Owner

ATTEST:

OLIVIA NASHED  
City Clerk

APPROVED AS TO FORM:

JOHN M. LUEBBERKE  
Interim City Attorney