

Memorandum of Understanding
(City of Westlake Village/Las Virgenes Municipal Water District)

This Memorandum of Understanding ("MOU") is executed by the City of Westlake Village ("City") and the Las Virgenes Municipal Water District ("District"), and is dated 2-26-13, 2014 for reference purposes.

RECITALS

- A. As a component of its Backbone System Improvement Project ("Backbone Project"), District is constructing a five million gallon water storage tank ("Tank Project") on the western shore of the Las Virgenes Reservoir ("Reservoir").
- B. District's construction vehicle access to the Reservoir for the Tank Project will require use of City's public streets.
- C. The parties have executed this MOU to memorialize their commitments regarding accommodation of Tank Project construction vehicles and mitigation of potential impacts on City's residents including traffic, noise, and pavement degradation.
- D. The City has not taken a position on, or validated the need for, the Tank Project. The execution of this MOU is not intended to be, and shall not be interpreted as, a determination by City regarding the merits or necessity of the Tank Project.

NOW, THEREFORE, the parties agree as follows:

1. TERM.

This MOU shall be effective upon execution and shall expire upon performance of all of the obligations specified herein.

2. DISTRICT COMMITMENTS.

- A. District shall in good faith implement the mitigation measures set forth in the attached Exhibit A.
- B. District shall perform a video survey of Three Springs Drive and Torchwood Place prior to construction. Still photographs shall also be used to document agreed upon areas. The video survey and still photographs shall be used to determine any damage to the roadway caused by construction traffic. The cost of any required repairs based on a mutual District and City review shall be paid to City by District. The restoration work shall be performed as a part of City's Annual Street Maintenance Program.
- C. District shall conduct a pre and post survey of the speed humps' profile. The survey shall be used to determine any damage to the speed humps caused by construction traffic. The cost of any required repairs based on a mutual District and City review shall be paid to City by District. The restoration work shall be performed as a part of City's Annual Street Maintenance Program.

- D. If it becomes necessary to remove the speed humps during construction, City and District shall equally share the cost of removal and replacement to be performed by the City. Should the City determine that the speed humps need to be removed during this construction period, the City will prepare a comprehensive Contingency Plan that addresses all safety measures needed during daily construction periods and during non-work hours and weekends. This plan shall be prepared in advance of any removal activity to allow sufficient time for review by the Three Springs Homeowners Association.
- E. District shall be responsive to concerns raised by City or the community.

3. CITY COMMITMENTS.

- A. City shall in good faith accommodate District's access to the Tank Project. As part of its commitment under this Section, City shall reasonably process any applications received from District or its contractors in connection with the Tank Project.
- B. When deemed appropriate by the City, the City shall initiate an informational "All Call" to residents within the Three Springs Neighborhood on Heavy Construction Days, or other significant days of construction activity.

4. CEQA.

The parties acknowledge that District has adopted an October 2009 Mitigated Negative Declaration ("MND") for the Backbone Project, and that the MND includes an environmental analysis of the Tank Project. The parties jointly find that, on the basis of substantial evidence in the light of the whole record, there are no substantial changes to the Tank Project, no substantial changes in the circumstances under which the Tank Project is being undertaken, and no new information of substantial importance that was not known to District at the time the MND was adopted that trigger any of the conditions identified in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 that would require an environmental impact report, subsequent negative declaration, or addendum.

5. INTEGRATION.

Exhibit A is incorporated herein by reference. This MOU (including the Exhibit) represents the entire and integrated agreement between the parties and supersedes all prior oral or written negotiations, representations or agreements between the parties regarding this subject matter.

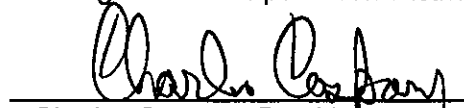
TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this MOU by signing below.

City of Westlake Village



Mark Rutherford, Mayor

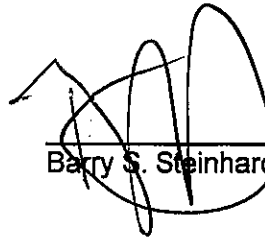
Las Virgenes Municipal Water District



Charles Caspary, President

Attest:


Beth Schott, City Clerk


Barry S. Steinhardt, Secretary

Approved as to form:


Richards, Watson & Gershon
A Professional Corporation



Wayne K. Lemieux, District Counsel
Lemieux & O'Neill

EXHIBIT A
Mitigation Measure Matrix

(attached)

Las Virgenes 5 MG Tank Mitigation Matrix

February 26, 2014

Construction Issues	Mitigation	Spec./Dwg.
1. Slow trucks impeding traffic	1. Heavy construction truck traffic on Three Springs Drive and Torchwood during non-major concrete pouring days & non-road paving days shall be restricted to traffic hours that do not conflict with neighborhood commute and school pick up/drop off periods, for example 8:15 AM to 2:15 PM.	015526.1.07
2. Speeding trucks/cars raising safety concerns	1. Seventy-two hours in advance of concrete pours for the floors and roof, and asphalt and base laying, Contractor shall install radar trailer/sign to raise driver awareness of speed.	015526.1.07.G
	2. Contractor shall use pilot car and/or chase vehicle, as appropriate, to control construction truck traffic if deemed necessary by City or LVMWD.	LVMWD to provide if needed (outside of Contract)
	3. LVMWD to contract with Sheriff Dept. to provide increased patrolling during Heavy Construction Days (estimated to be 14-16 days) and on additional days as mutually agreed to by LVMWD & City.	
	4. LVMWD shall be responsible for posting flaggers as appropriate during heavy construction days or at other times when deemed necessary by LVMWD or City.	
	5. When directed by the City, LVMWD shall post Three Springs Drive for "No Parking" and notify all HOA residents of this requirement at least 72 hours in advance of each occurrence.	
	6. If deemed necessary by the City for safety reasons, centerline and/or edge line striping shall be implemented along the Three Springs Drive corridor at LVMWD cost.	
	7. The District shall hold a meeting(s) with the HOA and City for the purpose of determining safety plan components for non-pave/pour days.	
3. Trucks vs. engine brake (Jake brake) noise	1. Contractor shall restrict diesel truck engine braking on Three Springs Drive, Torchwood Place and LVMWD access road.	015526.1.07.I
	2. LVMWD shall assess \$1,000 penalty per violation if Contractor does not comply with this noise limiting policy	015526.1.07.D
4. Employee vehicle noise (radios, tools clattering, etc.)	1. If deemed necessary by the City or LVMWD, Contractor shall require employees to keep personal vehicle windows rolled up and materials and tools covered/tied down while in transit.	Supplement to General Provisions
5. Litter / tracking of dirt	1. Contractor shall inspect the street daily and sweep street when necessary or when directed by the District or when the City requests the District to direct the contractor.	017410.1.02.E.
	2. Contractor shall construct a paved access road to reservoir site, as soon as possible, to minimize dirt tracking/dust.	DWG C-01, Note 2
6. Construction parking/staging	1. LVMWD/Contractor to develop an employee and construction truck parking and staging area/plan. All construction related vehicles and staging to be accommodated on construction site. No parking and staging on public streets.	015526.1.07.H, DWG G-05
7. No Parking or Staging on Torchwood Place	1. No Parking or staging allowed on Torchwood Place. Construction site access gate to remain open during construction hours at all times. Further, no construction truck traffic allowed outside of construction hours on Torchwood Place.	015526.1.07.F, DWG G-05
8. Conflicts with school pedestrian traffic	1. Heavy construction truck traffic on Three Springs Drive and Torchwood during non-major concrete pouring days & non-road paving days shall be restricted to traffic hours that do not conflict with neighborhood commute and school pick up/drop off periods, for example 8:15 AM to 2:15 PM.	015526.1.07.B 015526.1.07.C
	2. LVMWD to contract with Sheriff Dept. to provide increased patrolling during Heavy Construction Days (estimated to be 14-16 days) and on additional days as mutually agreed to by LVMWD & City.	
	3. LVMWD shall be responsible for posting flaggers as appropriate during heavy construction days or at other times when deemed necessary by LVMWD or City.	
9. Roadway damage	1. Any required roadway repairs shall be performed by the District per Section 2A of the MOU.	Refer to MOU
10. Construction worker appearance/behavior	1. A Contractor/LVMWD representative shall be onsite to monitor and correct appearance/behavior. (Character of workers/Removal from the work)	Contract Agreement Section 19
	2. Public Convenience. Contractor shall cause no unnecessary public inconvenience. The access rights of the public shall be considered at all times.	Contract Agreement Section 27
	3. Contractor shall exercise due care to avoid damages to existing improvements or facilities, utility facilities, adjacent property, and trees and shrubbery that are not to be removed.	DWG G-04, Notes 7
	4. Contractor shall designate and keep a competent superintendent on the project while work is being performed who shall not be replaced without a written notice to the District's representative.	DWG G-04, Notes 8
	5. No smoking is allowed within the jobsite or site access areas.	DWG G-04, Notes 17
11. Coordination of deliveries	1. Deliveries on Three Springs Drive restricted to traffic hours that do not conflict with neighborhood commute and school pick up/drop off periods. Deliveries to be limited between 8:15 AM to 2:15 PM.	015526.1.07.B 015526.1.07.C
	2. LVMWD shall assess \$1,000 penalty per violation if Contractor does not restrict deliveries within normal working hours.	015526.1.07.D
12. Blasting	1. Contractor shall complete a pre- and post-survey to monitor ground movement near residences.	312310.1.08.A
	2. LVMWD shall require the Contractor to hire a pre-qualified blasting subcontractor. No blasting shall occur until a blasting safety plan has been prepared to the satisfaction of LVMWD.	312310.1.04.A
	3. Contractor shall complete a visual/documented survey of houses before and after blast operations	312310.1.08
	4. City shall review the project specifications and plans related to blasting mitigations and the District will revise the specifications and plans based on the City's comments prior to contract award. During the blasting work, District will address complaints received by the City and inform the City of the corrective actions taken.	
13. Dust control	1. Contractor shall construct a paved access road prior to clearing and grubbing to reservoir site to minimize dirt tracking/dust.	DWG C-01, Note 2
	2. Contractor shall inspect the street daily and sweep street when necessary or when directed by the District inspector or when the City requests the District to direct the contractor.	017410.1.02.E
14. Noise Control	1. All construction equipment and all Contractor employee vehicles shall have properly operating mufflers and be maintained in good operating condition.	011100.1.14 B
	2. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact name and number in the event of problems.	011100.1.14 B
	3. The Contractor shall implement the following measures whenever any major impulsive noise source (such as blasting) is operating within 200 feet of a residential home: (1) Notify Three Spring Neighborhood of blasting schedule through mailers, street signs, and the HOA. (2) Meet with closest neighbors within 200 feet of construction site to discuss blasting schedule; (3) Erect temporary barriers to separate the noise-generating equipment from adjacent residences if needed to meet noise thresholds; and (4) No blasting shall occur before 9:00 AM or after 4:00 PM. City to be notified three (3) days prior to any blasting activities.	011100.1.14 B
	4. The Contractor shall implement the following measures: (1) Equipment and trucks used for project construction shall use the best available noise control techniques; (2) Adjacent land uses within 200 feet of the construction site shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction.	011100.1.09 B
	5. Due to the close proximity of blasting to the dam and the nearest residence, a survey shall be taken before the start of construction with photo or video inventory of all existing cracks inside and outside buildings with sufficient detail for comparison after construction to determine whether actual vibration damage occurred from construction.	312310.1.08
	6. LVMWD shall develop neighborhood outreach / noticing program for major changes in construction (meetings, community BBQ, webcams, website, single point of contact, etc.).	
15. Public Outreach	1. In coordination with the City, LVMWD shall establish the process for soliciting, tracking, and responding to inquiries from the public, and establish a "rapid response" process to address pressing or unanticipated issues that can arise during any construction project. The plan may include (1) Site tours; (2) Signage; (3) Project FAQ and construction schedule updates including electronic and social media updates (website, Facebook, Twitter, etc.); and public information meetings.	
	2. LVMWD shall require Contractor to provide advance construction schedules at least very 2-3 weeks and LVMWD shall furnish these schedules to the City and shall keep the City informed of any significant changes.	
	3. District shall identify all contact names and phone number for those personnel available: A. M-F, 8-5; B. 7 days per week at all hours of the day.	
16. Air Quality	1. Construction operation on any unpaved road shall be suspended if winds exceed 25 mph	011100.1.14 B
	2. Water shall be used as dust suppression for construction activities. Non-potable water shall be used where feasible.	011100.1.14 B
	3. Haul trucks shall be covered and two feet of freeboard shall be left between the top of the load and the top of the truck bed	011100.1.14 B
17. Neighborhood point of contact	1. The primary contact for residents shall be LVMWD's representative	
	2. District shall identify all contact names and phone number for those personnel available: A. M-F, 8-5; B. 7 days per week at all hours of the day.	
18. Aesthetics	1. Lighting shall be manually activated or on motion-activate (security); the tank exterior shall be finished with a non-reflective material in an earth tone that blends in with the natural environment; LVMWD shall implement a vegetation restoration plan around the tank site including on the slopes of the earthen berm.	011100.1.14 B
	2. LVMWD shall prepare and implement a vegetation restoration plan around the tank site including on the slopes of the earthen berm. The restoration plan shall utilize native plants similar to the surrounding open space habitat in an effort to blend in with the surrounding habitat.	011100.1.14 B
19. Hours of Construction	1. Regular Working hours 7:00 AM to 4:00 PM Monday through Friday. Workers arriving early shall not park on City streets.	Plans G-5 Note 1
	2. Heavy construction traffic/delivery: 8:15 AM to 2:15 PM. Monday through Friday	15526.1.07
	3. Concrete pour dates and asphalt/base lay dates (estimated at 14-16 days) : 7:00 AM to 4:00 PM, LVMWD shall notify City and the Three Springs HOA 3 days prior to each pour.	15526.1.07
	4. LVMWD shall assess \$1,000 penalty per violation if Contractor does not restrict deliveries within normal working hours.	015526.1.07D
20. Equipment and Material Delivery Routes	Delivery routes to this project site shall ingress via Westlake Boulevard to Triunfo Canyon Road and egress via Triunfo Canyon Road to Lindero Canyon Road.	
21. City Coordination	1. City staff shall be included in progress/construction coordination meetings	LVMWD to coordinate
	2. The City shall be shown as an additional insured under the contractor's project insurance.	Section 20 of Agreement
	3. In advance of each heavy construction day, the District shall provide the City and HOA a specific Safety Plan exhibit showing/describing the extent and placement of safety measures to be implemented.	LVMWD to coordinate
	4. When requested by the HOA and/or City following a heavy construction day, the District shall hold a debriefing meeting with the District, contractor, City and HOA to review the effectiveness of the Safety Plan and to consider changes/modifications, as needed, for future safety operations during this project.	LVMWD to coordinate