



AGENDA REPORT

Meeting Date: April 22, 2012
Item Number: C-1
To: Honorable Mayor & City Council
From: City Attorney
Subject: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS REQUESTING A HEARING BEFORE THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS

Attachments: Resolution

RECOMMENDATION

The City Attorney recommends that the City Council adopt a resolution requesting a hearing before the Board of the Los Angeles County Metropolitan Transportation Authority.

INTRODUCTION

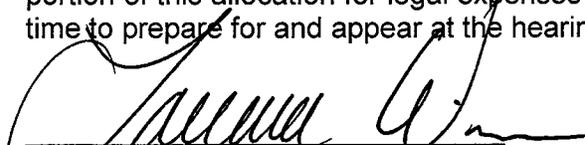
Public Utilities Code Section 30639 provides that any city within the territorial jurisdiction of the Los Angeles County Metropolitan Transportation Authority may request a hearing before the Board of the Authority concerning any proposal by the Authority to fix the location of facilities. The attached resolution would request such a hearing concerning the proposed location of the Century City subway station facility and the related alignment of the subway tunnel beneath Beverly Hills High School.

DISCUSSION

The City of Beverly Hills has expressed its emphatic opposition to the proposal to locate a subway station facility at Constellation Boulevard in Century City because such a location includes a proposed subway tunnel alignment beneath Beverly Hills High School. The City believes that important information concerning the impacts of the proposed subway station and alignment, and alternatives to the proposed station and/or alignment that would avoid impacts to Beverly Hills High School, have not been fully analyzed or discussed before the Board of the Metropolitan Transportation Authority and that the City, the public and the Board would benefit from a full hearing regarding these subjects.

FISCAL IMPACT

The City Council has previously allocated one million dollars toward efforts to avoid tunneling under Beverly Hills High School. The hearing before the Board will involve the presentation of evidence and witnesses and therefore will require the expenditure of a portion of this allocation for legal expenses and to compensate expert witnesses for their time to prepare for and appear at the hearing.



Laurence S. Wiener, City Attorney

Attachment 1

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY
HILLS REQUESTING A HEARING BEFORE THE LOS ANGELES
COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY
RESOLVES AS FOLLOWS:

Section 1. California Public Utilities Code Section 30639 provides that any city within the territorial jurisdiction of the Los Angeles County Metropolitan Transportation Authority may request a hearing before the Board of the Authority concerning any proposal by the Authority to fix the location of facilities.

Section 2. The City of Beverly Hills has expressed its emphatic opposition to the proposal to locate a subway station facility at Constellation Boulevard in Century City because such a location includes a proposed subway tunnel alignment beneath Beverly Hills High School.

Section 3. Important information concerning the impacts of the proposed location of the subway station and alignment, and alternatives to the proposed station and/or alignment location that would avoid impacts to Beverly Hills High School, have not been fully analyzed or discussed before the Board of the Metropolitan Transportation Authority.

Section 4. The City Council of the City of Beverly Hills believes that the City, the public and the Board of the Metropolitan Transportation Authority would benefit from a full hearing regarding these subjects before any further decision is made concerning the Westside subway extension.

Section 5. Pursuant to Public Utilities Code Section 30639, the City Council of the City of Beverly Hills hereby requests a hearing before the Board of the Los Angeles County Metropolitan Transportation Authority regarding the proposal to fix the location of a subway station facility at Constellation Boulevard in Century City and the proposal to fix the location of the related subway tunnel alignment beneath Beverly Hills High School.

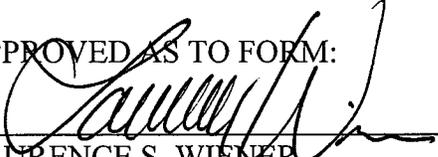
Adopted:

WILLIAM W. BRIEN, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE (Seal)
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT

JEFFREY KOLIN
City Manager