



**Beverly Hills City Council Liaison / Sunshine Task Force Committee
will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:**

**CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210**

TELEPHONIC VIDEO CONFERENCE MEETING

Beverly Hills Liaison Meeting

<https://beverlyhills-org.zoom.us/my/bhliaison>

Meeting ID: 312 522 4461

Passcode: 90210

+1 669 900 9128 US

+1 888 788 0099 Toll-Free

One tap mobile

+16699009128,,3125224461#,,,,*90210# US

+18887880099,,3125224461#,,,,*90210# Toll-Free

**Monday, May 24, 2021
5:00 PM**

Pursuant to Executive Order N-25-20, members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org.

AGENDA

- 1) Public Comment
 - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) Approval of April 26, 2021 Highlights – Attachment 1
- 3) Draft Legislative Advocate Ordinance – Selecting Members to Represent the Sunshine Task Force and Legislative Advocates
- 4) Staff Updates
- 5) Future Agenda Items
- 6) Removing “Reconsideration” Option from Commissions – Attachment 2
- 7) Restricting “Continuances” – Attachment 3
- 8) As Time Allows
 - a. Interested Party – Email Sign Up
 - b. Time Limits for Resolution of Complaints
 - c. Limit on Contacts by Legislative Advocates
 - d. Allowing Public to Observe On-Site Visits with Developers

9) Adjournment

Links to Attachments Not Associated With Any Item:

- [Building Permit Report - April](#)
- [Current Development Activity Projects List](#)
- [Mayor's Cabinet Meeting Highlights – May 10, 2021](#)



Huma Ahmed
City Clerk

Posted: May 21, 2021

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT WWW.BEVERLYHILLS.ORG



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CITY OF BEVERLY HILLS
 455 N. Rexford Drive
 Beverly Hills, CA 90210
 Telephonic/Video Conference

Sunshine Task Force Committee

SPECIAL MEETING HIGHLIGHTS

April 26, 2021

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at 111.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using this link: <https://www.gotomeet.me/BHLiaison> or by phone at 1-866-899-4679 or 1-646-749-3117, Access Code: 660-810-077. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org and will be read at the meeting.

Date / Time: April 26, 2021 / 5:02 p.m.

Meeting called to order by Mayor Wunderlich at 5:01 p.m.

In Attendance: Mayor Robert Wunderlich, Councilmember John A. Mirisch, Chuck Aronberg, MD, Mark Elliot, Steve Mayer, Debbie Weiss, and Thomas White

City Staff: City Attorney Larry Wiener, Assistant City Manager Nancy Hunt-Coffey, Director of Community Development Ryan Gohlich, Chief Information Officer David Schirmer, and Assistant City Clerk Lourdes Sy-Rodriguez

1) Public Comment

Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

1. *Thomas White thanked Mayor Wunderlich and Councilmember Mirisch for being the new Council liaisons for the Committee, Assistant City Manager Nancy Hunt-Coffey for administering the Committee meetings and prioritizing the items for discussion, and City Attorney Larry Wiener for bringing forward public interest matters.*
2. *Mark Elliot spoke about transparency and Brown Act issues related to the One Beverly Hills project process.*

2) Approval of March 22, 2021 Highlights

*Moved by Thomas White
 Seconded by Chuck Aronberg, MD
 Committee approved the March 22, 2021 Highlights*

3) Introduction / Goals of Liaisons

Councilmember Mirisch spoke about his goal of further collaborative effort to make City government more transparent. Mayor Wunderlich suggested that for all Council liaison meetings (including Commission and Committees), there should be a list of agenda items that the Council and Commission/Committee liaison representatives can discuss and determine what needs to be agendaized at future meetings.

4) AB 1199 Homes for Families and Corporate Monopoly Transparency Excise Tax

Assistant City Manager Nancy Hunt-Coffey and Councilmember Mirisch provided background information on AB 1199. The Committee agreed with Thomas White's recommendation to create a Subcommittee to discuss the possible creation of a local ordinance. The Subcommittee will be composed of Councilmember Mirisch, City Attorney Larry Wiener, Thomas White and Steve Mayer. Councilmember Mirisch stated that he plans to bring the Bill to the Legislative/Lobby Committee and the Legislative Liaisons who will recommend to City Council for support. Thomas White suggested that it would be helpful for City Attorney Larry Wiener to prepare an analysis of the Bill for the Subcommittee's consideration.

*Moved by Steve Mayer
Seconded by Thomas White
Committee approved creating a Subcommittee*

*Moved by Steve Mayer
Seconded by Thomas White
Committee approved endorsing the concept of the Bill transparency for City Council approval*

5) Priority Setting: Existing STF Initiatives

A list of current and proposed Sunshine Taskforce priorities was presented by Steve Mayer. Mr. Mayer clarified that the existing ranking only serves as a starting point and is not definitive. He also pointed out that the Five-Year Email Retention Priority proposed by Mark Elliot is missing from the list. Thomas White explained that the staff liaison for Priority # 11 is City Attorney Larry Wiener, and the staff liaison for Priority # 15 is Chief Information Officer David Schirmer. Mr. White reported that he and the staff liaisons for both priorities have met and are making progress on the items. He also commented that his name is missing as a sponsor on the Legislative Ordinance revision priority and Nancy Hunt-Coffey should be added as a staff liaison. Mr. Schirmer provided clarification to Mayor Wunderlich on Priority # 8. Mr. Mayer clarified the reason for the seemingly overlapping Priorities 8 and 15. He also explained Priority # 17 at the request of Mark Elliot. Mr. Elliot provided his suggested ranking as follows: 4, 17, 13, 16, 15 and 11. He also explained what Priorities 13 and 16 are at the request of Mayor Wunderlich. Debbie Weiss asked that the Legislative Advocate Ordinance and Revocation Ordinance retain their priority as these two priorities have been on the list for a long time. Ms. Hunt-Coffey reminded the Committee that STF Subcommittee representatives are meeting with registered legislative advocate representatives on these two priorities.

6) Priority Setting: Future STF Topics

Thomas White proposed adopting the list preliminarily in the order presented. Mark Elliot commented that Priorities 12 and 15 are very important priorities. Steve Mayer clarified Priority # 10. Mayor Wunderlich asked how the priorities were ranked and also asked about Priority # 11 (versionalized agenda). He noted that some of the priorities have near-term impacts than others and this is a way of prioritizing the discussion about them. Mr. White and Councilmember Mirisch agreed that priorities with the greatest near-term impacts should take priority.

Debbie Weiss requested that the Committee meetings be longer than one hour. Mayor Wunderlich recommended extending the time depending on what topics are on the agenda.

In response to Mayor Wunderlich's question, Mr. Mayer spoke about how the Committee determines what will be on the next agenda for discussion. Mayor Wunderlich suggested having an item on the current agenda discussing what the Committee wants to discuss at the next agenda.

7) Adjournment

Date/Time: April 26, 2021 / 5:58 p.m.

TO: **SUNSHINE TASK FORCE COMMITTEE MEMBERS**

FROM: **STEVE MAYER**

DATE: **MAY 20, 2021**

RE: **REMOVING RECONSIDERATION OPTION FROM COMMISSIONS**

Proposal

Revise the wording of Section 12(d) of the “Rules of Procedure For The City’s Commissions.”

Background

On March 11th, a Planning Commission public hearing was held on whether to approve or deny a proposed project at 331 North Oakhurst.

The Planning Commission unanimously voted to deny a project.

Twenty-one minutes later, after a recess, ***after the public had left***, the Planning Commission reversed its vote through a procedure called “Reconsideration.”

What Is A Reconsideration?

A “Reconsideration” is a multi-step process by which a Commission can change its previous vote within the same meeting, and render a different decision.

“Reconsideration” is embedded in the Robert Rules Of Order, which governs the conduct of any meeting within the City, unless specifically excluded.

The right of “Reconsideration” is also explicitly stated in the “Resolution of the Council of the City of Beverly Hills Establishing Rules of Procedure For The City’s Commissions” that was adopted on January 9, 2020 (as part of a change to BHMC 2-2-107A)

That document is 12 pages long. The reference to “Reconsideration” is contained in a single paragraph in Section 12(d):

“Motion To Reconsider. A motion to reconsider any action taken by the Commissioner at a meeting may be made only at the meeting such action was taken. It may be made either immediately or at a recessed or adjourned meeting. Such motion must be made by a Commissioner on the prevailing side, but may be seconded by any Commissioner and may be made at any time and have precedence over all other motions, or while a Commissioner has the floor. Such a motion shall be debatable.”

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What Are The Alternatives To A Reconsideration?

A Commissioner, with the concurrence of the Chair (or the majority of the Commission), can request that the matter be re-agendized at the next meeting, at a fully-noticed public hearing.

Alternatively, in the case of the March 11th hearing, the Commission technically had voted to direct Staff to prepare a “Resolution of Denial.” When the “Resolution of Denial” was presented to the Commission, the Commissioner could vote against adoption.

The Commission had previously acted in that manner for the same Applicant on August 11, 2017, for what essentially was the same project.

How Is Reconsideration Handled By Adjoining Cities?

Neither the cities of Culver City or West Hollywood contain references to “reconsideration” in their respective municipal codes.

Both cities’ meetings are governed by the parliamentary rules of procedure (i.e. Roberts Rules Of Order).

In the City of Los Angeles, the term “reconsideration” is often used in Administrative Hearings, where the employee can ask for a reconsideration of a Hearing Officer decision.

There is one reference to “reconsideration” in a training document for a specific Neighborhood Council. It is not clear if the training document was distributed city-wide.

Are Any Other Changes Needed?

Yes.

There is a section of the “Rules of Procedure For The City’s Commissions” entitled “Changing Vote” (Section 17) that will need to be slightly revised to prevent a Commissioner from changing a vote after a recess.

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Proposed Revisions

SECTION 12(d) MOTION TO RECONSIDER. ~~A motion to reconsider any action taken by the Commissioner at a meeting may be made only at the meeting such action was taken. It may be made either immediately or at a recessed or adjourned meeting. Such motion must be made by a Commissioner on the prevailing side, but may be seconded by any Commissioner and may be made at any time and have precedence over all other motions, or while a Commissioner has the floor. Such a motion shall be debatable.”~~

- (1) *Definition.* “Reconsideration” means to decide again a previous decision pursuant to “Roberts Rules Of Order, Newly Revised.”
- (2) *Reconsideration Of Commission Decisions.* No motion or request for reconsideration may be entertained, received, or acted upon by a Commission. Any request by a project applicant, or by any member of the public, for reconsideration of a Commission decision shall be interpreted to be an appeal thereof to the City Council, if the decision is appealable.
- (3) *Court Action.* No motion or request for reconsideration, or any action thereon, shall be deemed to extend the time for the commencement of court action under any State law.
- (4) *Exhaustion Of Remedies.* No request or motion for reconsideration shall be required as a condition to a party having exhausted its administrative remedies under law.

The forgoing proposed changes are based on Chapter 2.11 of the City of Mt. Shasta municipal code:
<https://www.codepublishing.com/CA/MtShasta/html/MtShasta02/MtShasta0211.html>

SECTION 17. CHANGING VOTE. The vote of a Commissioner may be changed only if she or he makes a timely request to do so immediately following the announcement of the vote by the Secretary, or designee., ~~and prior to the time that the next item in the order of business is taken up.~~

TO: **SUNSHINE TASK FORCE COMMITTEE MEMBERS**
FROM: **STEVE MAYER**
DATE: **MAY 20, 2021**
RE: **RESTRICTING CONTINUANCES**

Proposal

Introduce wording to the “Rules of Procedure For The City’s Commissions” to govern when a “continuance” can be granted.

Background

On March 11th, a Planning Commission public hearing was held on whether to approve or deny a proposed project at 331 North Oakhurst.

The Planning Commission unanimously voted to deny a project.

Twenty-one minutes later, after a recess, ***after the public had left***, the Planning Commission reversed its vote.

Then, it separately ***voted to continue the public hearing*** to a “date uncertain” to allow the Applicant to submit yet another revised design, ***for a 7th time (and an 8th public hearing)***.

The Commission violated Section 25 of the “Rules of Procedure” governing ‘Quasi-Judicial Hearings’ in two ways:

- (1) Reopening the Public Hearing, after the public had left
- (2) Did not allow the “Public rebuttal or response”

What Is A Continuance?

A “Continuance” is not defined within the “Resolution of the Council of the City of Beverly Hills Establishing Rules of Procedure For The City’s Commissions.”

Such Rules were adopted on January 9, 2020, as part of a change to Beverly Hills Municipal Code 2-2-107A.

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In practice, there are three types of “Continuances”:

Administrative Continuance

At the Planning Commission level, a public hearing may be “continued” to allow Staff to prepare a resolution which reflects the Commission direction.

Such a continuance could be defined as an “Administrative Continuance.”

Minor Design Change Continuance

At the Planning, Architectural, and Design Review Commissions it is not uncommon for the Commissioners to ask for comparatively minor changes.

Sometimes, they will allow such minor changes to be approved by the Director of Community Development (or designee).

Other times, the Applicant returns with the revised plans, and the Commission renders its final decision.

An example of a “Minor Design Change” for the Planning Commission would be when an Applicant changed the way dirt was reallocated on the property, so as to reduce external hauling.

Another example of a “Minor Design Change” was the revision of some commercial spaces in a large mixed-use building.

Major Design Change Continuance

What is common at the Planning Commission is for an Applicant to request a continuance to submit a completely changed design.

The Planning Commissioners then vote to continue the public hearing on the *original* application until a date uncertain.

It typically takes six to twelve months for the “continued” hearing to take place.

And, then, another hearing is usually required for even further “refinements.”

What Is The Cost A “Major Design Change Continuance”?

The City

In the case of the March 11th hearing Applicant, who had submitted 6 previous designs (and had 7 public hearings), the cost to the City was in the range of \$250,000 to \$300,000 in unbilled costs.

Who Is Hurt By A “Major Design Change Continuance”?

The Neighborhood

It is not uncommon for a group of neighborhood residents to spend 100 to 200 hours preparing for the first public hearing.

The preparation time for a “continued public hearing” for a major redesign can actually involve more time.

In addition, it is not uncommon for the neighborhood residents to pay professionals to gain a greater understanding about the revised Application.

It is unfair to the residents to have to return again and again to preserve their neighborhoods and quality of life.

What Is The Way To Curb A “Major Design Change Continuance”?

There should be an incentive to an Applicant to “get it right the first time.”

If the Applicant asks for a “Major Design Change Continuance,” it is proposed that the Applicant pay:

To The City

The Applicant pays the equivalent of a new Application fee.

To The Neighborhood

The Applicant compensates the neighborhood group (or to an aligned non-profit) for its hours incurred at the rate of the Applicant's most expensive professional.

For example, if the neighborhood residents collectively spent 200 hours preparing for a public hearing, and the Applicant's attorney was being paid \$1000 per hour, the Applicant would pay the neighborhood group (or an aligned non-profit) \$200,000.

In addition, the Applicant would pay for the neighborhood residents' incurred professional costs.

Proposed Additions

It is proposed adding to the "Rules Of Procedure For The City's Commissions" (and/or the BHMC) definitions as well as conditions as to when "Continuances" can be granted.

In addition, there would be a section defining costs to an Applicant asking for a "Major Design Change Continuance."

Definitions

- ▶ Administrative Continuance
- ▶ Minor Design Change Continuance
- ▶ Major Design Change Continuance

Costs To Applicants For Requesting A Major Design Change Continuance

- ▶ City
- ▶ Neighborhood Group