



DISCUSSION ITEM

Agenda Item # 9

AGENDA REPORT SUMMARY

Meeting Date: November 9, 2021

Subject: Council Member request for Motion for Reconsideration of Council Action D20-0008 - Packard Foundation - 374 Second Street

Prepared by: Andrea Chelemengos, City Clerk

Reviewed by: Jolie Houston, City Attorney

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Emails from Council Member Weinberg and Vice Mayor Enander

Initiated by:

Council Member Weinberg

Summary:

On October 28, 2021, City Manager Engeland received the attached email from Council Member Weinberg requesting placement of reconsideration of a Council action on the November 9, 2021, agenda. Shortly following the request an email supporting Council Member Weinberg's request was received by the City from Vice Mayor Enander.

The City Attorney advises that this language demonstrates that the reconsideration review is not a *de novo* review. The reconsideration hearing is limited, and the City Council should base its decision upon new evidence or facts not presented previously with regard to the item, or a claim of error in applying the facts presented by the Council and/or members of the public.

The recently revised and adopted Council Norm and Procedures outlines the process for reconsiderations as follows:

11.8 Reconsideration of a Council Action.

B. Request for Reconsideration by a Councilmember

1. Request by a member of the City Council.

Only a member of the City Council who voted in the majority may request reconsideration. The request may be made at the same meeting, or 24 hours in

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



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advance of the posting of the agenda for the next regular meeting. The request needs to be supported by two (2) Councilmembers, including the requesting Councilmember, for it to be added to the agenda. A request added to an agenda shall be structured in a manner that a motion for reconsideration may be considered immediately following approval of the request for reconsideration.

In presenting a request for reconsideration, the City Councilmember making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

2. Motion for Reconsideration.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting), or in accordance with Section 11.8B1. A motion to reconsider an action may be made only by a Councilmember who voted in the majority but may be seconded by any Councilmember and is debatable.

The motion must be approved by a majority of the entire City Council. **At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.**

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters, and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting



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and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the Council Norms and Procedures. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

From: [Jonathan Weinberg](#)
To: [Gabriel Engeland](#)
Cc: [Andrea Chelemengos](#); [Jolie Houston](#); [Anita Enander](#)
Subject: Request for reconsideration
Date: Thursday, October 28, 2021 9:46:38 PM
Attachments: [DAAC0FD62BAC4CFCB0C2F921A55C88A9\[3919059\].png](#)

Dear City Manager Engeland:

Pursuant to norm 11.8 B.1, I request reconsideration of the motion at our last council meeting to adopt Resolution No. 2021-_____, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A DESIGN REVIEW FOR A RECONFIGURED PARKING LOT
AND CARPORT STRUCTURE AT THE DAVID AND LUCILE PACKARD
FOUNDATION BUILDING AT 374 SECOND STREET AND MAKING
FINDINGS OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT ("CEQA")

My understanding of the norm cited above is that two councilmembers must support this request, including one who voted with the majority. I voted with the majority on Tuesday night. I believe Vice Mayor Enander (cc'ed on this eMail) supports this request.

The reason for this request is that, in retrospect, I am not convinced that the applicant's proposal warrants affirmative findings under § 14.78.060 of the LAMC.

Sincerely,

- Jonathan

Jonathan D. Weinberg, Esq. | Member, Los Altos City Council

Los Altos City Hall

1 North San Antonia Road | Los Altos, CA 94022

Main: (650) 947-2700 | Direct: (650) 947-2768 | jweinberg@losaltosca.gov



From: Anita Enander <aenander@losaltosca.gov>

Sent: Thursday, October 28, 2021 10:23 PM

To: Gabriel Engeland <gengeland@losaltosca.gov>; Jonathan Weinberg <jweinberg@losaltosca.gov>

Cc: Andrea Chelemengos <achelemengos@losaltosca.gov>; Jolie Houston <jolie.houston@berliner.com>

Subject: Re: Request for reconsideration

City Manager Engeland and City Attorney Houston,

I hereby confirm Councilmember Weinberg's statement: I support reconsideration of this motion for the reasons he cited. Please advise if I must take any further actions to support this.

Anita Enander