




Date: July 11, 2006

To: Honorable Mayor and Members of the City Council

From: Councilmember Tonia Reyes Uranga, Seventh District 

Subject: **AGENDA ITEM: Airport Terminal Improvements - Motion to Rescind**

Robert's Rules of Order allows for a "Motion to Rescind" to enable an assembly to change an action previously taken or ordered if applied consistent with the Brown Act, due process, and the formal hearing requirements of CEQA. The effect of *Rescind* is to strike out an entire main motion that has been adopted at some previous time. A "Motion to Rescind" can be made and voted on by any member of the assembly, regardless how they voted on the original question.

In light of procedural and substantive issues raised regarding the Airport Terminal Improvements and subsequent adoption in concept of the Site Plan Review, I am requesting that the City Council rescind its vote in order to provide City Staff an opportunity to conduct further assessments on the Environmental Impact Report. A "Motion to Rescind" is necessary given the time limits imposed by the City's filing of the Notice of Determination, unless the City enters into a Tolling Agreement or grants an extension of the statutory time limits.

Suggested Action(s):

- A. Approve motion to rescind the City Council vote on June 20, 2006 adopting in concept the Site Plan Review for Terminal Area Improvements and the resolution certifying the Environmental Impact Report; and if such motion is adopted, to approve a motion to repeal the resolution and set a new date for hearing of the appeal.**
- B. Request the City Attorney to enter into a Tolling Agreement with appellants in order to conduct further assessments on the Airport Terminal Improvements EIR.**
- C. Authorize an extension of the statutory time limits consistent with the California Environmental Quality Act to conduct further assessment on the Airport Terminal Improvements EIR.**