



## Agenda Report

21-1628

Agenda Date: 12/7/2021

### REPORT TO COUNCIL

#### **SUBJECT**

Action on a Written Petition (Council Policy 030) Submitted by Jared Peters Requesting to Place an Agenda Item at a Future Council Meeting to Consider making a Policy Decision Regarding the City Assuming Responsibility of an Unstable and Dangerous Sound Wall in the Laurel Park East Neighborhood

#### **COUNCIL PILLAR**

Enhance Community Engagement and Transparency

#### **BACKGROUND**

*Council Policy 030 - Adding an Item on the Agenda* (Attachment 1) sets forth the procedure for written petitions. Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the Council. Per the policy, the written request will be submitted on the agenda, in the form substantially provided by the requestor, without any staff analysis, including fiscal review, legal review and policy review. If a simple majority of the City Council supports further study of the request, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council.

#### **DISCUSSION**

The City Clerk's Office received a Written Petition on November 15, 2021 requesting to place an agenda item at a future council meeting to consider the following: the residents bordering Plumridge Avenue in the Laurel Park East neighborhood are requesting that the City Council make a policy decision to staff recommendation and assume responsibility for the unstable and dangerous sound wall backing their properties. The sound wall is clearly part of the municipal roadway infrastructure and should be rightfully maintained by the City Street Department. See attachment 2.

Staff recently responded to Mr. Peters with the legal agreement provision that confirm the property owner's responsibilities. See attachment 3.

#### **FISCAL IMPACT**

There is no fiscal impact associated with considering the request to be placed on a future agenda except for staff time.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a administrative activity that will not result in direct or indirect physical changes to the environment.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any report to council may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

**ALTERNATIVES**

1. Set a future Council meeting date to take action on the Written Petition received.
2. Take no action.
3. Any other City Council Action, as determined by the City Council.

**RECOMMENDATION**

Staff makes no recommendation.

Reviewed by: Nora Pimentel, Assistant City Clerk

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Policy and Procedure 030 - Adding an Item on the Agenda
2. Written Petition dated November 15, 2021 submitted by Jared Peters
3. Legal Agreement