



COUNCIL AGENDA: 5/17/2022
FILE: 22-703
ITEM: 3.5

Memorandum

TO: CITY COUNCIL

FROM: Councilmember Sylvia Arenas
Councilmember David Cohen
Councilmember Magdalena Carrasco

SUBJECT: SEE BELOW

DATE: May 13, 2022

Approved

Date *5/13/2022*

SUBJECT: ACTIONS RELATED TO THE MEASURE T STATUS REPORT ON THE WORKPLAN AND IMPLEMENTATION UPDATES

RECOMMENDATION

1. Accept staff report and recommendations (a), (b), (c), (d), and (f).
2. For recommendation (e), direct staff to continue to follow Council Direction from June 15, 2021¹, which passed with unanimous support of Council:
 - a. Reaffirm Council commitment to the voters – as reiterated in the June 2, 2020 City Council meeting – to use any savings from Measure T’s Environmental and Flood Protection Projects category to fund a local water quality project.
 - b. Direct the City Manager to allocate all remaining funds from the 5-year Municipal Improvements Capital Improvement Program for the Measure T’s Environmental and Flood Protections Projects to bond-eligible water quality improvements at Lake Cunningham in order to return the lake to a level of quality that allows aquatic recreation and to reduce future die off of fish in the lake.
 - c. Direct the City Manager that this item return to Council to bring forward the results of the current study and a strategy before any funds are expended.
3. In alignment with Recommendation 2, Direct the City Manager to return to the Neighborhood Services and Education Committee and then cross reference to the Council with a plan to save Lake Cunningham that utilizes the Lake Cunningham Water Study (currently in draft form).
4. Commit the City to ensuring all four remaining fire stations are fully funded, whether through allocations of Measure T funding or through exploring alternate funding sources (including, but not limited to, federal/state infrastructure grants and city fund allocations).

¹ <https://sanjose.legistar.com/View.ashx?M=M&ID=857481&GUID=CA91D4DC-0704-4EDA-8585-18A166E49A5F>

BACKGROUND

Last June, the Council directed the City Manager to reaffirm Council's commitment to voters to use Measure T's Environmental and Flood Protection Projects category to fund local water quality projects. The Council identified Lake Cunningham for that project and directed the City Manager to bring forward the results of the current Lake Cunningham Water Quality Study and a strategy before expending these funds.

The Lake Cunningham Water Quality Study is almost done; however, it is still in draft form and the Parks, Neighborhood, and Recreation Services (PRNS) Department is still reviewing their results and beginning the process of drafting the strategy that we directed them to bring to Council. Staff should continue this Council-directed work.

The effort to save Lake Cunningham is in a critical phase. The study, and a subsequent strategy are the opportunity that remains for our East Side families to have access to a healthy and usable lake.

We recommend that the City Manager continue with this critical work, and return to Council with a study and strategy, as unanimously recommended last June. In the meantime, the funds held in reserve for Lake Cunningham should stay right there – again, as directed – until the Administration has a plan ready for Council to review, consider, and authorize.

As we wrote last June²:

For generations, Lake Cunningham served as the East Side of San Jose's access to open space and recreation. From going swimming, to learning to kayak, to even hosting triathlons, quinceñeras, weddings, and other special occasions. Lake Cunningham was a regional destination that provided access to recreation for families that could not afford to spend weekends in Tahoe or Santa Cruz.

However, for decades the water quality at this lake has been getting worse and worse. Swimming and other full-contact water sports have been prohibited since 1994 when a group of triathletes became ill. In 2007, major fish die-offs raised concerns that the water quality was slipping even further.

In 2010, a comprehensive study was completed that deeply researched the conditions of the lake and brought forward a comprehensive menu of potential solutions, as well as specific recommended actions. Unfortunately, since no substantial funding could be identified, no substantial action was taken.

More recently, PRNS identified that Lake Cunningham's water quality had become so poor that they shut down the marina, and all sailing, boating, and other non-contact sports on the lake. Since then, East San José residents have simply lost this recreation and environmental resource – and funding has never been identified that realistically will address the issue.

² <https://sanjose.legistar.com/View.ashx?M=F&ID=9477532&GUID=3EA3C707-93C3-4698-9A59-6B72AF161DAC>