



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Mayor Matt Mahan
Councilmember Domingo
Candelas
Councilmember Peter Ortiz
Councilmember David
Cohen

SUBJECT: SEE BELOW

DATE: 3/10/23

APPROVED:

**SUBJECT: STATUS REPORT LAKE CUNNINGHAM SHORELINE AND WATER
QUALITY STUDY**

RECOMMENDATION

- 1) Accept report on the Lake Cunningham Shoreline and Water Quality Study; and
- 2) Accept report on staff work plan and next steps for making recommendations to Council on project scope, phasing and financial resources.
- 3) Accept staff recommendation and adopt a resolution authorizing the City Manager to submit a grant application and negotiate and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$250,000 for Design and Environmental Review of a 1-acre Prototype Wetland Restoration Project
- 4) Direct staff to return to Council by Fall 2023 with a five-year funding strategy for infrastructure repairs at Lake Cunningham:
 - a. Outline specific actions for water quality remediation including phases
 - b. Include potential partner organization support in cost estimate such as tree planting through Our City Forest, and native drought resistant plants with Valley Water
 - c. Provide current estimates for existing maintenance backlog of water drainage and lake management infrastructure, average cost and lifespan of previous repairs or replacements, and when future repairs or replacements would be anticipated

- d. Pursue grants from state or federal infrastructure money to help fund Lake Cunningham restoration.

BACKGROUND

Lake Cunningham's water quality issues can be addressed but it requires the Council to make it a priority. The City has been aware of the concerns regarding Lake Cunningham for decades now.

In 2010, a comprehensive study was led by then Councilmember Dave Cortese, which concluded 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 action was taken. Thirteen years later, East San José residents have simply lost this recreation and environmental resource and funding has never been identified that realistically will address the issue.

Since 2010, additional studies have examined both water quality and flood impacts at Lake Cunningham Regional Park. In 2015, a substantial Planning Study Report was produced by Valley Water prepared by the Watersheds Design and Construction Division.

In 2022, an updated City led study was completed that researched natural reclamation options for Lake Cunningham. The results were clear, conditions keep deteriorating. This is an environmental disaster and more remains to be done to narrow specific actions that improve water quality or account for design life and costs of the existing infrastructure with backlogged maintenance.

We know the lake is past due for various capital infrastructure repairs and replacements including underground drainage and above ground water pumps. Recurring floods and stagnant water have caused damage to amenities as evidenced by the conditions of the picnic area, the new play structure, and the big meadow. Contaminants in the lake extend to park amenities as waters rise every rainy season. Those same contaminants can be left in the soil and go airborne or be picked up by unsuspecting park users. This is irresponsible for our residents as maintenance is deferred and costs increase. It is especially irresponsible on an equity standpoint as the health, wellbeing, and open space access for our East San José residents is once again placed on a backburner.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

For questions, please contact Teddy Adera, District 8, at teddy.adera@sanjoseca.gov.