



Memorandum

TO: CITY COUNCIL

FROM: Councilmember Sylvia Arenas
Councilmember David Cohen
Councilmember Magdalena Carrasco

SUBJECT: SEE BELOW

DATE: June 15, 2021

Approved

Date

Sylvia Arenas

Magdalena Carrasco

David Cohen

June 11

**SUBJECT: STATUS REPORT ON THE NOVEMBER 2018 BALLOT MEASURE T -
THE DISASTER PREPAREDNESS, PUBLIC SAFETY AND
INFRASTRUCTURE GENERAL OBLIGATION BOND**

RECOMMENDATION

- 1) Accept staff report and recommendations.
- 2) 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.
- 3) 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.

BACKGROUND

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.

Councilwoman Arenas has worked with PRNS to begin dedicated funding each year to a water quality reserve, as well as funding an updated study, which is in progress. However, the park's low level of overall funding – combined with 2 years of lost funding due to the pandemic – means that without a major change there will never be sufficient funding to address the needs of the lake.

Most disturbingly, Lake Cunningham's water quality issues appear to be very much addressable. The most concerning pollution source in this lake is bacteria from waterfowl feces - - and the 2010 report makes clear that (at least at that time) the lake would likely be safe within just 2 to 3 weeks if new fecal matter was no longer entering the lake.

The Council is well aware of the concerns that Councilwoman Arenas has been raising about Lake Cunningham for her entire time in office, and that this specific source of funding has been one that she has discussed with Council for years while waiting to see what funds would remain following the purchase of land in Coyote Valley. In their June 2, 2020 meeting, the City Council voted unanimously to use any savings from Measure T's Environmental and Flood Protection Projects category to fund a local water quality project. Today, the acquisition of Coyote Valley is sufficiently finalized and we can now dedicate the remaining funds to other water contamination projects – as was promised to voters through Measure T.

This fits into a broader picture of the Council's mission to lead with an equity lens, as well as the efforts of Councilmember Carrasco to increase access to green resources for East Side families. COVID-19 has further illustrated the clear need for these investments, as our open spaces defined the quality of life for our families during the pandemic.

According to article written by Brandon Withrow from Sierra Magazine: "For those who live in underserved communities, the [COVID-19] pandemic highlighted the problem of what's called 'park deserts' — neighborhoods lacking adequate outdoor green spaces."

With the remaining Measure T funds, we have an opportunity to start rehabilitating this critical neighborhood lake that can transform our East San José community. We owe it to families, voters, and our future generations to take advantage of this opportunity that may not come again.

The Nohad A. Toulan School of Urban Studies and Planning at Portland State University found the “park divide, is the product of years of redlining meant developmental favoritism for white neighborhoods, which still benefit from that practice.”

There is now renewed attention on the problem of park disparity and we can begin addressing it in San Jose by prioritizing Lake Cunningham.

Simply: there is no other path forward to successfully save Lake Cunningham. We vote today to dedicate this funding to the lake, or we resign ourselves to the idea that the lake will never again be a resource for our residents. As we dig deep into equitable funding sources for our East Side, the City has an opportunity to address park inequity that exists in our most underserved neighborhoods. We must continue an effort to embrace systemic change by funding this Lake Cunningham proposal for our underserved communities. If we do not save Lake Cunningham, we further worsen the inaccessibility of open spaces for our East San José.