



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Domingo
Candelas
Councilmember Peter Ortiz

SUBJECT: SEE BELOW

DATE: 3/10/23

APPROVED:

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

RECOMMENDATION

- a) Accept staff status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond Measure.
- b) Approve the proposed funding of projects identified in Table 3 of this report to:
 - b. Approve the rescope of the Fire Station 23 Project
 - c. Allocate \$7.1 million that had been previously set aside for the cost of bond issuance
- c) Direct staff to allocate remaining Environmental Protection Fund to Lake Cunningham to start mitigating water contamination at the park.

BACKGROUND

Since 1983, Lake Cunningham has served as East San José’s access to open space and recreation. From going swimming, to learning to kayak, to even hosting triathlons, 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 Lake Tahoe or Santa Cruz.

However, since 1996, the lake has been closed for recreational use because of water quality issues. Swimming and other full-contact water sports have been prohibited since 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 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 and/or pursued that will realistically address the issue.

In 2018, the City brought forward ballot language about the tax statement for the proposed Disaster Preparedness, Public Safety, and Infrastructure Bond Measure, for Special Municipal Election on November 6, 2018. The following statement of the measure was printed on the ballot:

Disaster Preparedness, Public Safety, and Infrastructure Bond

To:

- Upgrade 911 communications, police, fire, and paramedics facilities to improve emergency and disaster response;
- Repair deteriorating bridges vulnerable to earthquakes;
- Repave streets and potholes in the worst condition;
- **Prevent flooding and water quality contamination;**
- Repair critical infrastructure;

Then Councilmember Sylvia Arenas worked with the Parks Department to begin dedicated funding each year to a water quality reserve, as well as funding an updated study, which concluded with three alternative recommendations that will be heard on 3/14/23. The updated study was completed that researched natural reclamation options for Lake Cunningham. Although more remains to be done to narrow specific actions to improve water quality, we are supportive of these options. 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.

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, and that this specific source of funding has been discussed with Council for years.

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. The acquisition of Coyote Valley is 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 to increase access to green spaces for our families.

ANALYSIS

Due to the nature of the lake and foothill waterways, every day without a design overhaul for water quality adds to the backlog of contamination. The City already spends staff time and capital project funding to try salvaging park use at the margins, but until the lake water quality is resolved, these funds will continue to be spent without a sustainable resolution that supports the community, water ways, and city or region at large.

We know the lake is past due for various capital infrastructure repairs including underground drainage, above ground water pumps, and the damage to amenities flooding (see pictures) has caused. This is irresponsible for our taxpayers as maintenance is deferred and costs increase. It is especially irresponsible on an equity standpoint as the health and open space access for our East San José residents is once again placed on a backburner.

The quality of life for surrounding neighbors in East San José has long taken hits in open space; from airborne contaminants produced by Reid-Hillview Airport to impacts from high-speed corridors and highways bisecting communities. Overall, there are far too many impacts to these neighborhoods from a variety of limited community investments.

There is an environmental disaster at Lake Cunningham and resolving water quality is an absolute necessity for this regional work. With the remaining Measure T funds, we have an opportunity to start rehabilitating this critical neighborhood lake that can transform our community. We owe it to families, voters, and our future generations to take advantage of this opportunity that may not come again. Voter's overwhelming passed this measure, and it is our duty to fulfill our promise to the voters.

Some will say Measure T funds were not meant for Lake Cunningham, but we promised to spend \$50 million of the \$650 million on environmental protection projects including preventing flooding and water contamination projects. The water contamination issue at Lake Cunningham fits that scope. We need to fulfill our commitment to environmental water quality projects as was promised to voters. Raiding the environmental funds to leave in the bank is not an action in good faith of the voters or taxpayers.

We have had conversations with our partners at the federal, state, and regional level. They are aware of the historical neglect this lake and community has faced. Congressman Panetta recently joined Councilmember Candelas on a tour of the park last weekend. He witnessed the current conditions of the park with contaminated waters well into the picnic and play structure areas. While we believe this project is a strong candidate for federal and state grants, the most competitive applications always have a local match component.

Current conditions of Lake Cunningham Park

Pictures taken 3/4/23 (flooded fields and picnic area). It has been this way since the January Storms.



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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.