



City of San Marcos

Work Session - Final City Council

Tuesday, August 4, 2020

3:00 PM

Virtual Meeting

Due to Covid-19, and as long as the State Disaster Declaration is in effect, this will be a virtual meeting. To view the meeting please go to www.sanmarcostx.gov/videos or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

II. Roll Call

PRESENTATIONS

1. Receive a Staff update on the proposed scope of work to be included in the Cape's Dam Study Request for Proposals, and other matters related to the dam, and provide direction to the City Manager.

EXECUTIVE SESSION

2. Executive Session in accordance with the following Government Code Sections:
 - A. Section §551.072 - Real Property: to receive a staff briefing and deliberation regarding the following:
 1. Acquisition of property in Downtown San Marcos for public use
 2. Acquisition of property for the Uhland Road CDBG-DR Project
 - B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding the following:
 1. Acquisition of property in Downtown San Marcos for public use
 2. Acquisition of property for the Uhland Road CDBG-DR Project

III. Adjournment.

POSTED ON FRIDAY, JULY 24, 2020 @ 12:00PM

TAMMY K. COOK, INTERIM CITY CLERK

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov



Legislation Text

File #: ID#20-126, **Version:** 1

AGENDA CAPTION:

Receive a Staff update on the proposed scope of work to be included in the Cape's Dam Study Request for Proposals, and other matters related to the dam, and provide direction to the City Manager.

Meeting date: August 4, 2020

Department: Parks and Recreation

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: \$174,628

Account Name: Cape's Dam Project

Fiscal Note:

Prior Council Action: On January 7, 2020, City Council was briefed in Work Session regarding the possible permitting process depending on the direction of Council to remove, rehab or rebuild the dam. Council provided direction for Staff to conduct further studies and provided a number of items to be addressed.

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

January 15, 2013, City Council approved Planned Development District (PDD) zoning for The Woodlands of San Marcos development project, and received 20 acres of dedicated parkland along the San Marcos River, which includes Cape's Dam and the Mill Race.

September 23, 2014, the Parks and Recreation Advisory Board received a presentation from Dr. Thom Hardy regarding work done by the Meadows Center in regards to a study of the safety and environmental issues associated with Cape's Dam. Scientific evaluation was completed which recommended the removal of Cape's Dam and filling of the Mill Race.

February 22, 2016, City Council held a Cape's Dam Workshop where they received a presentation from Dr. Thom Hardy, and provided direction to Staff to bring back an action item that would approve the removal of the dam and the filling of the mill race. Click to read minutes [here](#).
<http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_02222016-805>

March 15, 2016, City Council approved a motion to remove Cape's Dam. Click [here](#).
<http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_03152016-820> to read minutes.

June 21, 2016, a stakeholder meeting was held at fish hatchery, including US Fish and Wildlife Service (USFWS), Texas Historical Commission (THC), US Army Corps of Engineers (USACE), Hays County Historical Commission, and the City. THC stated that the dam, mill race and associated structures retain sufficient historic integrity to remain eligible for listing in the National Register. USFWS stated that leaving the dam in place, in whole or in part, would make the City ineligible for USFWS funding for the project.

August 16, 2016, Council received a presentation from USFWS regarding the Cape's Dam removal planning and permitting process. The USFWS report states that the dam, "acts as a barrier to fish and other aquatic species" and "is in severe disrepair and poses a safety hazard to recreational users." Due to the conflicting positions of USFWS and THC, and the competing interests of other interested stakeholders, the City determines that the best course of action is to suspend the UFWS permit process and further investigate removal, repair and replacement options. Click [here](#)
<http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_08162016-851> to read minutes.

October 4, 2018: Historic Preservation Commission recommended approval of designating Thompson/Cape Dam and Ditch Engineering Structure as a local historic landmark (4-2). Click [here](#)
<http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_10042018-1482> to read minutes.

November 27, 2018: Planning and Zoning Commission recommended denial of designating Thompson/Cape Dam and Ditch Engineering Structure as a local historic landmark (5-4). Click [here](#)
<http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_11272018-1536> to read minutes.

January 15, 2019: City Council was briefed in executive session to discuss possible partnership

opportunities with Hays County and the Hays County Historical Commission.

January 29, 2019: City Council considered an item designating Cape's Dam as a historic landmark. This action was postponed for up to 6 months while staff gathered more information related to the project. Click [here <https://san-marcos-tx.legistar.com/View.ashx?M=M&ID=651926&GUID=D6B73902-0C86-4E25-A305-9B354DF051FA>](https://san-marcos-tx.legistar.com/View.ashx?M=M&ID=651926&GUID=D6B73902-0C86-4E25-A305-9B354DF051FA) to read minutes.

June 18, 2019: City Council was briefed in Work Session on status of possible partnership opportunities with Hays County and the Hays County Historical Commission. Presentation from County on proposed project anticipated in fall 2019. Click [here. <http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_06182019-1757>](http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_06182019-1757) to read minutes

October 15, 2019: City Council received a presentation from Vista Planning & Design on behalf of Hays County and the Hays County Historical Commission regarding a visioning study for Cape's Dam, the Mill Race, Thompson's Island & San Marcos River. Council provided consensus for staff to seek what permissions and permits would be needed from State and Federal agencies to remove or repair the dam. Click [here. <http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_10152019-1896>](http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/_10152019-1896) to read minutes.

January 7, 2020: City Council was briefed in Work Session regarding the possible permitting process depending on the direction of Council to remove, rehab or rebuild the dam. Council provided direction for Staff to conduct further studies and provided a number of items to be addressed. Click [here <http://san-marcos-tx.granicus.com/player/clip/1445?view_id=9>](http://san-marcos-tx.granicus.com/player/clip/1445?view_id=9) to view the video of that meeting.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

CITY COUNCIL WORK SESSION

Cape's Dam Study Scope of Work

Tuesday, August 4, 2020

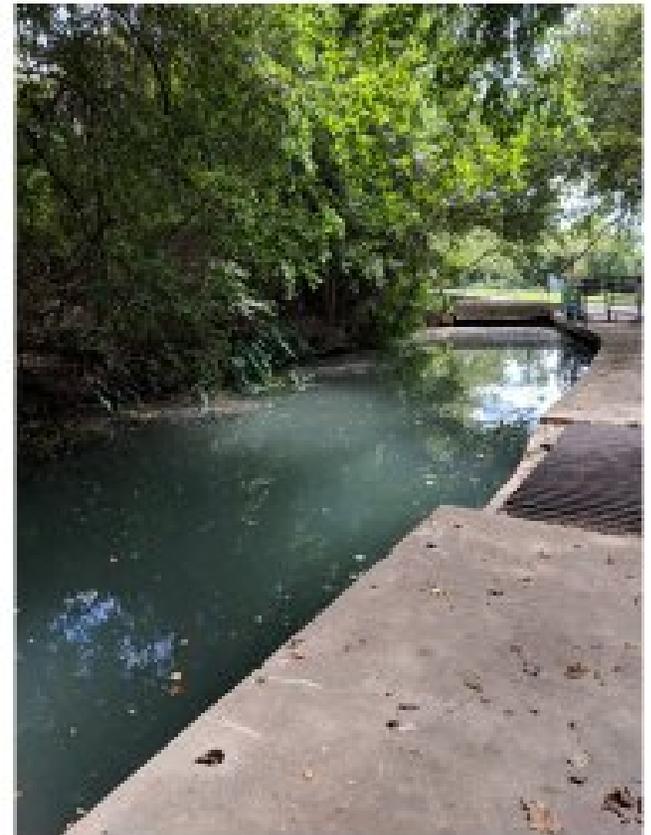
PURPOSE & AGENDA

- To review and seek direction on the proposed scope of work to be included in the Cape's Dam Study Request for Proposal (RFP).
- Today we will review the following:
 - Brief Overview
 - The RFP Process
 - The Proposed Scope of Work for Council's discussion and direction
 - Recent questions Staff has been asked
 - Interim Safety Measures

CAPE'S DAM



Mill Race & Machinery



Cape's Dam Timeline

JAN, 2013



The Woodlands of SM Approved

- ✓ Received 20 Ac. dedicated parkland
- ✓ Includes Cape's Dam and the Mill Race

SEPT, 2014



Presentation - Dr. Thom Hardy

- ✓ Parks and Recreation Advisory Board receives presentation
- ✓ Evaluation of safety and environmental issues
- ✓ Recommendation for Dam removal and filling in the Mill Race.

FEB, 2016



City Council Workshop

- ✓ Presentation from Dr. Hardy
- ✓ Direction to bring back an action item for Dam removal

MAR, 2016



City Council Approval

- ✓ Motion approved to remove Cape's Dam and fill in Mill Race

JUN, 2016



Stakeholder Mtg.

- ✓ US Fish and Wildlife Service (USFWS)
- ✓ Texas Historical Commission (THC)
- ✓ US Army Corps of Engineers (USACE)
- ✓ Hays County Historical Commission
- ✓ City
- ✓ THC - "Sufficient historic integrity for National Register"
- ✓ USFWS - "Dam must be fully removed to receive funding"



WHAT COUNCIL REQUESTED

Within Council's direction on January 7 the following items were asked to be addressed by the study:

- Study on flow and level and potential flooding and if it would cause more or less flooding
- Toxicity of the soil below the dam and how much the dam will drop and how that will affect the trees and stability of Thompson Island
- The effect of diverting more water through the mill race during times of drought and the health of the river and what would be best for the river
- Identify if there is a way to get rid of what is causing the sedimentation problem and place something that will allow the river to flow through and while still maintaining the Mill Race at some level, most of the time
- Do not replicate the study previously done by Dr. Hardy

RFP SOLICITATION PROCESS

1 – Develop Solicitation

Develop/research scope
Develop evaluation criteria and associated points
Estimated duration: 30 Days

2 – Issue Solicitation

Advertisement/public notifications
Estimated duration: 45 Days

3 – Receive Proposals

Conduct responsiveness check on all proposals
Estimated duration: 4 Days

7 – Execute Contract

Receive bonds and insurance
Obtain signatures
Notice to proceed with services
Estimated duration: 14 Days

4 - Evaluate

Meetings with evaluators & Interviews with shortlisted firms.
Estimated duration: 40 Days

5 – Negotiate the Agreement

Coordinate with legal department & vendor
Estimated duration: 14 Days

6 – Approve

City Council considers the contract with winning submitter
Estimated duration: 30 Days

Estimated total duration: 177 Days

STAFF PROPOSED SCOPE OF WORK

- Review previous studies, Council direction and public meeting information
- Prepare public engagement plan
- Develop list of community priorities/outcomes/concerns associated with Cape's Dam. Examples are:
 - Endangered species habitat
 - History of dam and surrounding area
 - River access for programs serving disabled veterans
 - Flood impacts to adjacent area
 - Condition of mill race – now & future
 - Permitting challenges

STAFF PROPOSED SCOPE OF WORK

- Conduct Phase 1 environmental for channel & mill race to understand permitting and timing considerations for identified project options (remove, re-build, hybrid, repair, no-action)
- Establish evaluation & prioritization tool for Council to be able to understand each alternative's ability to address community priorities/outcomes/concerns
- Review and obtain direction from Council on evaluation & prioritization tool.
- Develop additional alternative projects (*dependent on available funding*)
- Evaluate and document analysis for all projects

STAFF PROPOSED SCOPE OF WORK

- Clearly document evaluation of each criteria for each option
- Conduct public engagement on evaluation
- Identify key unknowns and document process to resolve. This may include additional studies.
- Prepare project recommendation and implementation plan including funding options, permitting, design and construction time frames.

AVAILABLE FUNDING

- Currently there is \$174,628 remaining of the \$250,000 that was originally funded for the Cape's Camp Improvement and Dam Project.
- To date \$75,372 of the funds have been used to fund previous studies on Cape's Dam and the Mill Race.

QUESTIONS WE HAVE RECEIVED

- Who owns the dam?
 - The City's acquisition of the 20 acre Woodland property included all property and improvements to the banks of the river. The dam is allowed in the river with the permission of the state.
- If we don't "own" the dam why are we responsible for it?
 - Regardless of ownership, any action concerning the dam will require appropriate state and federal approvals. The City has a stake in the safety risks the dam poses because it is adjacent to city park property. One of the goals of the city government is to safeguard the health, safety and welfare of the city's residents. Thus, it is appropriate for the City to sponsor proposals for consideration and approval by the agencies having jurisdiction over the river and the dam.
- Should we ask the State of Texas to take action?
 - Since this is not a dam owned by the State they would place the responsibility back on the "owner". Since there is no specific "owner" it would then again become our responsibility due to the safety risks posed within the corporate city limits.

QUESTIONS WE HAVE RECEIVED

- Did the city propose, in the Texas Parks & Wildlife Sand and Gravel Permit application, to take any action to acknowledge/honor the historical significance of the dam?
 - No, the concerns regarding the historical significance of the dam did not arise until the vetting process of the permit application began.
- Is the permit application still pending?
 - Yes, the Sand and Gravel Permit filed for the removal of the dam with Texas Parks and Wildlife (TPWD) is still pending.
- Is there a possible middle ground opportunity that can be explored?
 - The study may be able to provide us with that information. Currently staff has proposed the options available as we believe them to be.

INTERIM SAFETY MEASURES

- Installing a buoy system from Cape's Dam to river bank upstream to designate a safe line of travel around the dam.
- Installing new warning signage similar to exhibit shown here.
- Parks & Rec Maintenance staff will be installing.
- Total Cost is \$3,300



COUNCIL DIRECTION REQUESTED

- Does Staff have authorization to move forward with the proposed Scope of Work?

QUESTIONS?

NEXT STEPS

- Staff will complete the Request for Proposals solicitation.
- Staff will publish the RFP and solicit submissions.



Legislation Text

File #: ID#20-462, **Version:** 1

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Meeting date: 8/4/2020

Department: City Clerk's Office on behalf of the City Council

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

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- Transportation - Choose an item.
- Not Applicable

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