



MEMO

TO: Rodney Cobb, Executive Director of Community Services
COPY: Steve Parker, Assistant City Manager / CFO
FROM: Drew Wells, Assistant Director of Community Services
DATE: January 11, 2019
RE: Update on Cape's Dam

SUMMARY

The purpose of this memorandum is to provide a summary of Cape's Dam. Since the City took possession of the Dam in 2014, the City Council authorized staff to coordinate with U.S. Fish and Wildlife to remove the structure. Attempts to obtain necessary permits for removal have failed. Hays County has approached the City with a request to pursue a partnership to have the Dam restored.

BACKGROUND

After taking possession of Cape's Dam in 2014, the City Council took action in March 2016, upon the recommendation of the Parks Advisory Board, for removal of the Dam. The City partnered with U.S. Fish and Wildlife Service (USFW) to have the Dam removed. USFW led the project efforts and was responsible for obtaining all necessary permits from entities with jurisdictional authority. The project stalled in late summer 2016 after objections from the Texas Historical Commission in approving the scope of the removal project. During this time, local groups opposed to the project organized and requested the City consider restoration of the Dam with hopes of maintaining historical significance of the structure and area and providing recreational opportunities in the river and Mill Race. Consequently, USFW discontinued the permitting process and has since severed their participation in the project including federal financial support.

In September 2018, the Historic Preservation Commission (HPC) directed Staff to add a Non-Consent agenda item to their September 6 agenda that would allow them to discuss and potentially consider initiation of a petition to designate Cape's Dam as a local historic landmark as outlined in Chapter 2, Article 5, Division 4 of the San Marcos Development Code. The Commission ultimately forwarded a favorable recommendation to the Planning and Zoning Commission to designate Cape's Dam as a local historic landmark. The Planning and Zoning Commission, however, rejected the HPC's recommendation and voted to deny the request. The item is scheduled for City Council consideration on January 29, 2019.

In the fall of 2018, city staff met with representatives from Hays County concerning their interest in having the Dam restored. The County, working with Kate Johnson, is interested in pursuing a partnership with the City to restore the Dam. They have indicated a desire to lead the project including design, construction, and long-term maintenance. They are interested in entering into the appropriate inter-local agreement to formalize the relationship that clearly defines the terms and responsibilities of each entity. The City budgeted \$50,000 in 2015 CIP and \$200,000 in 2016 CIP for Cape's Dam.

Approximately \$73,000 has been expended for environmental studies. The County is requesting financial support consisting of the remaining funds as part of the proposed inter-local agreement. The County, in conjunction with participation from Ms. Johnson, would be responsible for all additional restoration costs.

Attached is a chronological history of events related to Cape's Dam. Staff is seeking direction from City Council concerning the possibility of entering into an agreement with the County for the restoration of Cape's Dam.

Capes Dam Time Line

Tom Hardy does study on Capes Dam for USFW	January 2012
Deed for property and Dam Structure	June 18, 2014
Park area is cleaned and hazards are identified, and park rules established	June-July 2014 after deed
Evaluation of Capes Dam contract between the City and Tom Hardy	December 15, 2014
Sink hole near cape road dye tested by staff And covered to prevent someone from falling into. Half of water coming from Mill Race, half running clear undetermined where it is from.	January 2015
Presentation to Council by Tom Hardy Capes Dam Study	March 22, 2015
Memorial Day Flood	May 2015
Capes Camp closed to public for safety And clean up	May 2015
Cleanup of flood debris	June to September 2015
Tom Hardy Report: Effects of changing the height of Capes Dam on Recreation, Texas Wild Rice, and Fountain Darter habitat	October 12, 2015
All Saints Flood	October 2015
Park debris cleanup and damage review	November 2015 - January 2016
Council Approves Removal of Capes Dam	March 2016
Mike Montague with USFW begins permit process To remove dam.	April 2016
Permit to remove dam stalled after local Historical Commission's request of State Historical Commission Request for Consulting Party Status	July 17, 2016
Supplemental Capes Dam Mill Race Assessment	

Ordered from Tom Hardy	July 25, 2016
USWF unable to get permit for removal Option of removal is removed from table	2016
Additional hydraulic study of dam requested from REP engineering out of Boulder, CO.	March 2017
Hays county Historical Commission seeks Historical Designation and local "Save the dam" group organizes To get council to rebuild the dam	2015-2018
Historic Preservation Committee declares Capes Dam as Local Historic Landmark	2018
City of San Marcos P&Z commission rejects Local Historic Landmark Status	2018
Hays County and Kate Johnson with the County Historical Commission request to lease and Manage the capes dam from the City of San Marcos In hopes of raising funds to restore the dam.	2018

END