

CITY COUNCIL WORK SESSION

Cape's Dam Work Session

Tuesday, June 18, 2019

Presentation

Staff presentation/discussion regarding the status of Cape's Dam and possible partnership opportunities with the County and the Hays County Historical Commission.

Background

January 15, 2019: City Council 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.

History

- In 2014, City Council approved Planned Development District (PDD) zoning for the Woodlands development project, and received 20 acres of dedicated parkland along the San Marcos River, which includes Capes Dam and the Mill Race.
- In October 2014, the Parks and Recreation Advisory Board requested a study of safety and environmental issues associated with the Dam.
- Scientific evaluation was completed which recommended the removal of Cape's Dam and filling of the Mill Race.

History

- On March 15, 2016, City Council approved a motion to remove Cape's Dam.
- On 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.

History

- On 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.

Key Issues

The property has a trinomial attached to it. What does this mean for the property?

- An archeological site has officially been recorded with the state. What is listed under the trinomial is smaller than the 17 acres noted in the 1985 National Register nomination form for Thompson/Cape Dam & Ditch Engineering Structure. An archeological survey would be required to determine the boundaries of the archeological site.
- Removal of or repairs to the dam and would fall under the Antiquities Code of Texas. Work must be coordinated with the THC.
- Archeological work would be required in advance of most projects.

Key Issues

How will designation of this property as a local historic landmark affect the property?

- Local Historic Landmark designation does not require the City to do anything to the dam or the associated structure(s).
- Ordinary repair and maintenance do not require a Certificate of Appropriateness.
- Exterior changes in material or design, including demolition, must be approved through a Certificate of Appropriateness (COA) by the Historic Preservation Commission (HPC).

Key Issues

Can Certificates of Appropriateness for City-owned property designated as historic landmarks or located in local historic districts be appealed to City Council?

- The current San Marcos Development Code requires that appeals of Certificates of Appropriateness are heard by the Zoning Board of Adjustments (ZBOA).
- City Council has directed that Section 2.5.5.5 of the San Marcos Development Code be reviewed with the upcoming annual update to the Code.

Hays County/Hays County Historical Commission Proposal

- Hays County, in partnership with the Hays County Historical Commission would like the City to consider a proposal that would:
 1. Transfer responsibility for operation and maintenance of the dam and mill race structures, and surrounding areas of City-owned park land, under agreement with the City.
 2. Hays County Historical Commission has stated their intent to secure funding for restoration of the dam structure, and ongoing operations and maintenance.
 3. County would work with the City on the scope and design of the proposed project.

Hays County Ownership Issues

- The County has also proposed transferring ownership of the Five Mile Dam Soccer Complex, Randy Vetter Park, and Dudley Johnson Park to the City. The City currently operates and maintains the Five Mile Dam Soccer Complex under (an expired) agreement with Hays County. Vetter and Johnson Parks are County-owned and maintained.

Components of the Proposed Project

- On June 4, 2019 the County approved a professional services agreement to design a conceptual master plan of Cape's Dam.
- Access points for park users to enter the river
- Proposed parking areas
- Picnic tables and recreation areas
- Trails along Thompson's Island and Stokes Park with interpretive signs about history and environment
- Safety of park users and emergency access
- Park Rules and Enforcement
- Neighboring developments and conflicts with access or alcohol.

Next Steps

- Work with the County and Hays County Historical Commission over the next couple of months to develop a proposed project
- Bring back costing data related to maintenance and operations of proposed park projects
- If Council approves of proposed project at a future council meeting, the City would negotiate an interlocal agreement designating the terms of the partnership

QUESTIONS?