

# **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"

**AUG, 2016**



### **USFWS Presentation**

- ✓ Presentation to Council about Planning and Permitting Process
- ✓ Dam "Acts as a barrier to fish and aquatic species"
- ✓ Dam "Is in severe disrepair and a safety hazard to recreation"
- ✓ Conflicting positions between USFWS and THC
- ✓ City suspends USFWS permit due to multiple competing interests

**JAN, 2019**



### **Partnership Opportunities**

- ✓ Executive Session briefing on potential partnership
- ✓ Hays County, Hays County Historical Commission, City

**JAN, 2019**



### **Historic Landmark Designation**

- ✓ 10/18 - HPC Recommends designation of Cape's Dam
- ✓ 11/18 - P&Z recommends denial of the designation
- ✓ 1/19 - City Council postpones for 6 months to gather more info.

**JUNE, 2019**



### **City Council Work Session**

- ✓ Status of partnership opportunities
- ✓ Presentation from County on proposed project in Fall 2019

**OCT, 2019**



### **Visioning Study**

- ✓ Presentation from Vista Planning and Design
- ✓ Council asked Staff to explore required State or Federal permits

**JAN, 2020**



### **City Council Work Session**

- ✓ Presentation of potential permitting process
- ✓ Council directed Staff to conduct a study and provided items to be addressed by that study.



# 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

## 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

## 7 – Execute Contract

Receive bonds and insurance  
Obtain signatures  
Notice to proceed with services

Estimated duration: 14 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.