



City of San Marcos

Work Session Meeting Minutes

City Council

Tuesday, May 4, 2021

3:00 PM

This meeting was held using conferencing software due to COVID-19 rules.

I. Call To Order

With a quorum present, the work session of the San Marcos City Council was called to order by Mayor Hughson at 3:02 p.m. Tuesday, May 4, 2021. The meeting was held online.

II. Roll Call

Present: 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

PRESENTATIONS

1. Receive a Staff update on the proposed Interlocal Local Agreement / Memorandum of Understanding with Hays County regarding Cape's Dam, and provide direction to the City Manager.

Bert Lumbreras, City Manager, provided an introduction and stated the presentation this afternoon is an update on the City's efforts with Hays County on a proposed Interlocal Agreement (ILA) and Memorandum of Understanding (MOU) regarding Cape's Dam. Mr. Lumbreras introduced Jamie Lee Case, Assistant Director of Parks and Recreation to provide the presentation.

Mrs. Case outlined the progress to date. In August 2020 the City Council formally adopted a Resolution directing the City Manager to begin negotiating an interlocal agreement with Hays County. City Staff and Hays County Staff met to discuss next steps. The County stated the preliminary assessments will need to be completed before an interlocal agreement can be crafted. In September, the County provided an update related to their discussions regarding permitting and diligence to help develop a plan moving forward. In October the City Manager provided an update regarding the progress of the negotiations of the ILA/MOU with Hays County. Council provided consensus to move forward as proposed with all the previously identified issues to be

addressed in the draft ILA/MOU. The essential items discussed for inclusion in the ILA included environmental, historical, recreational, hydrology, and endangered species impacts. Other items discussed were financial participation, operations and maintenance, and project planning, design, permitting, and construction phases.

Mrs. Case explained that the “Cape’s Dam Complex” is defined as Cape’s Dam and the Mill Race, which provides water to the waterfall at Stoke’s Park, owned by Texas Parks and Wildlife and managed by the City of San Marcos. The “Cape’s Dam Complex” will be conceptualized under Phase 2 and approved by both parties.

The components of the agreement were identified and include a Purpose, Phases of the Project, Funding and Procurement, Task Order Execution, Public Engagement, and Term and Time of Performance.

Staff will provide the City Council with periodic project updates, and will schedule work sessions to present major milestones in order to receive direction.

The next steps include the City Council consideration of an ILA / MOU at the next City Council meeting. Hays County consideration of the ILA / MOU will be held at their June 1st meeting and work can then begin on Phase 1.

Staff opened the presentation to questions by Council.

Council Member Baker asked if the values given are in priority order. Mrs. Case stated all things are considered equally. Council Member Baker would like to see this in a priority list.

Council Member Baker would like to ensure the complete history of the damn is depicted. Not only of the indigenous culture, but also those of the slaves.

Council Member Baker commented that some experts disagree on what is best for the damn and asked if staff has identified which experts they plan to lean on because this tends to be a controversial issue and he would like to see a diversity of perspectives. Mrs. Case stated this hasn’t been identified but will be considered during Phase I. She stated a conceptual plan has not been created, but City Staff and Hays County will work together on this.

Mayor Pro Tem Derrick would like to know what the City will be financially

responsible for. Mrs. Case stated these funds have not been identified at this time.

Council Member Gonzales wants to ensure Blanco Gardens and the Wallace Addition neighborhoods are included in discussions.

Council Member Garza expressed her concern with the Staff time that will be dedicated to this project. She also expressed interest in the financial impact of this project to the City. Mrs. Case stated the financial portion will be identified as we move through task 1. She also stated a 3rd party may be utilized to assist with public engagement endeavors.

Mayor Hughson asked if will be funded by grants. Mr. Lumbreras stated the plan is for the County to work with their other identified partners and there are limited amount of funds for this project so far. Mark Kennedy, Hays County Attorney, said it is the County's intention to fund all or most of the repair for the dam, but until a structural assessment is completed this amount is yet to be determined. As each phase approaches they can reach out for funding through grants or 3rd parties. Mayor Hughson would like assurance that the City, if requested for funds, it would be brought to Council before approved.

Council Member Baker inquired about a potential back up plan if permits are not approved for repair of the dam. He also wants to know if the MOU is accepted does it obligate the City to payments for costs that may be unanticipated. He would like a cap on the amount that the City would spend on this project. Mr. Lumbreras expressed his concern with setting a limit. The City has to consider various phases and tasks before moving to the next step and If required permitting is not met, then we could not move forward. All the steps will be followed and all requirements will be met in order to move forward. In terms of budget, there will be check-ins and the city resources will be managed. This project has been the county interest and they are willing to step up on budgeting.

Council Member Baker asked if the County will still assist if the permitting is not approved, because something must happen with Capes Dam. He inquired about partners that may assist and wants to know if our limited budget will impact the City's input on the project. Mr. Lumbreras stated the City has a vested interest in this project so for anything to happen financially, the City will have to approve as the owner of the property. The City and County are the partners of this agreement. Mr. Kennedy stated there is no commitment from a

3rd party for funding for this project at this time.

Deputy Mayor Pro Tem Scott stated that this agreement is to work together in an effort to identify funds, on both sides, and this is agreement is only to start the process. There are theories that people keep speaking about but we can't do anything until we get this partnership and agreement in place.

Council Member Gleason stated there is potential for more resources of funding if this partnership is in place, so it is important to approve this agreement. He stated developing green space and parkland should be a priority, and since this is a city/county collaboration we should expect to receive more funding.

Mayor Pro Tem Derrick inquired about the County's willingness to fund the permitting process. Mr. Kennedy stated this would be identified at a later date but is unable to commit the county to anything at this time.

Mayor Hughson stated there are a lot of moving parts and something needs to occur to get this project moving.

Council Member Garza stated that a lot of the community would like us to just close the dam and focus on housing, the pandemic, and other issues. Mayor Hughson stated this may be true from the data Ms. Garza collected, but that is not a true statement of all community members as there is a large number of people that want to see something done with the dam.

Council Member Gleason stated a lot of time and energy has been focused on this, but he does believe this is a way to get the process started and he has spoken to people in and around his neighborhood on the East Side of IH-35 and this will be a big deal. He understands the exact numbers are yet to be determined, but we the first steps need to be taken, as this will bring forward a better product and he thinks this is worth the energy.

Deputy Mayor Pro Tem Scott has been involved with this project for a long time and the concept driving this was to give people on the East Side access to the river. He has never talked to anyone that did not want a park in that area.

Council Member Baker stated that a park can still be created on the East Side even if this MOU is not accepted.

Upon completion, Council provided consensus on the following items:

- 1. Prioritize Values in this specific Order - Public Safety, Environmental Conservation, Historic Preservation, and Public Recreation**
- 2. Include Complete History of the Dam**
- 3. Ensure all nearby neighborhoods that would be impacted be included in public outreach and to include this within Public Engagement portion of agreement.**
- 4. Ensure that Council receives notification and an item is brought before them if any city funds are requested.**

EXECUTIVE SESSION

2. Executive Session in accordance with:
 - A. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the pending application to discharge wastewater from Fleming Farms Wastewater Treatment Facility proposed to be constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway 123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576.
 - B. Section §551.072 of the Texas Government Code: Real Property - for deliberations regarding the possible acquisition of property for parks purposes and the possible lease of existing park property to a third party.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott to enter into Executive Session at 4:07 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

III. Adjournment.

Executive Session was concluded at 5:39 p.m.

A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to adjourn the work session of the City Council at 5:41 p.m. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Garza and Council Member Gleason

Against: 0

Absent: 2 - Council Member Gonzales and Deputy Mayor Pro Tem Scott

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor