



## Legislation Details (With Text)

**File #:** ID#20-126    **Version:** 1    **Name:**  
**Type:** Work Session Item    **Status:** Individual Consideration  
**File created:** 3/12/2020    **In control:** City Council  
**On agenda:** 8/4/2020    **Final action:**  
**Title:** 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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. WS 08.04.20 Cape's Dam Work Session Presentation

Date	Ver.	Action By	Action	Result
8/4/2020	1	City Council		

### **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).  
<<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).  
<<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) <[http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/\\_08162016-851](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) <[http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/\\_10042018-1482](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) <[http://sanmarcostx.gov/AgendaCenter/ViewFile/Minutes/\\_11272018-1536](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](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](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](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.