



**NEW BRAUNFELS OUTER LOOP TASK FORCE
TENTH MEETING
JANUARY 25, 2010
TEXAS AGRICULTURAL EDUCATION & HERITAGE CENTER
6:00 - 9:00 P.M.**

MEETING MINUTES

Attendance:

<p>TxDOT REPS: Jonathan Bean, PE Laura Lopez Maggie Rios</p> <p>ELECTED OFFICIALS: Jay Millikin, Comal County Commissioner Cesareo Guaderrama, Guadalupe County Commissioner Judy Cope, Comal County Commissioner</p>	<p>TASK FORCE MEMBERS: Tom Hornseth Rusty Brockman Stacy Snell (Resource Person from City of New Braunfels Planning in place of Shannon Mattingly) Ted West Donna Jones Marilyn Altwein Roy Linnartz Martin Levett Karen Dietz Suzy Collins Maegan Blaschke</p> <p>Alicia Herrera Phillip Schulze Mitch Sacco Marcie Helmke Arthur Brinkkoetter Brett Reynolds Connie Krause Rod Smith Tipton Ross Vicent Shwab Jim Folbre Kevin Lehman</p>	<p>CONSULTANTS: Ximenes & Associates, Inc. Linda Ximenes</p> <p>Kennedy Consulting, Inc. Kevin Kennedy, PE Tony Estes</p> <p>RJ RIVERA Associates, Inc. Rudy Rivera, PE Linda Vela Yobana Diaz Melissa Barton Sofia Torres</p>
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The meeting followed the agenda set out. To obtain a copy of the meeting agenda, please visit www.nbolstudy.com and click on the "Public Involvement" page. There you will find the agenda and all handouts that were distributed at this Task Force meeting. The following minutes are meant to document the events of the evening in a detailed format. Transcription of public comments are included and made to the extent possible but there is no guarantee of accuracy. These portions of the minutes are indicated and indented.

Agenda Item I - Welcome

Linda Ximenes, the facilitator, convened the tenth meeting of the New Braunfels Outer Loop Task Force shortly after 6:00 PM. She welcomed those in attendance and thanked them for being there.

Agenda Item II: Introductions

Ms. Ximenes then asked the Task Force members in attendance to introduce themselves. Ms. Ximenes introduced the elected officials in the audience and a member of the Guadalupe County staff.

Agenda Item III: Review of the Task Force's Charge

Ms. Ximenes reviewed the charge of the Task Force.

Ms. Ximenes reminded the Task Force that the set protocol for addressing concerns or problems should continue to be focused on problems or issues and not on any person.

Agenda Item IV: Review the Desired Results of the Meeting

Handout: This information is located at the top of the agenda for this meeting.

- Get acquainted with the Task Force members and their interests
- Review the screening process for Sections C, D, and E.
- Respond to clarifying questions regarding the presentations on Sections C, D, and E.
- Allow for public comment at the beginning and end of the meeting.

Agenda Item V: Review the Agenda

Handout: This information is located at the bottom half of the Agenda for this meeting.

Ms. Ximenes reviewed the Agenda for the meeting with the Task Force. Ms. Ximenes informed the Task Force that the order of the Agenda would be a little different for the meeting and that Section E would be presented first. Ms. Karen Dietz asked why. Ms. Ximenes stated that the agenda had gone out and included Section E in the presentations. Mr. Martin Levett stated that it had been previously stated that Sections C and D would be presented and if there was time Section E would also be covered and the order was now reversed. Mr. Mitch Sacco commented that he felt we should proceed as the facilitator had suggested.

Agenda Item VI: Approval of the Minutes from November 30, 2009

Ms. Ximenes asked for any corrections to the meeting minutes from December 21, 2009.

Mr. Levett stated that the revised version of the minutes had not been included on the project website.

Agenda Item VII: Comments from the Public

Rittler Strachan

[From Rittler Strachan] “The Task Force has reassembled under some pressure to provide the community with a chance to have its leaders look into the outer loop as a transportation option for the county. Two questions have been asked of TxDOT while I’ve been here. How? What? When? Paid for by whom and why? To me it’s fundamentally clear that TxDOT does not intend to answer these questions because I have never heard them answered. They have never asked the citizens of Comal County if they feel that they need this road. Excuse me if I lose my place here. Simple enough. But if they did not, then why? Because I, in my opinion, it looks a little bit like it might be kind of an inside job. TxDOT officials have come on the radio with their public anesthesia and said no plans have been made, not going to be a toll road, won’t be built any time soon. Not a toll road, then what? Not soon, then when? Yet for one example there are developers on record saying they are in it for the fast money. After a meeting with TxDOT, TxDOT comes out and says, “No plans have been made.” But if one compares an artist’s rendition of one of these properties it’s kind of interesting to see that it was months earlier this map and that there is the outer loop in the picture and match it up; curve for curve. To me that’s a little suspicious. So, there is some very well connected people behind some of these developments. TxDOT has made it abundantly clear that they have little concern for the environment or the aquifer. I hope that you are aware that even the light development around Canyon Lake is absolutely polluting Canyon Lake. This is water we drink. It is a developer’s highway. It’s a truck throughway. It’s a “send the traffic and pollution through Comal County and the aquifer and not through polluted Bexar County” kind of highway. What it is not is a sensible, well thought out transportation issue for us citizens who live here now. It’s greed pure and simple. My opinion. It’s big government leaders and they are selling out to Wall Street and their investors. Fairly verifiable. Your recommendation is easy. No loop. No way. When we no longer need gasoline, and this is coming, we will need water. This land cannot sustain the type and speed of development that will follow this road. It would be so much better if the city and the county government did not have to square off with the public on another big issue we do not want or need or were asked about. There is a growing, and I would suggest, sufficient, momentum among the public to rise up and stop this. They will become annoyed at having to go

to the polls every time they wish to stop something. They will remember who on the Task Force recommended.”

Brandon Blaschke

[From Brandon Blaschke] “Hi. My name is Brandon Blaschke and I’m a resident of Guadalupe County. I’ve been attending these meetings as a public audience member since the summer. My wife and I, as well as my parents-in-law, are property owners who would be directly affected by the currently adopted pathway. I’ve seen people stand before you to grumble that they might personally be affected if the loop passes through their property and I’ve listened to some of them who seem to have no concern for whether their neighbors would be affected so long as the path was not through their own backyard, but I do care. And though I think that idea of constructing a loop around New Braunfels is poorly thought out from top to bottom, I care about my family’s property. I care about my neighbor’s property and I care about the people all the way over in Section A. I think we all deserve explanations for the decisions that were made through this process and we have finally been getting some of these at the last few meetings. I recall that one Task Force member recently referred to the printed questions and answers we have been getting as a bunch of garbage. This was during one of the previous meetings and it was implied that it was not worth answering, taking questions or even being distributed to the public. But I could not disagree more. Family’s histories, people’s livelihoods and their homes and farms are at stake. These people at least deserve the dignity of an explanation for why the route was chosen. They deserve and we deserve to have our questions answered. I find it puzzling that no information has been presented as to what public entities or officials are behind the planning of the outer loop and responsible for its implementation. Responses to this question when it has been raised at the meetings have been ambiguous and unclear at best. I feel that the integrity of not only the study, but that of the Task Force findings, would be greatly legitimized with transparency on this issue. I know that some people feel more passionately than others, but this forum is not a place for personal attacks and accusations. And this forum is not a place for the public audience to interrupt for any reason. I hope that going forward everyone will respect the task force process as well as the many parties that are involved so that the meetings can move on in a timely fashion. And finally, it has been suggested at a recent meeting that for this Task Force to complete its charge and make a difference would be impossible. But I believe that there are enough good-hearted, reasonable and strong willed people on this Task Force to see this through. I know that you will make a difference if you put as much thought and concern into your report as I have witnessed these last few months as I have been watching you. Thank you for seeing this through and we appreciate you all for your service. Thank you.”

Agenda Item VIII: Address Concerns and Comments Regarding the Screening Process

Ms. Ximenes introduced Kevin Kennedy to present the screening of alternatives for Sections D and E.

Review the Process for Screening Section E

Mr. Kennedy stated that Section E is in Guadalupe County and extends from FM 1044 to SH 46 and crosses the Guadalupe River within those limits. He started with the Viable Options which is where it was decided previously the presentations would begin to overview the screening of the options. He showed an exhibit depicting the Viable Options that were shown to the Technical Work Group on September 27, 2007. He stated that after the Technical Work Group Meeting the team began to gather information and evaluate the alternatives that had been developed. He said that the study team learned of a parcel that was owned by the New Braunfels ISD which E1 impacted. This impact consequently removed E1 from consideration. A newly platted subdivision (Avery Park Subdivision) in Section D was brought to the study team’s attention and resulted in the elimination of E9 and the connecting E10. The options that remained were the Viable Options that were shown at the Public Meetings on October 9th and 11th 2007. The team added segment E14 after the Public Meetings to provide an additional alternative in Section E connecting E5 with E7. The team identified 12 homes along the Long Creek Subdivision that were impacted by segment E13. This caused E13 as well as E8 and E16 to be removed from consideration.

At the Public Meeting the team also learned of a possible cemetery located within E12. As the option was evaluated there was not an opportunity to shift or adjust the route to miss numerous adjacent constraints.

Instead, the team added another segment (E15) which aligned further to the west and avoided the cemetery that was identified via information gathered from the public at the second round of Public Meetings. The remaining six routes were what made up the Short List of Options. These six routes were evaluated using the 31 criteria matrix to compare the impacts of each option. Route 4 was determined to be the recommended option in Section E. Had the team adjusted E12 to get off the cemetery then the routes that included that option would have had different matrix results by an addition of about 5 houses. Route 4 only impacted three residences. Route 1, 2, 3 and 5 also impacted the cemetery that was identified and, at this point of the study, located with more precision. Mr. Kennedy stated that the recommended option, E15, was chosen to minimize impacts to the identified cemetery and residences in the area were the deciding factors since impacts to other constraints on the matrix were fairly close. Option E2 passed along the Long Creek Tributary which made it less desirable from an engineering perspective. E2 also had a greater skew in crossing FM 1044. Because of these reasons E3 was considered to be more desirable and also met up with the recommended alignment in Section F.

Ask Clarifying Questions about the Process for Section E

Ms. Ximenes asked for clarifying questions for this section. Marilyn Altwein asked how many acres the New Braunfels ISD Agricultural Farm that was mentioned. A member of the general audience stated it was 20 acres. She continued to ask what prompted the team to remove the option immediately since it was designated farm land. Mr. Kennedy stated that one of the earliest fatal flaws the study team tried to identify was minimizing impacts to school properties. Ms. Altwein clarified that it was impacted because it belonged to the school district and not because of the type of use of the land. Mr. Kennedy stated that was correct.

Phillip Schulze asked why on some maps there was a cemetery on the east side of the river at the crossing and on other maps it is not there. He asked if there was a cemetery in that location or not. Mr. Kennedy stated that the exhibits were created for this meeting and they had tried to capture as close as possible the exhibits that were created at the time but constraints were added, removed and moved thought the process as information was gathered but they could go back and investigate that specific instance. Mr. Schulze asked if Mr. Kennedy knew the names of the cemeteries. Mr. Kennedy stated that he did not and they might not all have names. He stated that the study team used the constraints map that was created by the environmental firm on the team and changed throughout the study. Mr. Schulze stated that he would be interested to know if the cemetery was on the north or south side and if it was touching the loop recommendation and would like more information. Mr. Kennedy stated that the information from the constraints map was gathered from available information and when new cemeteries were added those were field verified or verified in aerials.

Ms. Connie Krause stated that the inventory of cemeteries that she had was put together and mapped by a couple familiar with the area. They attempted to use GPS to precisely plot the location but the GPS was not always reliable. She then gave that information to Mary Kelly with TCB who was the environmental firm in charge of creating the constraints map. Mr. Schulze stated that he would just like to know where the cemetery is and stated that he would like to have a more definite response about where it is and if it is even there or not. Mr. Kennedy stated that he would not know off of the top of his head but he suspected it might have been placed in error at some point and then once a more precise location was determined it would be moved. Ms. Krause stated that she had noticed some of the cemeteries were placed in the wrong place and so she provided the study team with the maps again to confirm the location so that could be a reason for the cemetery moving. Mr. Kennedy stated that they would look into the issue and provide information.

Mr. Schulze asked if the homes impacted were in the 100 Year Floodplain. Mr. Kennedy stated that the map indicated they were. Mr. Schulze stated that a 20 acre facility was avoided that was purchased 20 years ago but no mention was made of the route impacting a 150 year old farm. Mr. Kennedy stated that was correct and that the study did not make mention of that. Mr. Schulze stated that he felt it was worth stating that the route goes through active, prime historic farmland.

Review the Process for Screening Section D

Mr. Kevin Kennedy stated that Section D falls between SH 46 and IH 35 and that he would again start with the Viable Options. The exhibit first shown was that of the Viable Options presented to the Technical Work Group

in September 2007. Mr. Kennedy then pointed out where the airport, landfill, homes, historical structures, and GLO property were located within the Section D for general reference. There was a question asking what GLO stood for. Mr. Kennedy stated that it stood for the General Land Office and he understood that their charge was to act as the manager of the permanent school fund on behalf of the State of Texas. Mr. Kennedy pointed out the Avery Park Subdivision which was also discussed in Route E. This development caused D1 to be eliminated due to impacts to the subdivision. At this stage in the study process Section C added C11 which required Section D to add D17 to tie to it. These routes were the Viable Options that were taken to the Second Round of Public Meetings in October 2007. After the Public Meetings, similar to what happened in Section E, a segment was added (D18) and additionally one segment extended (D16) to provide more alternatives in Section D. Next to the landfill segment D12 passed through two homes. This segment was slightly adjusted to avoid impacting those residences. Segment D3 was removed from consideration due to the removal of its connection in Section E (E13). This also resulted in the removal of D18 which connected to D3. At IH 35, the team overlaid the possible right-of-way footprints of the anticipated interchange to evaluate the potential impacts. This footprint impacted a Potentially Eligible Historic Structure at the intersection of IH 35 and segment D14. There is also an existing IH 35 interchange within close proximity to D14 that also caused D14 to be removed. A newly platted subdivision in Section C (Havenwood Subdivision) caused C11 and C17 to be removed since they impacted it which consequently eliminated the connecting segments in Section D (D11 and D17). The remaining segments made up the Shortlist of Options.

There were six different route alternatives evaluated at the Shortlist of Options. In Section C there was a small adjustment to Option C21. Mr. Kennedy stated that Section D was far enough along to recognize that in all likelihood D18 and D15 would probably be on the recommended route so D15 was adjusted to connect to the adjustment that was made to Option C21. These adjustments minimally affected the matrix numbers. Route 3 was ultimately identified as the recommended route in Section D. The impacts on the matrix for the options were fairly close. Mr. Kennedy showed the recommended alignment and also showed the currently adopted loop alignment.

Mr. Sacco asked if the GLO had any influence on the location of the route alignment. Mr. Kennedy stated that on the east side they did not speak to the GLO. He stated that he did recall an exhibit that the GLO showed that gave a visual interpretation of the land use for their property but it was not considered in the screening of options. There was never any direction given to allow any bearing on the screening of options or the results of the screening of options by the GLO or others. He stated that if the GLO had requested a meeting the study team would have met with them just as they would comply to the request for any landowner or stakeholder in the area. He stated that if they had communicated a preference to where they would like the alignment on their property, granted that it did not cause additional impacts, he would have certainly considered doing so as long as it did not change where the alignment entered or exited the property. Mr. Sacco asked if the GLO ever objected to the loop crossing their property. Mr. Kennedy stated that he was not aware of them doing so.

Dr. Levett stated he had the artist's illustration that showed a labeled New Braunfels Outer Loop which was dated April 2007 and the Agency Coordination Conference was held three weeks later. He stated that curve for curve the loop alignment on the artist's rendition matches what was recommended. He also clarified that GLO stands for the General Land Office and added that an article in the Herald-Zeitung on May 31, 2007 had a story titled "Outer Loop Could Traverse State Land". He said the Deputy Commissioner, Bo Tanner, states they are in the business of making capital, making cash, making money and that was the intention of selling the land in smaller chunks for big profit. Mr. Boyer stated that developing that state land certainly was a major factor and if you could get right-of-way preservation for the property it would be a major step forward in moving this on. Mr. Frank Robertson, the Planning and Community Development Director for the City of New Braunfels at the time stated that Mr. Rick Sheldon would expect a significant return on their investment and without the loop the land is nowhere near as valuable. He stated that shows the reason for the loop which was to make money for the General Land Office. He said it was freighting that the technical illustrator knew where the study team would put the recommendation weeks before the study even started.

Ms. Blaschke asked Mr. Kennedy not to say that it does not matter where the lines go because the people in the public do see a big difference and it does matter to them. She also stated that in Section D the reason

there are only eight homes impacted is due to the fact that the area is comprised mostly of large parcels of land. She also stated that Mr. Kennedy had said he would meet with any landowner or stakeholder in the area and she said if her family had been aware of that they would have appreciated meeting with the study team so that information must not have been made public. She also stated that the recommendation was over Alligator Creek and she is a volunteer fire fighter and that is the area that has the most high water rescues and when the area floods the water spreads about a mile wide. She asked why the study team recommended putting the outer loop there instead of going closer to the large S turn on FM 758 which is the other option in the area. Mr. Kennedy stated that the team did not consider the crossing of Alligator Creek as a big consideration in the evaluation of options. He said the team looked at crossing the creeks at preferably ninety degrees and in an area that appeared to be stable and not downstream of a confluence. He said efforts were made to cross and not run along creeks or tributaries. He said the team used the floodplain delineation from FEMA and they did not see a big difference between the two options. Ms. Blaschke stated that the floodplain delineation is not exactly correct and she experiences the flooding impacts to be much worse where the recommendation was made versus the other option in the area. Mr. Kennedy stated that they received input during the study to the effect that the flooding was more severe than what could be indicated on the flood maps from FEMA. He stated that at this preliminary stage the team was looking for fatal flaws regarding hydrology and did not determine runoffs or analyze structures or profiles which would be done in later phases. He stated that entities that could develop a road like this would have a criteria that is governed and overseen by FEMA that the upstream and adjacent water surface elevation off of the right-of-way of the project could not have a detrimental effect on those adjacent properties. When the projects are developed the facility would be designed so that there would not be adverse impacts to adjacent properties. Mr. Kennedy stated that within the 800 foot corridor there was ample width to develop a facility that would not have adverse hydraulic impacts. Ms. Blaschke stated that evaluation was determined using FEMA maps. Mr. Kennedy stated that the team did use published data and utilized the FEMA maps.

Ms. Blaschke asked if there were any meetings with Waste Management to see how they believe they could help the City of New Braunfels develop this loop. She said she read a story in the paper that in the next 20 to 30 years they projected the landfill would be capped off and she said she owns neighboring property and did not plan to sell to them so they would not be able to grow. She said in the written responses there was a response that indicated there were instances where roads were built over landfills that had been capped off. She asked if the section close to the landfill could be built over the landfill once they reached their cap. Mr. Kennedy stated that discussions with the landfill revolved around getting their delineation to avoid impacts to them. Mr. Kennedy stated that they did not ask them that because you would not build a road over a landfill. Ms. Blaschke stated the response indicated the roads were built on top of landfills. Mr. Kennedy stated that it would be very challenging and expensive, but not impossible to built a road over a landfill and there would have to be no other reasonable alternative to go to that extreme. He said in this instance there were other reasonable alternatives. Ms. Blaschke stated that those reasonable alternatives were cutting large parcels of farmland. Mr. Kennedy stated that was correct and he said he appreciated those concerns because he is a property owner as well. Ms. Blaschke asked if he was a farmer. Mr. Kennedy stated he did not farm his property, but he was raised on a farm and would not want the loop facility on his property. Mr. Kennedy stated he understood that the sentimental attachment a person has towards a property cannot be factored into the evaluation. He said that the State grows and that development happens. He said that everything that is here today was previously raw land. Growth and development are part of the reasons his family came to America from Scotland to pursue opportunities.

Dr. Levett stated that eminent domain can be used to take land away even if someone does not want to sell if it is deemed to be for the greater good. He said that there are 23 homes impacted but, pertaining to Question G87, there are also 285 parcels of land less than 50 acres which are family owned farms and ranches. Those won't ever develop into big developments that will dedicate some of their land to the route but will be taken by eminent domain as well. Those are 258 families that will be affected and people in Guadalupe County need to be aware that their land will be taken for this. Mr. Kennedy stated that the facility will affect a lot of people and that is the reason the State has gone through the extent it has for public involvement efforts.

Mr. Kennedy showed Sections D and E together as they were after the Open House. He said that near SH 46 the study team became aware of seven Potentially Eligible Historic Structures that the recommended route went through. Some of the initial constraints were avoiding impacts to Potentially Eligible Historic Structures. The study team re-evaluated the recommendation and took another look at some previous options which had been eliminated due to residential impacts. Since the route being recommended now had fatal flaws identified the study team went back and re-evaluated those previously eliminated options and changed the recommendation. The study team held a Meeting with Affected Property Owners (MAPO) to communicate the change. Ms. Altwein asked when the notice went out for the meeting. Mr. Kennedy stated the notices went out about two weeks prior to the meeting which was held in June 2008. At the MAPO the study team presented the options and collected additional information.

Mr. Kennedy showed exhibits that illustrated the original recommendation in Section E and D and the new modified recommendation, Route 7. In Section D, he pointed out that there is an asterisk by a cemetery in the matrix because there was public input at the MAPO that identified a cemetery in the vicinity. The existence of the cemetery has been confirmed by another property owner but the location has not been precisely located. Also information of an old home site in segment D6 surfaced. This home appears to be older than the 50 year criteria that was used to flag Potentially Eligible Historic Structures; however, the condition of this home is very poor and it is very unlikely that it could make the historic register. Additionally, it was determined that the 800 foot corridor would be sufficient to allow for future steps to minimize impacts to either the possible cemetery or home site once more definite information is received.

Ms. Blaschke asked what facility type was being considered. Mr. Kennedy stated that the facility type selected to determine the corridor width was an expressway type facility similar to LP 1604 which would at most be 400 foot wide. The 800 foot right-of-way preservation would be at least twice the width needed. Mr. Schulze asked about the Guadalupe Crossing and the potential facility type in the area. He also asked what would be the facility type for the crossing on the east side considering that a lot of it is in the floodplain. Mr. Kennedy stated that it's not possible to say for certain but at most you would have main lanes and frontage roads crossing the river or it's possible to only have the main lanes crossing the river.

Ms. Altwein asked why the crossing on the east side was not studied as extensively as the west side. Mr. Kennedy stated that the topography was less desirable at the west side's river crossing and the east side's crossing was more flat. Ms. Altwein stated that the study was supposed to be consistent in all areas and she did not see it as far as the river crossing is concerned. Mr. Kennedy stated that there is also a consideration for River Road which parallels the river and is designated as an arterial road on the New Braunfels Thoroughfare Plan which required an intersection connection to the loop facility. The situations were very different at each river crossing.

Ms. Dietz stated that Mr. Kennedy had pointed out a possible historic home site and asked how that could be valued more than land that had been cared for over generations which may or may not have a broken down house on it and would it be possible to value pieces of land in similar ways. Mr. Kennedy stated there were two reasons, in his opinion, why that is not done. One reason is that there are federal laws and regulations that protect properties that meet a certain criteria and are eligible for the historic register. The most common and most obvious is a structure, or something that was made by man, that is near original condition. If the building is part of the land and the whole land is basically a snapshot of some bygone time and has not been modified or improved then the protection could be extended to the whole parcel and can go as far as a whole community or historic district. A historian would have to determine each case and write up an application for consideration. Another reason is that all of the land that is in the study area is old, none of it is new and a lot of it is still owned by the original settling families.

Ms. Blaschke asked if the seven historic properties were considered in the residential impacts count. Mr. Kennedy stated that they were not included in that. He stated that generally what are counted are homes that are in the Appraisal Districts' database.

Ms. Krause stated that Mr. Kennedy's statement on historic properties was true but that if there is a property that is dilapidated and someone has the money to bring it back to conditions and restore it then that would still be eligible for the register. She also stated that there is also an evaluation of the soil or type of soil when any project is done. Mr. Kennedy stated that the information for prime unique farmland was mapped and tracked for the study and was based on the soil type and usage of the property and the properties around it.

Ms. Altwein asked when these properties are identified how they would be considered. Mr. Kennedy stated that federal regulations say you cannot adversely impact a property that is on or eligible for the historic register. You can not adversely impact it unless there is no other reasonable alternative; however, you can have a diminutive impact. For the study the team tried to identify the structures that could potentially be eligible for the historic register. The first criteria is that it has to be 50 years or older and those are identified as the red star on the constraints map. The vast majority of those would probably not be considered eligible for the register.

There was a question about how the State can accommodate the ranchers and farmers when the State impacts their working ranch. Mr. Kennedy stated that he knew of instances where the State has built a culvert to allow the property owner access to either side. He said the North Texas Tollway Authority built a bridge on a tollway in Plano because the land was so valuable the bridge was cheaper than buying the land. Mr. Kennedy stated that his experience is that the State is accommodating with reason.

Dr. Levett asked if the example he gave of the tollway in Dallas was a six lane facility with frontage roads. He said if it bisects farmland you won't be able to get to the other side. Dr. Levett stated that he understood Chairwoman's Delisis's principles also ask to minimize impacts to large parcels.

Ms. Krause asked what could be done for a particular property owner to accommodate the operations of the farm. Mr. Kennedy stated that this early in the process the study goal was to identify a corridor route and it would be unfeasible to speak to a specific instance of what could be done in the future. He said it could be similar to when IH 35 was built where there are probably instances today where farm operations exist on either side of IH 35. He said it would be reasonable to accommodate livestock or a pick up truck but he would not expect enough room built in to allow passage of a large tractor pulling a big implement. He said one of the goals of the study was to try to minimize impacts to bisect large parcels.

Mr. Kennedy showed an exhibit that was adapted from the study report of the currently adopted New Braunfels Thoroughfare Plan that showed possible interchange locations along the currently recommended New Braunfels Outer Loop. He stated that during the study the team overlaid possible footprints for the anticipated interchanges for certain types of roadways to make sure there wasn't something outside the 800-foot right-of-way corridor that would be impacted by the intersection. The study team did this to verify that the interchange locations would not have additional impacts based on the interchange type.

Dr. Levett asked if the larger intersection was eleven football fields by seven football fields. Mr. Kennedy stated that the interchange with the largest scenario was the interchange at IH 35 and the study planned for the largest possible scenario.

Mr. Kennedy showed the ETJ's in the study area. He pointed out the county line and the boundaries of the ETJ's within the study area. A majority of the study area falls within the New Braunfels ETJ and there is also parts of Santa Clara, Schertz and Cibolo ETJ. Dr. Levett asked if the City of Marion had ETJ in the study area. It does not. It is south of the study area.

Ask Clarifying Questions about the Process for Section D

Clarifying questions on Section D were addressed during the presentation for Section D.

Review the Process for Screening Section C

Rudy Rivera stated he wanted to address some things discussed during the discussion of the previous sections. He stated that regarding the landfill and the question about why it could not be used for the alignment, the reason was because minimizing impacts to landfills was one of the six critical criteria the options

were screened against early in the process. He noted that there was also a statement about stakeholder meetings. He commented that all stakeholder requests were honored and the study team met with any property owner that requested a meeting. Regarding the GLO and the illustration that is claimed to show the outer loop alignment, he asked if all the buildings shown in the rendering are within the GLO property. Dr. Levett stated that when he talked to the illustrator he gathered that there are warehouses and a station for light rail on the land use plan. Dr. Levett stated that the depiction of the curves in the illustration is similar to the recommended route almost a month before the study even started. Mr. Rivera stated he would show exhibits that showed the GLO in Section C.

He began the presentation for Section C screening of options and stated that on page 10 of the Study Report there is a brief description of the study process. He said the study process was not linear but was iterative and for the purpose of the study report the study process was outlined and laid out in a way that would make sense and have an order. He said some of the exhibits from the presentation were made specifically for the Task Force to provide them with information on the study process. He showed an exhibit of the Viable Options for Section C. Those were the options that were shown at the Second Round of Public Meetings. He pointed out that all the Sections were working concurrently. He outlined the GLO property in Section C.

He noted that a large farm in Section C was critical as a consideration in evaluating options. In Section C there are not many large parcels, so the study team did consider impacts to the large parcel to be a detriment because of the farm's significance to the community and also because there are not many in the section. The study team held a stakeholder meeting with the property owner to investigate how to minimize impacts to the property.

Ms. Dietz stated they met with Clint Ray to try to minimize impacts to their property. She said her brother-in-law asked if the route could stay north of the transmission line so her ranch would not be drastically impacted. She said some of the options considered at that time had different entrances and exits to the property and when the meeting was held, there were several options being considered.

Mr. Rivera said the study team tried to move the line as far west as possible to get closer to the transmission line and minimize impacts to the ranch. Once that adjustment was made, the options became known as the Refined Viable Options. At that stage of screening, the team looked at crossing IH 35 and the river. In Section C there were options that crossed IH 35. He identified the existing interchanges at IH 35 and stated that it would be preferable to locate the crossing over an existing interchange or space the crossing a reasonable distance from an existing interchange. He said that segments C16 and C15 had good spacing. The other option would be too close to an existing interchange at Watson Road, so that option was eliminated. There were three crossings still being considered to cross IH 35. The team looked at the maximum footprint requirement for the interchange type and some of the options had more impacts based on that consideration, so they were eliminated. Mr. Rivera stated that he had just yesterday mapped the property owned by the GLO, and he could not recall if there was any difference between it and the property the GLO owned during the study.

The team then looked at the transmission line and how to get across it. There were several homes on Hwy 306 and other homes in the area. The team struggled to accommodate the large property owner and still minimize impacts to residences. He said the study team moved the line up to not affect the large parcel. The study team had to balance how far they could move toward the transmission line without impacting the homes in the area, but also getting off of the large parcel and minimizing impacts to it. To do this, the study team developed a new option that stayed close to the transmission line. The study team added that option to the Shortlist and that became the Refined Shortlist of Options.

Ms. Krause asked what the land was that had the orange stripped hatches. Mr. Rivera stated that was a ranch in the area that was mislabeled as a city park. Mr. Schulze asked if that was a mislabeled park and Mr. Rivera stated "Yes, that was the case."

There was a question about how the loop would intersect with railroad crossings. Mr. Rivera said the facility would have to be over and stay overhead of the tracks.

Ms. Dietz asked how the loop would cross Hoffman Lane. Mr. Rivera stated that would not be an interchange and people would not be able to get to the loop from Hoffman Lane. You would have to get on FM 1102 or Hwy 306 to access it.

Rod Smith stated that in some instances the study team would fine-tune the alignment to avoid houses and in Section C it drew a bead on the Dietz property and the option could have missed the home pretty easily. Ms. Dietz said that if you miss the home, then you impact the ranch even more. At the MAPO meeting they first saw how much more the ranch was impacted.

Mr. Rivera stated that at the Refined Shortlist stage there were nine routes considered. At this stage, the study team evaluated the route as a whole, not just the segment options. The study team used the full matrix to compare the impacts of each route. He said what stood out was that some of the options had a few more dark green squares, which meant they had more impacts to those particular constraints. He said the team was narrowing down the nine options to one, so they eliminated options that were less desirable. Routes that had more impacts to the floodplain were eliminated. Other differences in constraints narrowed the options down to four. The study team was getting ready to make a recommendation for presentation at the Open House and all four options could be considered good routes, but the study team had to come up with one recommendation. He stated that he recommended an option that was not considered to be the top one of the four, but did allow for minimal impacts to the large parcel of land in the section.

When the recommendation was presented at the Open House, the study team was made aware of a newly platted subdivision in the area that was impacted by the recommended alignment. The study team then had to reevaluate the options in the area to avoid impacts to that subdivision. He looked at previously eliminated options and tried to find an option that would be most desirable. There was an option that was better from the standpoint of impacts to the transmission lines. He went back and picked the recommendation from the top four options. He showed an exhibit to the Task Force with the recommendation that was made. He showed an exhibit of the currently adopted loop and the study recommendation. He said they felt the recommendation they made had less impacts than the currently adopted loop.

He also showed where the GLO property was located. He said that in the illustration being referred to earlier in the meeting that shows the recommended loop alignment does not fall on the GLO property or any of the buildings.

Dr. Levett stated that there had been no information on the Westside Modification. Mr. Rivera stated that had been gone over during the presentation and he had shown the exhibit and presented it.

Dr. Levett stated he was upset in the previous meeting because he read a transcript from the MAPO meeting in June 2008 and it read that Clint Ray said that homes were the number one criteria to avoid during the course of the study. The team found out there was a home being built and that is what prompted the corridor change in the section. He said the identification of this house prompted another option to be considered. The options at this level were very equal except for the additional home in the corridor. He said the reason he was so upset was because there were supposedly eight senior engineers working on the study and the home was not placed correctly. It was shown to be impacted, but in reality, once the home was built, the house is outside of the route alignment. He said there is a route that goes through vacant lots that would have been more advantageous except for the one impacted home that was not placed correctly. He said when it takes a year and a half to place the home properly and he can place it correctly, then that makes him question the veracity of the data. He said that home was placed incorrectly; a property owner in Section A had to tell the study team five times where his home was and three homes in Section B just disappeared, then he has to question the ability of the team to collect proper data.

Mr. Rivera stated that there was an exhibit that supposedly has a curve-by-curve match to the recommendation, but in Section C the alignment does not even fall on the GLO property. Dr. Levett stated the team did admit to misplacing the home, and that now that the data does not substantiate the move of the route, there was a new reason being given about the several homes slated to begin construction and asked where in the area these homes were being built. He said he would want to see a blow up of the area to show the homes. There was a comment that a platted subdivision was there. Dr. Levett stated that was correct, but in Section B the alignment goes through platted subdivisions so it should not matter in this section. He said it was ridiculous that the recommendation chooses prime farmland instead of vacant land. Mr. Rivera stated that the presentation outlined what the study team did to determine the recommendation. He stated that he has done the process several times and has completed EISs.

Dr. Levett stated that looking at the matrix, if you remove the home that was misplaced and really not affected, then the objective route should not be the one that was picked. He said it "kills" him that it is said that houses are the number one priority when they work to the team's benefit and when that does not work, then the stated reason for picking a route is that it is based on the 31 criteria.

Tipton Ross stated that what concerned him was that Mr. Rivera stated that there were four top routes in Section C and he chose to recommend a route that was not in the top four. He said he did not understand why they decided to move the line to the north. He said he appreciated the team's patience and recognized that the team has been bombarded and accused of dishonesty throughout the process and he had "had it" with Dr. Levett's accusations. He said he understood if Dr. Levett did not like it, that was fine, but people were just doing their jobs. He said that Dr. Levett went to the Sunset Commission and talked about fraud and interjected that into the conversation and then went to the paper and told them that the Sunset Commission called the study a fraud.

Ms. Ximenes interjected that brining up facts is fine, but accusations about motivations behind the actions are creating a problem. She said the concern is that there are aspersions being cast that may or may not be true. Dr. Levett stated he had to ask why they were not following their own policies.

Mr. Ross said he wanted Mr. Rivera to address the question about why the recommendation that went forward was made in Section C since Mr. Rivera had previously stated that he recommended an option that had not been considered in the top four. Mr. Rivera stated that severing large parcels was always a consideration and the particular ranch in question had been in the community and a working ranch. It was one of the few large parcels that constituted a working ranch in that section. He said that the nine route options were fairly equal in impacts and the logic was that the recommendation could minimize impacts to the large ranch and also was a good, feasible route. Mr. Ross asked if it was the one house that caused the team to relook at the area. Mr. Rivera stated that adding or taking one house out of the matrix count would not necessarily make a difference because each criteria, including homes, had a set tolerance of impacts and at that stage of screening, the team evaluated the options based on impacts to the 31 criteria and other factors.

Mr. Ross asked when Route 7, which ultimately became the recommendation, had been eliminated from consideration, using the matrix. Mr. Rivera stated that Route 7 was not considered in the top four because it had more impacts to sensitive noise receivers due to the proximity of the route to The Pinnacle subdivision. Mr. Ross asked if it was eliminated, then why was it recommended. Mr. Rivera stated that at that level of screening all nine options would be considered good. He was using the matrix as a tool, but could not solely rely on the matrix to make the recommendation.

Ms. Krause clarified that Route 7 was proposed at the Open House, which was the January 2008 meeting. Mr. Rivera stated that at that Open House they received input from the public about a home that already had the slab poured. She asked if the study team went to confirm and Mr. Rivera stated they did perform field verification of the home site.

Dr. Levett asked Mr. Rivera to show the West Side Modification map that shows the matrix from the website. He said that would show his point about the map and the matrix that illustrates how the recommendation does not make sense. He asked that the information be presented at the upcoming meeting.

Linda Vela stated that the presentations given outlined what the study team did during the study. She emphasized that one of the difficulties with a planning study of this nature is that the study is broad and general and the team did the best they could do with the information they had. They made judgment calls based on their professional experience and that is what the team was hired to do. She said the team had presented the information and the Task Force needed to discuss the information.

Dr. Levett asked again to see the Westside Modification map.

There was a comment that the platted subdivision that is west of the recommendation in Section C also has working farms and cattle on them. If the modification was made to minimize impacts on working ranches, then some of those large platted lots could be working ranches as well.

Ms. Dietz stated that there is almost a verbatim record of the stakeholder meeting she had with the study team and that the conversation of the meeting was part of the record. Someone had stated that there were meetings with the stakeholder that pointed out the newly platted subdivision and the written responses provided stated that there was no record of the meeting held to verify the home site. Ms. Vela stated that was correct because the stakeholder meeting with the Dietz's was set up ahead of time and was a stakeholder meeting. The field recognizance that was done to verify the new slab in the platted subdivision was done by the team to follow up on the input they received at the Open House.

Ms. Dietz stated that she felt that if there was input that was substantial enough to change where the team put the route, then those reasons should be included as part of the study documentation. Ms. Ximenes stated that could be a recommendation the Task Force could make. Mr. Ross stated he did not know who the study team met with to verify the new home, but that he had tried to get a meeting with TxDOT during the study and had been unsuccessful.

Ask Clarifying Questions about the Process for Section C

Clarifying questions on Section C were addressed during the presentation for Section C.

Agenda Item IX: Review Process for February Meeting

Ms. Ximenes stated that the next meeting was scheduled for February 15th and would be used to wrap up some pending issues pertaining to the screening process and work on the recommendations pertaining to the screening process. She said if there was time then they would also begin to work on the recommendations. She said she would prepare a "Consent Agenda" that would include recommendations that would be fairly certain to have Task Force consensus to move forward. There would be another category that would include recommendations that could reach consensus with a small amount of discussion. The last category would include recommendations that would require the most discussion to reach consensus.

March 6th would be the all day meeting to finalize recommendations and a location is being secured. She asked the Task Force for recommendations on a venue to hold the meeting since neither the Convention Center nor the Red Barn were available for March 6.

Agenda Item: Comments from the public

Nancy Krueger

[From Nancy Krueger] "Good evening. I'm back again. I'm going to say something that I have said before I think it is very important. And I have a few things I haven't said before. Why cut through prime historic, I like

that, historic farm ranch property and stock tanks which are needed for cattle? Why not use existing roadways in Section D such as Kohlenberg between Waste Management landfill and their so-called “wild life preserve.” I do not believe the wild life preserve is established at this time. I notified Guadalupe County and I certainly appreciated Commissioner Guadarrama and now Commissioner Cope has come for their time. I know they will share this information with their other Guadalupe County officials and how unhappy Guadalupe County residents are with this New Braunfels Outer Loop plan. The City of New Braunfels Council is meeting tonight in an executive session to discuss purchase of 200+ acres on FM 1101, which drains into Alligator Creek. I am surprised about that purchase because of so many city expenses that they already have. I know of several streets and roads that need repair desperately in our area such as Saur Road and Kohlenberg Road. I would definitely invite you to travel that if you haven't yet and I advise you to drive slow because if not, you will have a wreck because that road is really bad. And there are just so many other roads I know in the City of New Braunfels that are in desperate need of repair. In closing, thank you Task Force members. You really have a hard job, but I know you will remember us because I keep coming to every meeting. I am concerned for my family, my neighbors, my friends and the effects this New Braunfels Outer Loop will have on our community.”

Diane Scharnhorst

[From Diane Scharnhorst] “I'm like she is. I'm back with some old things and some new things. I went after the last meeting when it became apparent that no one knew how this was going to affect us. Seems odd that after four million dollars you still don't know what effects this plan will have on you. I went and got a copy of the 2006 New Braunfels Comprehensive Plan. It's in here folks. If you are in the thoroughfare as they identify it, you'll have to pay for that road yourself. The developer. It will be taken from you. You don't have a choice. They keep talking tonight about how this is a planning process and how they are going to move it. And Rudy talks about how he decided he was going to move one Section A fifty feet and I wonder, “did he talk to that land owner and say wait, is there a barn there, is there a road there, where would you want that?” or did he just move it? I remember the meeting that Martin talked about, the MAPO meeting. There were two meetings. I was the last person to talk and I asked a question of them, ‘Please hold up your hand or stand if you agree that this will help you.’ No one said so. There were people in wheelchairs there; one of them has since past away. One thing that really surprised me was there was a Comal County deputy there. A paid bodyguard for one of the County Commissioners. Came in when she did; left with her in a county vehicle. I wonder who paid for that and why at that MAPO meeting you thought you'd need an armed guard. Out of the five plotted subdivisions that go through B23, there are 363 acres of land. None of us want this. What are you going to do if we don't sell? They keep talking if you don't sell you don't have to worry. Well maybe you do. So what is the question? At what point does this become final? When do we have to give up our land?”

Agenda Item X: Adjourn

Ms. Ximenes thanked all of those in attendance for participation. The meeting was then adjourned.