



**NEW BRAUNFELS OUTER LOOP TASK FORCE
SECOND MEETING
MAY 18, 2009
NEW BRAUNFELS CIVIC CENTER
6:00 - 8:00 P.M.**

MEETING MINUTES

Attendance:

<p>TxDOT REPS: Clay Smith, PE Jonathan Bean, PE Greg Malatek, PE Laura Lopez Maggie Rios</p>	<p>TASK FORCE MEMBERS: In order introduced at meeting: Vincent Schwab Jim Reeves Rusty Brockman Thomas Bloxham George Antuna Dolly Williams Tom Myers Gary Cobb Kevin Lehmann Art Brinkkoeter Rod Smith Donna Jones Cheryl Fisher Brett Reynolds Sharon Levett Karen Dietz Marcie Helmke Lorenz Badding</p> <p>Mitchell Sacco Phillip Schulze Dave Bretzke Tom Hornseth Tipton Ross Jim Folbre Serapio Herrera Suzy Collins Marilyn Altwein</p> <p>Also in attendance but not introduced: Mandy Stewart Shannon Mattingly Laura West Connie Krause Jackie Singaas</p>	<p>CONSULTANTS: Ximenes & Associates, Inc. Linda Ximenes</p> <p>Kennedy Consulting, Inc. Brian Gurle</p> <p>RJ RIVERA Associates, Inc. Rudy Rivera, PE Linda Vela Yobana Diaz William Long</p>
---	--	--

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 second meeting of the New Braunfels Outer Loop Task Force shortly after 6:00 PM.

Agenda Item II: Introductions

Ms. Ximenes opened up the meeting with introductions of those in attendance. Ms. Ximenes introduced herself and stated some of her roles as Facilitator. She stated that she was hired by TxDOT through RJ RIVERA Associates, Inc. (RJRA) to facilitate the process. She also stated that she is a third party neutral and she is also there to protect the process. The Task Force then did introductions.

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

Handout: This information can be found in full on page 1 and 2 of the handout titled "New Braunfels Outer Loop Task Force Operating Guidelines".

Ms. Ximenes then went over the Charge of the Task Force. The Task Force is being asked to review the process used to identify the recommended corridor, to ensure technical accuracy, to review the data and ensure that the screening and evaluation tools were applied consistently throughout all parts of the study area. Also, the Task Force is charged to make recommendations on how best to resolve any issues identified with the process for inclusion in the Draft Study Report.

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
- Establish guidelines for working together.
- Establish a schedule of meetings.
- Decide on the distribution of the Task Force roster.
- Review the public involvement process used in the NBOL Study.
- Identify information needed for the June meeting.
- Allow for public comment at the end of the meeting.

Agenda Item V: Review the Agenda

Handout: This information is located at the bottom half and page 2 of the Agenda for this meeting.

Agenda Item VI: Approval of the Minutes from April 2, 2009

Ms. Ximenes asked for any corrections to the meeting minutes from April 2, 2009.

Ms. Sharon Levett made a correction to Dr. Levett's public comment. The minutes stated "Loop 1604" when it should have been "Loop 610."

Ms. Levett made a comment that on pg. 12 of the minutes it stated that "decisions will stand with no revisiting." She commented that that when that was discussed it was concerning absenteeism and not to the issues. So that when new information is presented it might require revisiting a certain issue. Ms. Ximenes stated that since that had not previously been discussed it would be something that would need to be discussed again with the Task Force.

There was a move to approve the minutes from April 2, 2009 with corrections as noted.

The minutes were then approved by the Task Force with no further comment or changes.

Agenda Item VII: Create Guidelines for Working Together

Handout: This information can be found in full starting on the bottom of page 2 through 4 of the handout titled "New Braunfels Outer Loop Task Force Operating Guidelines". The highlighted text indicates information that was not previously agreed to but that Ms. Ximenes recommended to the Task Force for consideration.

Ms. Ximenes began by explaining the highlighted items. Those items are bulleted in this section and denote the language presented by Ms. Ximenes for inclusion into the Task Force Operating Guidelines.

Guidelines for Interaction:

- Listen to understand.
- Direct your concerns to the issue, not the person.
- One person speaks at a time.
- If you have trouble hearing someone, ask him/her to speak up.
- Ask for clarification if you do not understand something.

- Turn cell phones off during the meeting.
- Be concise in your comments.
- Others as identified by the Task Force members.

Ms. Ximenes then asked for the Task Force to approve the seven bullets as outlined above for inclusion into the Operating Guidelines. Ms. Ximenes took a temperature. Items were approved for inclusion in the Task Force Operating Guidelines.

Decision: Guidelines for interaction approved as proposed – no additions.

COMMUNICATION WITH CONSTITUENTS

- It is understood that members of the Task Force represent different constituencies in the community.
- Task Force members are asked to maintain communication with their constituents so they may have a good understanding of the Task Force’s purpose, proceedings and outcome.

There was a comment requesting that “two-way” be added to the second bullet after “maintain”. There was a comment made stating frustration with the re-wording and re-working of items since he was fine with all the items as recommended and would like to get started with the meat of the work that the Task Force is there to do.

Wording was also added to state that The Task Force will “bring forth concerns from constituents to Task Force.” The items were approved for inclusion into the Task Force’s Operating Guidelines with the noted changes made.

Decision: Communication with constituents – add “two-way” – and bring forth concerns from constituents to Task Force.

PARTICIPATION OF OBSERVERS

- Audience members will respect the proceedings of the Task Force and refrain from loud comments or other distractions.
- Time (to be decided) will be designated during each Task Force meeting for the public and other observers to make their comments.

There was discussion by the Task Force whether it would be best to have Public Comments before or after the meeting. It was also discussed that the public in attendance wishing to make comments to the group could leave hand-written comments before the meeting and have those distributed to Task Force members.

There was a clarification as to whether this was a public meeting or a meeting the public is invited to. Ms. Ximenes clarified that it was a meeting the public is invited to attend.

Clarification was asked to whether the Task Force would continue to receive copies of comment cards submitted. Ms. Ximenes stated they would. There was a comment that the public should be made aware of this.

There was a comment that the public should sit in the meeting and observe the proceedings before they make their public comments. They should not just make their comments and leave.

There was a concern that if comments were put at the beginning of the meeting the inclination would be that most comments would focus on what happened at the previous meeting and not the topic of the meeting at hand.

Other options discussed included:

- Public comments should be made before and after the meeting but the meeting should only go till 8:00 p.m. Comments from 6:00 - 6:15 and 7:45 - 8:00.
- Ask people to speak to their representation as much as possible. Public comments from 6:00 – 6:15
- Public comments for 15 min from 6:00 - 6:15 pm. Then submit comments in writing after that.
- Public comments for 15 min at the end of the meeting.

No decision was reached on these items. They will be revisited at a later time.

COMMUNICATION

- The Texas Department of Transportation (TxDOT) is the official spokesperson for the agency to the media.
- Any member of the Task Force may communicate with the media, but it is understood that they are speaking as individuals and not as the voice of the Task Force.
- Communication will be maintained as much as feasible via email. For those individuals who do not have email, the US Postal Service will be used.

There was a question as to whom would serve as the spokesperson for the Task Force. Ms. Ximenes clarified that each Task Force member was able to speak to the media but could not speak for the Task Force as a whole. There was a question as to how they are supposed to speak to their constituencies without speaking for the Task Force. Ms. Ximenes clarified that this was more specific to the media.

There was a request to have the Task Force review the recommendations before they are presented. Ms. Ximenes stated that yes they would be allowed to view that. There was a comment as to whether that included the report that RJ RIVERA Associates, Inc. put together for the study. Ms. Ximenes stated that since the recommendations coming out of the Task Force would be included into the Draft Study Report they would be allowed to review that document as well before it is sent out for approval.

There was a request to have the Task Force members be included in any [PAR Report] or Press Releases that TxDOT puts out to the media regarding the Task Force activities. These media items will also be posted on the www.nbolstudy.com website.

There was a suggestion that as a third-party neutral, Ms. Ximenes would be able to make corrections to the media if there was something incorrect. She clarified that this would only be for errors and would not include her presenting her opinions.

There was a question if information that is emailed, whether minutes of materials for upcoming meetings, would be posted on the website. There was clarification that it might take a bit longer than e-mail to get online but that it would be posted within five days. This was due to limitations of graphic designer's time and also propagation among different internet browsers and providers.

There being no other comments or questions these items were approved with the changes as noted.

Decision: Facilitator can make corrections when they appear in the media. And post media releases on the website.

OTHER GUIDELINES

- Recording of the meetings- by whom? For what purpose?
- Security- under what conditions?
- Subcommittees- which ones?

Task Force member would like to have recording of the meetings on the website as podcasts. The Task Force is okay with having the meeting video recorded as well. Providing that the video does not end up on YouTube.

Ms. Ximenes brought up the option of having security at meetings. The Task Force did not have concerns regarding security so there will not be security at any of the upcoming meetings unless there is clear and present danger. Ms. Ximenes stated that she would communicate with Task Force members regarding this if it came to be an issue.

There was a comment requesting more information on how exactly the Task Force was going to look at the information they are supposed to review. There was an expressed need to have the whole process scoped out and how the Task Force is supposed to get their job done from the big picture stand point. Ms. Ximenes suggested putting together a subcommittee to discuss the bigger picture requirements of Task Force members to properly complete their charge.

Ms. Ximenes let the Task Force know that she was going to be contacting Task Force members between meetings to speak with them one-on-one to get more feedback from them on the meetings and respond to any questions and/or concerns they may have.

The Information Subcommittee was formed and will be comprised of Tipton Ross, Rod Smith, Donna Jones, Connie Krause, Sharon Levett and Laura West. The information subcommittee is planning to meet on May 27, 2009, at the New Braunfels Public Library.

There was a question regarding Roles and Responsibilities. The question regarding who could present information to the Task Force was referred to the Information Subcommittee. There was a clarifying statement that TxDOT could possibly provide a presentation by a speaker with expertise in NEPA to help the Task Force better understand the environmental process.

There was a clarifying question from the minutes that the Task Force would not be making any presentations or proposals directly to the City and/or the Counties. This is still accurate.

Items pending for next meeting:

- Paid advertising of meetings
- Limiting new members of the Task Force

Decision: Digital recording posted as podcasts on the website. No posting it to YouTube. No Security unless there is clear danger.

Agenda Item VIII: Review and Agree on the Schedule of Meetings

Handout: The Schedule of Upcoming Meetings was handed out at the meeting.

Due to time constraints, this issue will be addressed at a future meeting.

Agenda Item IX: Distribution of the Task Force Roster

Due to time constraints, this issue will be addressed at a future meeting.

Agenda Item X: Review of the Public Involvement Process

Handouts: Covers the information on the handout titled, "Public Involvement Comments and Concerns Based on Interviews with Potential Task Force Members, March 4, 6, 9, and 11, 2009". Also covering handout titled "Public Involvement Efforts".

Review comments from the interviews and identify successes and concerns

Ms. Ximenes reviewed the comments from the Interviews held with Task Force members. These comments were related to the Public Involvement efforts of the study. She mentioned that for each topic of the upcoming meetings she would provide the Task Force with a summary of concerns from the Interviews to give the Task Force a general understanding of the different views regarding each topic being covered.

Review public involvement process

Rudy Rivera, PE with RJRA presented information regarding the public involvement component of the study. The presentation can be viewed on the Public Involvement page of the www.nbolstudy.com website.

Mr. Rivera stated that the goals for the Public Involvement efforts included identifying affected property owners, users and other special interest groups such as historical components. Another goal was to adequately address the concerns. Another goal was to be responsive to needs and concerns that were identified through the outreach efforts. The study team also hoped to leverage involvement by building on community partnerships and communication networks. Other goals included coordinating with the local jurisdictions,

school districts, resource agencies, counties and cities. Lastly, to respond as much as possible in a timely manner. From these goals a Public Involvement Plan was developed.

Stakeholders were identified through the appraisal district's information from Comal and Guadalupe County. Databases of information collected from other TxDOT projects in the area were also utilized. At the first meeting, over 2,300 names were in the database and invitations to the first meeting went out to the database. At that first meeting, additional names were collected and the database was updated. By the second public meeting the database grew to 4,400 names and invitations went out to the full database. At the second meeting more names were added. The database grew to about 4,600 names in the database. That database has grown from that time but that was the number of people in the database at the end of the study.

After the first and second public meeting newsletters went out to the full database giving the public information about the study. Each newsletter included information that was collected and what was done with the information.

Mr. Rivera then went over a list of public meetings that were held for the previous study. The listing of meetings can be found on the PowerPoint presentation and the handout titled "Public Involvement Efforts". Mr. Rivera noted that the meetings were held with the Community Work Group, composed of citizens, and a Technical Work Group. Each group represented different stakeholders representing different interests. In addition, there were public meetings, the same meeting was held on both sides of the loop.

Mr. Rivera mentioned that in addition to the big public meetings individual stakeholder meetings were also held with a variety of stakeholders. Meetings were held with individual school districts. There were separate meetings with property owners on issues such as historical structures, property impacts, etc. Meetings included large and small property owners.

Going through the process and gathering information and input there was a need to make adjustments and as a result of that input there were adjustments made. Due to this MAPO's (Meetings with Affected Property Owners) were held. MAPO's were held after the regular public meetings. These MAPO's only involved property owners that were affected by a specific adjustment and focused only on a small segment of the loop and not the entire loop.

A website was also utilized to get information out. A hotline number was utilized to disseminate information and engage with the public. All of the information that has been discussed is documented and available for review.

There were also many newspaper articles, editorials, blogs, radio and TV stories. Newspapers and TV stations were all part of the process. Legal notices were utilized to advertise the public meetings as well.

Mr. Rivera mentioned that the traveling public was also targeted with the use of changeable message signs to announce the meetings and get the word out about the meetings to the public.

Work in small groups to discuss the data and identify lessons learned and recommendations

Ms. Ximenes then asked the Task Force to get in groups of 4 or 5 and discuss the following questions.

Small Group Questions

- What stood out for you from the data?
- What surprised you?
- What concerns you about the public involvement process now that you have seen the data?
- What do you think was done well?
- What are some lessons that might be learned about public involvement from this data?
- Based on what you learned, what recommendations would your group like to make regarding the public involvement process?

Small group reports

Group 1: Recommendations

- Recommend the group continue with path they are on. Think they did a fine job on the notices.
- Recommend there be multiples of each map for people to view. They felt there was ample time to view the maps.
- Recommend there be more official looking notices. The postcard looked like advertising. Something more official might get more attention.
- Recommend the group ensure open communication with elected officials to-and-from the public they represent as well as to-and-from environmental agencies and other groups that have an interest in the loop.

Group 2: Recommendations

- Felt the use of multiple media outlets was a good plan and should be continued.
- There were concerns that affected property owners should be identified effectively and communicated with.
- Think it would be a good idea to consider alternatives to the loop up front.

Group 3: Recommendations

- Regarding the meeting dates that were picked; there were a lot of conflicts. Please be sure not to schedule meetings on dates where community events are held.
- Notification of affected property owners. Two of us in our group have property that could be affected and were not notified. Suggest improving the process by which affected property owners are notified.
- Recommend having better dialogue not lectures.

Group 4: Recommendations

- Task Force should be given a summary and/or synopsis on NEPA and Section 106, 1906 Antiquities Law and all antiquities laws to date, noise abatement regarding the law, biological studies and hydrology studies.
- Recommend the Task Force hold two meetings regarding the environmental process and the data.

Group 5: Recommendations

- Recommend keeping public officials more to task and being more visible at the meetings. Invite public officials to meetings and ask them to be very visible.
- There was a concern that if the meetings had been made more public more people would have attended.
- More information be made available to the public on the consequences of the loop being built including tax issues, property valuations, environmental impacts, etc.

Group 6: Recommendations

- Seemed like there were a lot of meetings and public comments were tolerated but ignored. Recommend that public comments not be ignored.
- Factual information was accepted but opinions were not tolerated or accepted. Use opinions as part of the development process.
- Liked the use of message boards.
- Certain property owners were still unaware of what was going on. Don't know what the answer is to that but they didn't reach everybody.

Group 7: Recommendations

- Absence of the number of comment cards from the meeting data. Include the number of comment card that were turned in at each meeting in the public involvement data.
- Would like to have a list of the criteria that was developed with the public input. That listed what was most important.
- Maps and data should be posted at public places for view.

Consensus on the Recommendations

Due to time running out there was no discussion regarding consensus about any of these recommendations. The Task Force will tackle this issue at the next scheduled meeting.

Ms. Ximenes then announced that the next meeting is scheduled for June 15th and will focus on the Environmental Process and Need and Purpose. The suggestion to break this meeting up into two meetings will be discussed with the Information Subcommittee. Ms. Ximenes then asked for any other comments or information that would be required for the next upcoming meeting.

There was a comment that the Task Force should be given a copy of the Purpose and Need that was included in the Draft Report. Ms. Ximenes stated that that would be available before the next meeting.

There was a clarifying comment regarding the objectives of the initial study and whether those would be included in the discussion of the Need and Purpose. Ms. Ximenes stated that it was not certain if that would be included in the discussion.

There was a question as to whether the discussion would include the environmental information that RJRA used during the original planning phase. Ms. Ximenes said the next meeting would focus on the environmental process. What the process is and how it relates to the purpose and need. When we get into the specific data then we will talk about the constraints map and the screening process. The Task Force member wanted to discuss hydrologic information, endangered species habitats, recharge zone, etc. Ms. Ximenes clarified that those topics would be covered under the Environmental Constraints.

There was a question regarding whether the environmental process also include directives that TxDOT has to follow existing roadways and not going through properties as much as possible. Ms. Ximenes mentioned that she was not sure if that would be included but would discuss with the Information Subcommittee to see where that topic would best be covered.

Ms. Ximenes then let the Task Force know that if any other information was required between now and the meeting minutes going out to contact Yobana Diaz or herself to request information.

Agenda Item XI: Public Comments

Martin Levett

[From Martin Levett] "Hi. My name is Martin Levett I am with Citizen's Alliance for Smart Expansion. I went through this process as it was unfolding and we found multiple irregularities, manipulation of data, statements made by TxDOT officials that were never supported by any documentation on their part, misrepresentation and it went on and on. I could not believe that this was actually happening. I went and spoke to my local TxDOT representative. Nothing changed. I just could not believe that this was happening. Finally, our group went to the Sunset Commission up in Austin. Spoke before the State Senators and Representatives. Under oath I presented evidence that they describe in their words as "fraud" on the part of TxDOT. There have been laws recently invoked to get them to be more transparent and more truthful to the public. This was not just going on here this was going on in various other places. In talking to the Sunset Commission that invoked a certain number of meetings with the Deputy Director of TxDOT David Casteel, Clay Smith, Mario Medina. And suddenly we have this second Task Force meeting and I am thinking this is great. A leopard can change his spots. While I am speaking with more Senators and Representatives up in Austin regarding legislation to reign in TxDOT, I called RJ RIVERA and said 'I appreciate the fact that our organization is going to be sitting at this table. We'd like to tell you who is going to sit there who is going to represent us.' They said, "No we already picked." I couldn't believe it. I called Jonathan Bean and said the same thing. He said, "We have picked who is going to be sitting at the table from your organization." I said, "What if our organization wants to pick our own representative?" He said, "Nope, we're picking it." Did any other organization here have a representative picked by TxDOT? I didn't think so. So this is a form of censorship. And I am the guy for which the loud comment section was directed. Because at the first meeting I asked if I could have public involvement, not be completely shut out; not completely

censored. When I got to that meeting there was no public involvement section like we have right now. So I had my three minutes at the first meeting and I have my three minutes right now. But censorship shouldn't happen in America. You would be upset just like I was. And as the saying goes, I don't think the leopard can change his spots. So I want you folks to do the right thing. And I want you folks to be aware of that.

Martin Claudius

[From Martin Claudius] "I want to address some of the data gathering that was talked about earlier. To say that I don't trust some of the data gathering that happened in the initial study is an understatement. For those of you that may have been at the Town Hall meeting, I got up and talked about the fact that my house was under construction and had not been included on the map despite my mentioning it to the RJ RIVERA representatives at least four times. I mentioned it again that night. I went up to the table that they had specifically set up. I talked to them again and it still took several months for my house, that by then I was living in, to get put on the map. That was just one of my problems. Another is that my wife's family has a cemetery plot that several times was identified and marked on one of the maps at one of the open meetings. It is still to this day not on the map. Another issue: Farms and ranches are not going to be split in half as one of the goals. That is not happening. I can tell you that my wife's great aunt, Agnes Brandt, owns land that is being split in half by the current corridor that is being proposed. For all these things to be identified to the RJ RIVERA Associates and not put on the map and taken into consideration is an insult to me. It is a further insult to me that RJ RIVERA is actually consulting to this group. The fox is guarding the hen house here and it upsets me. One of the questions that you are not tasked to ask, that I think you should be asking, is 'do we need a loop? Is there another option in our "Universe of Options" that's available to cure the supposed problems that we may have in the future with transportation issues? Is there something else that can be done?' You people here are the voice and the conscience of this community. You represent generations that have come before you and you represent generations that will come after you. And I am asking that you take that job seriously and ask the hard questions; the ones that need to be asked.

Nancy Kreuger

[From Nancy Krueger] "Actually, I am Nancy Westmeyer-Krueger and we live on Westmeyer Road so that means we have been around for a while. I wanted to at this hearing ask about the New Braunfels Outer Loop. I have heard more and more talk about this possibly being a toll road. So now my question is, 'What is the difference between funding of a toll road and a non-toll road and also what the funding and procedures will be?' and so forth. So that is kind of a question this task force needs to ask. I am hearing more about a toll road and that is a concern. My property is around 200 acres and our property will be split in half by this proposed roadway. I believe, another big, big concern. Is how property is acquired. I spoke to a property owner in Kingsbury who was directly affected by the toll [road] 130. I'm not sure in half or how it affected it but it was very devastating for them. They told me it was always someone different who spoke to them or met with them and their family. I would hope that the Task Force could impress on TxDOT, the officials, etc., how important it is to communicate better with property owners. This is my fear. That I might be one of those people who get the many different visits from the many numerous representatives from the state. And believe me, they don't trust anybody.

Ms. Ximenes then thanked all of those in attendance for their time and comments and adjourned the meeting. Ms. Ximenes asked that all in attendance submit their comment card and evaluation forms and that they would need to be submitted by the end of the week to be included with the minutes of the meeting.