



**NEW BRAUNFELS OUTER LOOP TASK FORCE
THIRD MEETING
JUNE 15, 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>Elected Officials: Jay Millikin, Comal County Commissioner</p>	<p>TASK FORCE MEMBERS: In order introduced at meeting: Donna Jones Lorenz Bading Karen Dietz Marilyn Altwein Phillip Schulze Cheryl Fisher Korvan Kreuzler Dave Bretzke Mitch Sacco Tom Hornseth Tipton Ross Jim Folbre Shannon Mattingly Serapio Herrera Jackie Singsaas Mandy Stewart Jim Reeves Rusty Brockman Vincent Schwab</p> <p>Dolly Williams Brett Reynolds Gary Cobb Tom Myers Scott Wood Ted West Rod Smith Roy Linnartz Sharon Levett</p> <p>Also in attendance but not introduced: Dean Word, III Connie Krause Glenn Avriett Marcie Helmke Laura West</p>	<p>CONSULTANTS: Ximenes & Associates, Inc. Linda Ximenes</p> <p>Kennedy Consulting, Inc. Tony Estes</p> <p>RJ RIVERA Associates, Inc. Rudy Rivera, PE Linda Vela Yobana Diaz William Long</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 third meeting of the New Braunfels Outer Loop Task Force shortly after 6:00 PM.

Agenda Item II: Introductions

She thanked members of the Task Force she was able to talk to between the last meeting and this one. She let the members in attendance know that she was planning on contacting them during the time in-between meetings to gain a better understanding of their individual issues or concerns. Ms. Ximenes opened up the meeting with introductions of those in attendance.

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

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. Ms. Ximenes reminded the Task Force that they do not have the authority to re-do the entire study but what they are doing is to see how well the study was done and where there were inconsistencies for the level of planning that it is, to make recommendations on how it can be improved.

Ms. Ximenes pointed out that as a Task Force the group had agreed that one of the guidelines to work together was to work towards consensus with fellow members of the Task Force. Ms. Ximenes acknowledged that was not an easy feat with the diverse viewpoints at the table but something that each member should be committed to doing. She mentioned that there are no restrictions on what each member is able to do outside the Task Force. She asked the Task Force to recognize sometimes what you do outside of the Task Force affects what is going on inside the Task Force. In terms of advocating for their position, she asked them to be open to new ideas and think about things in a manner that would help find common ground.

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.
- Validate the schedule of meetings.
- Decide on the distribution of the Task Force roster.
- Decide on recommendations regarding the public involvement process used in the NBOL Study.
- Have a better understanding of the study/planning process and where the NBOL Study is in that process.
- Understand that there are a great variety of factors that must be considered.
- Identify information needed for the July meeting on Need and Purpose and Study/Planning Process.
- 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.

Ms. Ximenes made the Task Force aware that they were provided with a CD copy of the Final New Braunfels Outer Loop Study Report which included all of the Appendices. She also noted that copies of the Final Report and Appendices would be made available in hard copy at the New Braunfels Public Library and the Seguin Public Library.

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

Ms. Ximenes asked for any corrections to the meeting minutes from May 18, 2009. They were approved by the Task Force with no comments or changes.

Agenda Item VII: Identify Recommendations Regarding Public Involvement

Handout: The information discussed under this item can be found on a handout titled "Public Involvement Small Group Recommendations".

Ms. Ximenes explained that the recommendations on this handout came from the small group work the Task Force did during the May 18, 2009 meeting. She reviewed the recommendations that had been made which were organized into general categories.

There was a question whether it was necessary to hold two meetings on the environmental process since the scope of the projects was years in the future. Ms. Ximenes said she would like to focus questions or clarifications on the recommendations.

A Task Force member asked what outreach was done to get information to the public about the public meeting. Linda Vela responded that the information was posted on the website and went out to the e-mail distribution list. The Task Force members mentioned that the agenda for the last meeting included discussion on whether the Task Force wanted to continue to do newspaper advertisements for the meetings but that a decision was not reached. Ms. Ximenes clarified that the Task Force meetings were meetings to which the public was invited but that they are not public meetings.

There was further clarification about the list of articles which had been provided that included news stories and coverage that the New Braunfels Outer Loop Study had received. There was a question regarding the stories that were written by "staff," as to whether the "staff" referred to was TxDOT. Ms. Vela responded that it did not. It would be a staff member from the particular publication and there is not a name given. Ms. Vela clarified that TxDOT did not write the articles themselves but distributed press releases to the media outlets notifying them of the meetings, providing information on what was going to take place and requesting coverage of the story.

Ms. Vela also mentioned that the press releases related to the Study and Task Force meetings being held now were on the project website. Further, as decided at Task Force Meeting #1, the study team is distributing press releases that go out to the media to the Task Force members via email in addition to posting them on the project website.

There was a comment that the recommendations were weak because during their work in the small groups, they had not had the understanding that the only focus would be on the recommendations and the other questions were only thought provoking. They felt there was not enough time spent on the recommendations and some things were missing. Ms. Ximenes mentioned they could look at the recommendations and if any were missing they could be added.

Another Task Force member commented that he thought there was not enough information given regarding public involvement to make recommendations. The Task Force member wanted time to review the comment cards from the previous study in order to evaluate the public involvement efforts of the study and make recommendations for improving the process. He stated that he would like to review the information contained in the study reports and then revisit the recommendations. He believed when he made his recommendations the group was not aware that was what they were doing but that going over the information in the reports was necessary before going further.

Another Task Force member asked if the recommendations would be part of the official report. Ms. Ximenes responded that they would. The commenter continued, stating that she also felt her group did not realize that the recommendations from the small group work would be included in the official report and that it would have been weighed differently if that had been understood.

Ms. Ximenes asked if the recommendations that were presented were valid enough to get the endorsement of the Task Force as a good start in dealing with some of the issues that were raised regarding public involvement. This list could later be revisited and added to at a later date.

There was another comment in agreement with the previous statement that the recommendations could not be completed until the information from the study reports was reviewed.

Ms. Vela clarified that the Final Study Report includes information from the final Open House and each meeting that took place during the study also had an individual study report that also includes comment cards and information from prior meetings.

There was a comment that the public involvement process could not be addressed until the Task Force is presented with and had a chance to review each public meeting report and the final report.

There was a question about the notification process for notifying affected property owners in the study area. Ms. Vela stated that the information was gathered from the Comal County Appraisal District and the Guadalupe County Appraisal District. There was a third party charged with gathering this information. She also said there was a robust outreach effort conducted that included other methods of contacting people so that as many people as possible would be aware of the on-going study.

There was a question about how many notices went out initially. Ms. Vela stated that as she recalled the first notice went out to about 2,500. After that mailing the list was supplemented with information and the second round of public meetings there were 4,300 people on the database.

There was a comment from a Task Force member that the corridor went from the middle to the side of his place. The way he found out about it was that his wife was on a committee at the courthouse and saw the map. Mr. Hornseth showed her the map. They were not notified by anyone and it was a surprise to them.

There was a comment that stories like that were not atypical and how that situation can happen if the process to get the database together included the GIS mapping and what could be recommended to resolve that. The issue is two fold: the concern that the notifications did not get to everyone and also the concern that people were notified but not listened to. If you have stated that you felt like you were not listened to; was that a case of, "they didn't listen" or a case of, "they didn't do what I said"?

There was a comment as to whether it had been addressed as to why there were so many people that did not receive notices. Ms. Vela stated that one of the reasons that were addressed in the recommendations was that the notices did not look important and looked like junk mail. She stated that the goal was to produce something that was user-friendly and the newsletter was a good way to do that. She said that taking the recommendations into account perhaps a more official looking letter from TxDOT would work better. There was an effort to find addresses to the newsletters that were returned. If there was a forwarding address the pieces were forwarded and the database was updated.

There was another comment that they had heard that a rationale for not getting the notification was because the study team has used aerial mapping to identify the homes. Ms. Vela stated that was a separate issue where people were concerned that their home was not documented as a residential structure. She mentioned that the appraisal data and aerial maps were used to identify residential structures. There was a question whether the appraisal data shows structures. Ms. Vela stated that they did encounter structures that were not in the appraisal data.

There was a question as to whether there is a way to flag properties that are in the corridor so that the title will reflect that the loop possibility exists. Ms. Ximenes asked to hold the question since it was not part of this discussion.

Ms. Ximenes asked if there were no other thoughts and if anyone would like to discuss any of the recommendations.

There was a comment that because there are so many concerns to have Task Force members bring a list of people they know were not notified and have them add that information to the list.

Kennedy and Associates' maps showed who owned each tract. Ms. Vela stated that the maps were on the website. Then the names and maps could be correlated.

A Task Force member remarked that the Task Force was charged with making recommendations to improve the process. He recommended that whatever medium is used to notify people it should get their attention. Contacting everyone by phone seemed impractical. Ms. Ximenes stated that she agreed that would be too high level of detail and effort for this level of planning.

There was a question about what the notices looked like and if they were on the CD. Ms. Vela clarified that the study report has all the items for the Open House. The newsletter for the Open House is in the Final Report and the other two newsletters are online on the project website.

A question was asked about when information from the MAPO meetings and the previous public meetings would be available. Ms. Vela clarified that each previous meeting had its own report. The Final Study Report refers to the meetings held prior to it but does not have all of the information contained in the individual meeting reports. Full sets of the Final Study Report and the individual meeting reports will be available at the New Bruanfels Public Library and at the Seguin Public Library. DVD's with the full information will be mailed to the Task Force members for them to have a full set of all reports.

There was a suggestion that there would be no consensus reached on the recommendations and perhaps it would be best to let people have time to review more information and revisit these recommendations at a later time. Ms. Ximenes agreed that was probably the case and stated the Task Force would get the information they require. She asked the Task Force to take notes while reviewing the reports and keep track of any issues that they might have along with their thoughts on how to fix the issue.

There was a question whether it was expected that without fail there would be a decision on Public Involvement at the next meeting.

There was a comment of caution that there might not be a perfect solution to the question of notification. An example was given of the analog transition to digital and how even after the massive efforts of the government there were still over six million people who were surprised when it happened.

Agenda Item VIII: Review the "TxDOT Project Development Process" and "Levels of Analysis"

Handouts: The information discussed under this item pertains to two handouts titled "TxDOT Project Development Process" and "Level of Analysis".

Ms. Ximenes pointed the Task Force to the two documents to be reviewed for this agenda item. She stated that Rod Smith would present regarding the TxDOT Project Development Process.

TxDOT Project Development Process

Mr. Smith introduced himself and stated that he is on the Information Subcommittee. He stated that he has done transportation planning projects all around the country since the mid 70's. He stated that during discussions on the subcommittee it became pretty obvious that there seemed to be a misperception of where we are getting from point A to point B in our process. The flow chart shown as the "Project Development Process" is commonly used by the EPA and the Federal Highway Administration. The process goes from the inception of the project to construction. The process shown is the normal TxDOT process. The Information Subcommittee wanted to show how the process normally works and how it is different this time. You begin the process and then you have to figure out how to fund the project at some point. As you go down the page you go into different phases of the project. In the early part of the planning work you want to do enough environmental assessment to see where the landmines are hidden. You do enough environmental work early on to guide the planning process and stay out of trouble later. You do enough right-of-way work to see where parcel boundaries are and not chop up property that does not need to be taken. As you go across each category to the right, that information gets more definitive.

Mr. Smith stated that the definitive part of the study is shown in the gold star which is not typical of the usual Project Development Process. Mr. Smith noted that in some ways, TxDOT was trying to be real thorough up front and if you went to a public meeting on this you saw the grim people at the back of the room sitting at a table called "right-of-way." As a result, people thought they were moving right into buying property, but in reality the project is still in very early planning stages trying to get our hands on the basic information. This process as compared to the norm is why we have a jettison here that goes to the county or the city on a project-by-project basis depending on who is driving the project. Mr. Smith stated that Mr. Hornseth, the Comal County District Engineer, will talk today about what happens if it is a county project. Ms. Shannon Mattingly will talk about how projects might develop if they go through the City of New Braunfels' process. He stated that there have been requests to talk about detailed archeological information or historic cemeteries and buildings and at this level we want to try our best to avoid them since this is not intended to be a detailed analysis or detailed documentation.

There was a question about how you can identify cemeteries if it is not a detailed analysis. Does that mean the cemeteries identified so far in the maps have not been visited to ensure their specific locations?

Mr. Smith stated that the art was to do enough detail to find the landmines but not go through and do much detail because you can spend a lot of time and money studying things that end up being miles away from the final area.

The question continued because he stated he had been told that in his area the study team discovered a cemetery and he had been told that they had actually visited and verified the location, so what was said was contrary to that.

Ms. Krause stated that normally they do not go through the detail of asking organizations, like the genealogy organizations and such, for maps since not all counties have done detailed studies of their county. She stated that Guadalupe County has a genealogy society that is currently studying their cemeteries. She got a phone call the other week giving her a small amount of information that they need to go back and verify or make sure it is not one they have already. She referred to a public comment at a previous meeting about a missed cemetery and stated that the cemetery was on her map and they had just gotten the information, it was just in the general area but there had not been a confirmation of the location.

Mr. Smith noted that TxDOT has been doing this long enough to know that if they can identify a cemetery or historical site early that they will let that guide the alignment to help alleviate the tough spots early on. Early on for the NBOL study what was most important was staying away from residential areas and more specific locations will be pinned down in future phases.

A Task Force member had a question about the "Needs Identification" box that was shaded a color that designated that step as being complete. She wanted to know what criteria was considered to identify the need and if that included the GLO and the toll road. Also, regarding the box called "Project Authorization." What was done to get the authorization to spend the money on the project? Ms. Ximenes stated that these types of questions would be the focus of the next Task Force meeting.

Mr. Smith returned to the Project Development Process handout and talked about the planning level, what is required and what has been done. He said that people have thought this study is further along in the process than it is because of the things that have been done above and beyond what was required for this level of study. Also, things like the level of data that has been gathered and meetings that have been held have contributed to that feeling, although this is only the beginning part of the study process. First, you have to decide what you are trying to accomplish. If you want to do an outer loop you can say it is to improve access but you have to get to the details real quick. How do you deal with the river and what are the specific issues in that area? Do you want to improve access or limit access? What should be going on with economic development? Whether you want to encourage or discourage development. This roadway is a means to accomplish something that the City and County want to accomplish.

If we can identify the problem and get agreement on what that is, you are half way home. We need to lay the ground work for a community wide discussion on those questions.

There was a question to clarify if what was said was that the Task Force needs to spend the next two or three meetings working to identify the needs on a section-by-section basis.

Mr. Smith responded saying that was tricky because you could end up re-doing the whole study and that is not the charge and would be a whole separate effort. The Task Force needs to figure out if the needs were identified properly and whether they were specific enough and custom tailored to the different parts of the alignment. The needs are different in different sections of the loop.

There was a question about whether you apply the criteria from the matrices equally for the entire loop or separately by sections. Mr. Smith stated that there are specific and varying needs for different portions of the loop. Ms. Vela clarified that the study effort looked at the entire corridor as a whole and applied the criteria equally to the whole.

Rudy Rivera clarified that the process Mr. Smith discussed was the condensed federal process. The boxes shaded in blue are completed and those partially in blue were started for the study but not completed. Mr. Rivera stated that a lot of the things that are being asked are things that would typically be done beyond the scope of this study. The study was a planning study done to provide the cities and counties with a mechanism to preserve right-of-way for the corridor. TxDOT decided that due to the regional significance they had to do a far more detailed public involvement process than they would typically do.

There was a question about the possibility of revisiting the original needs statement from 1964 since the impact of the decision about the need would have a huge impact for our communities. The Task Force member would like to see a detailed analysis of the information used to verify the need for the loop. Ms. Ximenes stated that topic would be the focus of the upcoming Task Force meeting and more information would be presented for the consideration of the Task Force at that time. Ms. Ximenes also clarified that the need and purpose can be reviewed so far as what was done for the New Braunfels Outer Loop Study. We will not be able to go back and review the Need and Purpose information that was used for the study in 1964 that put the initial iteration of the outer loop on the map.

Mr. Rivera stated that the study identified a corridor and the Task Force might consider recommending what type of transportation modes would go into that corridor and not limit it to a roadway. In future projects each phase would be able to analyze alternatives to find what is best suited.

There was another question about when property owners would typically be contacted.

Mr. Rivera pointed out that in the typical project development process there are no specific mandates regarding notifications. What TxDOT did as far as efforts to notify property owners was all above and beyond the requirements and the usual approach. Typically property owners would be notified at the next phase during preliminary design.

There was a comment that there was a lot of information delivered to a lot of people. Unfortunately, the two documents discussed today would have been a huge benefit to know at the beginning. The documents put things in a whole different light about what was done. The Task Force member indicated he still thought you can only do so much to notify people about things and that people have a responsibility to know what is going on. He stated that it was very helpful to have the handouts and information about where we are in the process.

There was a question about when TxDOT does cost estimating.

Mr. Smith stated that it is different at each level. As you go along, it gets more and more refined.

The Task Force member indicated that the Project Development Process handout includes a statement that TxDOT has no plans to develop any of these projects. She stated that she had a document that shows an estimate for cost of construction for the first phase of construction. If there were no plans to build why would they have an estimate?

Mr. Rivera stated that Phase I is the name for the study. The commenter clarified that the estimate was for a section. Ms. Ximenes asked to have a copy of the document so that the answer could be addressed seeing the information that is being requested.

There was another question about the need. There was clarification about whether the need would be defined for each section and who defines what the need is. Ms. Ximenes added the question to the list of information needed for the upcoming meeting.

Mr. Smith emphasized that the study is unusual because it is designed to break out of the usual TxDOT process and jump over to the counties or cities to take over as a right-of-way preservation task using the platting process. As property is developed into commercial or residential, they would set aside the right-of-way and dedicate it to the city or county. The study has to figure out the right-of-way close enough that the Major Thoroughfare Plan can pin the right-of-way down and start reserving the right-of-way as projects move ahead. Mr. Smith then turned it over to Tom Hornseth, the County Engineer for Comal County to talk about what the project process might look like as a county project.

Comal County Project Development Process

Tom Hornseth, PE - Comal County Engineer

Mr. Hornseth presented an illustration of how development might happen and how the outer loop could develop. The illustration included a sequence of slides that showed how developments could drive sections of the loop to be built to serve that development as time moves forward. Mr. Hornseth stated that the process could move very slowly. He does not expect the pace to be fast in the short-term but that in the past the pace of development had been very rapid. The illustration also showed how a developer would utilize the right-of-way designated as the Outer Loop Corridor and dedicate that portion of the development to put in a roadway to serve the development, so the developer is preserving the right-of-way and building the roads. If and when a development or subdivision goes in adjacent to that development that developer would then extend the roadway the first developer began. The slides continue on in this fashion showing developments coming up and continuing to link and build the roadways in the designated corridor area right-of-way. The subdivisions would then use developer money to put in the roadways so the city and county do not have to buy the land or build the roads. He stated that although some people may not like it, the subdivisions would not be built if people were not buying them and they had been very popular in Comal County.

All of the roads so far, in the scenario presented, were all two-lane roads built with developer money. Private funds might be used to make connections between the built roadways to make continuous roads because now there is a need for public services to use the roadways. If there is heavy development in an area and the single lane road is not sufficient, a boulevard section could be built to supplement that roadway. That project might be a TxDOT, county or city project using public funds to add the second lanes on the side. Mr. Hornseth stated that this was a slow gradual process. If development continues and the area grows further, then high speed traffic lanes could be built in the space between the existing lanes to carry more capacity. This could be a fifty year time period or maybe longer.

Mr. Hornseth pointed out that if planning is not done a couple of subdivisions coming up could make it impossible to make something happen, which has been the case in the past with prior loop attempts. The plan is to develop a corridor that the City and County, through their planning process, can try to preserve to keep the possibility of a loop alive.

There was a question about where funding and cost estimates would fall in the process. Mr. Hornseth stated that it would be dependent on the funding. If it is TxDOT or federal funds being used, different triggers come into play. If it is individual private development funding, like in the scenarios shown, and they are all private developers, they will function under their own domain and follow the rules that apply to them and obey the rules that apply for their particular development. The question was asked about whether the developer would follow county or city building codes. Mr. Hornseth responded that they would and pointed out that TxDOT or the County or the City would only be involved in later stages when filling in additional infrastructure was necessary and the project development process would come into play.

A question was asked about when the County begins to question where we are going to get the water. If private developments put projects through they do not have the same requirements to meet NEPA standards. What clout does the County have to protect the water and green spaces? What happens if a rancher does not want to sell?

Mr. Hornseth stated that if a rancher does not sell his land, nothing happens. He controls his land. He then pointed to slides on Smart Growth and pointed out an item dealing with the City and County authority in the ETJ reading "Shall not regulate use of any building or property for business, industry, residential or other purposes." That says that the County or City in the ETJ cannot regulate any of those uses of land, so the county and city cannot require green space in the ETJ. It is all private property and people have the right to do what they want with their land. You can have ideas about Smart Growth, but it comes down to what the property owner wants to do with their land and what people are willing to purchase, so it falls on the mindset of the buyers more than the regulators.

There was a follow-up question about what happens in the case where you have a property owner who is surrounded by developments and cannot afford the taxes on the land and has no option but to sell his property to a developer. How can a county or city work with landowners to make sure that the scenario presented does not happen?

Mr. Hornseth responded that it comes down to the consumer. If the consumer demands that developments have green space then the developers will have to provide that. He stated that there were 20,000 lots developed in Comal County in the last ten years and it is all 1 to 3 acre lots with individual fences and the roads going up to their houses. That is what people want and that is what they are buying.

A Task Force member pointed out that the City and County can work to preserve open space through conservation easements, which is a useful tool that the City of Austin has used to preserve thousands of acres of land for parks, public use and water quality protection because they realize the importance of being over the Recharge Zone. There was also a question referring to Mr. Hornseth's diagram asking whether, as the first land owner develops the first subdivision, the adjacent property owner have any input on where the road goes. Can a developer go in and determine where the road is going to go for his neighbor?

Mr. Hornseth responded affirmatively, saying that is what is happening now. When a developer develops the roads within his subdivision he can put those roads where he wants them to be and the County has limited authority to regulate that because it is his land and he can do what he wants on it.

Mr. Hornseth then spoke about the County's current efforts toward conservation easements. The County is going through a long process and hopefully everyone has gotten notice about it. Comal County has been working to develop a Regional Habitat Conservation Plan (RHCP) for about two years now, similar to what Travis and Williamson County have. That RHCP is setting up a plan to purchase land and keep it as open space. There was an example given of the Morton Tract, a 300-acre parcel of land that was purchased with County tax money to preserve it in perpetuity. Mr. Hornseth asked the Task Force to look for the RHCP and asked for their support because it sounded like it was something a lot of people are interested in.

There was a comment that sometimes it is better to put easements on property rather than purchasing the land. Mr. Hornseth stated that that was part of it but that it was totally voluntary and easements or fee simple is just as effective.

City of New Braunfels Project Development Process

Shannon Mattingly, AICP Planning Director for the City of New Braunfels

Ms. Mattingly stated that Mr. Hornseth had gone over the same process that the City uses as far as platting and development. Once the Outer Loop Study is completed and an alignment is agreed upon, it would go to the City Council for presentation and they have the option to adopt it as presented, make adjustments or not adopt it at all. It is up to the City Council to make that determination. Once the council makes a recommendation and they approve an alignment, then the council would make a recommendation to amend the Thoroughfare Plan. It would then go back to the Planning and Zoning Commission who would then be required to advertise and hold public hearings and they would receive public input regarding amending the Thoroughfare Plan as it exists today. The Planning Commission would then make recommendations to the City Council on whether they would recommend approving, denying or making changes. Changes could vary from changing the width of the corridor, what the location is, how it goes through. It would all be discussed as part of this process. The Council would then advertise and hold a public hearing. They can approve, deny or revise amendments to the Thoroughfare Plan. Once a recommendation is made, the staff would update the existing Thoroughfare Plan based on the final vote of the City Council.

Funding must be available to build the roadway. At this time the City has no funds to develop the project, so the only process to develop the project is through a “developer-driven process” like the one that was illustrated by Mr. Hornseth. The alignment would be on the Thoroughfare Plan, which is the mechanism the City and the County have to require people to set aside right-of-way and build portions of the roadway.

Ms. Ximenes asked if there was a way to address an earlier comment about flagging a property on the title or in some way that would signify that it is a part of the designated alignment for the outer loop. Ms. Mattingly stated that property purchases do not go through the city or county, unless you are platting it. There was a comment that the only way to flag it would be to put an amendment to the deeds that are located at the County Clerk’s office. That system does not always work either since they tried to use it to register eight historic cemeteries. When the property was sold the purchaser still was not aware the land held a historic cemetery so this might not be the best method either.

Ms. Mattingly stated that the City would use the right-of-way identified for the corridor for future developments. The right-of-way would be set aside and what section of the roadway that is built would be determined by the number of lots and what is needed. The City has the ability to require them to build a portion of the roadway. Without any specific funding right now it is going to be developer driven. This could change in the future, but at this time the City cannot commit future Councils so it will depend on how things develop.

Mr. Smith then asked Ms. Mattingly to speak to the ability of the Thoroughfare Plan to aid and abet the Comprehensive Plan that is done for the City and the ETJ. Ms. Mattingly stated that the Comprehensive Plan and the Thoroughfare Plan work hand in hand. The Thoroughfare Plan is amended through the process discussed earlier. The Comprehensive Plan incorporates the Thoroughfare Plan into it and looks at future land uses and how property develops and how the City recommends that be done. It has not been updated in a few years. If this project gets put on the Thoroughfare Plan then you would have to look at how the project develops and recommendations for land use in the area, so that would basically call for an update to the Comprehensive Plan as well.

Mr. Smith asked if the Comprehensive Plan asked for areas to be developed in certain ways and type of development versus other areas where development is discouraged. The roadway could reflect that by where it is placed and how it is designed. Ms. Mattingly stated that the issue was that a lot of the property is outside of

the city limits and the City is limited as to how much they can enforce and influence how the property develops. If there is a commercial or residential development, all they can do is plan for getting the right-of-way set aside and how the road develops. If they are outside the city limits, they cannot say through zoning how that project develops.

In response to a question about granting a plat if someone wants to plat a property within the corridor area, Ms. Mattingly responded it would be granted. If a plat meets the requirements in the existing City Subdivision Ordinance they cannot deny that plat. With that said, there is an alignment consistent with the alignment of the Outer Loop that is currently on the Thoroughfare Plan. If the plat falls in the area on that alignment they could require for the right-of-way to be preserved. There currently are no plats for the alignment area.

There was a follow-up question about why that alignment right-of-way was not preserved. Ms. Mattingly stated that she could not answer to what has been done since 1964. She stated that since she has been working for the City there have not been plats in the area of the Outer Loop in the city limits or the ETJ. There was a comment about how the right-of-way that was not preserved for loop 337, was blocked by development. What the current loop study is addressing is the possibility of preventing that by identifying a corridor that could be used for planning purposes during development. Another issue was that the loop currently on the Thoroughfare Plan was not taken through the NEPA process. The City or the County did not have the resources to do that. That was a main reason the City and County would consistently list the Outer Loop Study as a priority project during their annual meetings with TxDOT on their prioritization of projects. They wanted to take it through the NEPA process so that if federal or state funds were available they could be used for the project.

Agenda Item IX: Identify Information Needed for July Meeting – Need and Purpose and the Study/Planning Process

Handout: This information is presented on the handout titled “Information Requests for the Task Force Meeting on Need and Purpose and Study Process”.

Items were added to and clarified during the meeting. If there are any additional comments, concerns or additions to this handout please send to info@nbolstudy.com and refer to “Comments to Information Requests for the Task Force Meeting on Need and Purpose and Study Process” in the subject line.

The items on the agenda regarding paid advertising of the meetings and limiting new members of the Task Force were not addressed due to time constraints and will be addressed at a future meeting.

Agenda Item XIII: Public Comments

Maegan Krueger Bloschke

[From Maegan Krueger Bloschke] “My name is Maegan Krueger Bloschke, I represent the Krueger Westmeir Bloschke family, we live in section D of the loop and it is cutting through half of our 200 acres. My comment is what has been done to contact remaining property owners since the initial notifications of the New Braunfels Outer Loop and how will the remaining owners be notified. A gentleman here equated the digital switch to notify people. Well for the digital switch there was no record as far as who did and who did not have the TV set up for that where here, you actually have deeds and records of property owners. At previous meetings my family has been assured by the TxDOT staff that our property would not be developed unless sold however the gentlemen’s figures just a second ago had eminent domain powers put into his figures as far as connecting roads together so I wonder where that comes in. And if it is not eminent domain the city and the county also have the option to keep increasing taxes so that the individuals could no longer afford to keep it. Last week I went ahead and I attended a smart growth meeting. It was put on by the ‘Aging in Place Initiative’. I suggest that you all go to aginginplaceinitiative.org and take a look at what kind of smart growth they have out there. The City of San Antonio is the one who put on the program with AACOG and what they are looking at is how they can fix San Antonio because of the problems that they have acquired with creating their outer loops and taking all their businesses out of inside the loop and so the inside of San Antonio is going

down whereas the outside is flourishing. But New Braunfels has such a rich heritage inside the downtown corridor that I don't think we would want to do that to the city. My other question is what happens if the property is sold to somebody else who wants to keep it in the farm use. If they buy it, will they have to go ahead and build that road even though they have no plans to develop it into a subdivision? There you go. Thank you for your time."

April Hughes

[From April Hughes] "Hello I am April Hughes. I am on the board of the Pinnacle Homeowners Association and a member of CASE. First of all I want to thank all of you brave folks on the Task Force for taking on this arduous and I know sometimes frustrating project of reviewing the data used to evaluate options for the outer loop. In fact you have become the jury. As a jury you have the right to look at all the studies and documentations that led to the final proposal. If I was in your place I would want to know how the November 3, 2005 request from the Comal County Commissioners Court to TxDOT for the New Braunfels Outer Loop Feasibility and Alignment Study ended up as an expressway with a footprint of I-35 and the size of Loop 410 outside our hill country. And this is what was presented last year at the April Town Hall Meeting. I would want to see their studies of all the other options they considered and the data that supports their final determination. We have been told that the all new approach was better and less costly than using existing roads. I'd want to see the studies and the data that supports this. I don't think just reviewing the data TxDOT used is good enough in your fact finding process since part of the contention has been the use of incomplete and faulty data. I think you need to go farther and bring in demographers to settle the projected growth issue. You need to talk to hydrologists and water experts to determine if there is going to be the water to support these numbers. You need to rely on independent experts. At least one of the Task Force members has expressed dissatisfaction at being subjected to family stories and CASE member testimonies. I'm sorry. I'm one of those. As a jury you should be interviewing those people and those people whose houses were not included in the loop pathway even after owners brought their exclusion to the attention of TxDOT sometimes, several times. My friends, you have a daunting task. No matter what your personal views on the outer loop, I'm sure we are all united in the desire for the best possible future for our homes. I like to encourage you to own this process. At the conclusion of this study I would like you to consider putting together an opinion piece for publication as to your views on the process as well as your collective determination on the soundness of the presented outer loop proposal. Quickly I am going to read an excerpt from the New Braunfels City Attorney, 'A copy of official written request from the City of New Braunfels requesting the Texas Department of Transportation to undertake a study relating to the project generically referred to as the outer loop cannot be provided because the city council nor any city official ever made a written request of the Texas Department of Transportation to perform such a study in connection of the outer loop.' So this is one study that the New Braunfels Planning cannot be accused of planning too much for. If you would like a copy of this letter I would be happy to provide it. Thank you so much for what you are doing. It is so incredibly important."

Diane Scharnhorst

[From Diane Scharnhorst] "My name is Diane Scharnhorst I own 19 acres in the pathway of this thoroughfare. I was not included in the 2000 Thoroughfare [Plan]. It was illegally moved forward from being on Lone Oak in Pleasant Lane. Lone Oak said they already gave in to the high wires. Pleasant Lane said, "Not in my back yard." They had subdivisions that fought this. I live next door to a two lot subdivision. Next door to them are six more little lots in another subdivision. I am next to 200 acres owned by a 98 year old rancher. He is the fourth generation on his property. And before you think he will die soon. Oh, he didn't get married till he was 59. His children are in their late 30's. His grandchildren attend Lamar Elementary. He does not want to move. He wants to divide his property between his two sons. We were told they could not count one of his son's properties because it was a mobile home. They could move it. He does not want to move it. I don't want to move it. I don't want to lose my driveway, my internet connection, my electricity, my phone service, that I had to pay dearly for because I am a half a mile back from the street. I am not counted for anything because my house is missed. I was told I wasn't viable by RIVERA Associates so therefore I didn't have to worry. And then it was, "Well wait a minute. It is going to skirt your property. Well, wait a minute it's going to miss your house." I don't care. It goes right through there. After it goes through the place next door to me then it careens forward taking out two properties. Then it careens forward through sixty acres owned by

another rancher. He is the second owner since the Spanish land grants. Then it goes through another subdivision across the street from us, seven lots there, and crosses 2722 very near our church and new existing business. We were told repeatedly that we didn't need to worry, it wasn't viable. When this first started out this was a yellow Marks-a-Lot round loop. I went into TxDOT and asked to see the close-up map of what I saw in the *New Braunfels Herald*. I was told to make an appointment and come back. I went to the *Herald* and I got the exact property it was going right through. I called RIVERA & Associates I was told again, "Don't worry, you're not viable. You don't have a problem." Then when I go to the January meeting I find that I am right in their dead sights. We don't want this. What happens when a rancher does not want to sell their property? Instead they want to deed their property to their children."

Martin Levett

[From Martin Levett] "Martin Levett with CASE. First of all I would like to comment on public involvement, as I was part of that process. I was shocked to see from a member of this task force was that one of the members did not want to hear any histories from families or from members of a particular group, namely mine, Citizens Alliance for Smart Expansion. I am shocked at that, okay. Other things that shocked me even more was when I went to a MAPO meeting which certain members of the public were escorted out by Linda Vela. This was at a public meeting, public place, local high school. When I went into the building and asked the local law enforcement officers whether we could be at this public meeting they said, "Of course." That was just sheer intimidation by TxDOT. The same meeting of affected property owners we were not allowed to hold the microphone. The TxDOT representative held the microphone. Why was that? Because as soon as you asked your first fifteen, twenty second question they took up the remaining three minutes by dominating the microphone. I was also upset by the fact that there was a MAPO meeting November 15, 2007 at the Lone Oak, regarding Lone Oak. The members, people, stakeholders that were invited to that meeting were really not listened to; their input did not make any difference. They were told by TxDOT there was an alternative route and that was just the way it was. What is unfortunate is that that very same information was never made available to the general public on the NBOL website till three months later. It was finally put on the NBOL website, less than 24 hours before TxDOT unveiled their final recommended route. Why did TxDOT not want public input? Were they afraid the public would say this route doesn't make sense? I wonder why TxDOT has to do these things. Why they have to control the microphone. Why they have to ask certain members of the public to leave. Why they have to withhold information from the public if they don't have something to hide. Or if they don't have an agenda. My personal feeling is that there is an agenda. This is a done deal. The members of this Task Force can change that. They can either change the fact that there is going to be an outer loop or the route. And at the next meeting I might unveil why this is not really for our transportation needs. This route is purely for commercial gain on the part of other people. Thank you."

Ms. Ximenes then reviewed the charge of the Task Force.

Agenda Items X, XI and XII were addressed after the public comments because the allotted time for the meeting had lapsed and the Task Force members wanted to get these issues resolved.

Agenda Item X: Complete Guidelines for Working Together

Handout: This information pertains to handout titled "New Braunfels Outer Loop Task Force Operating Guidelines".

There was another question about deciding when to have public comment. There was a comment that there was a public official in attendance that had left the meeting that would have missed comments made at the end. Ms. Ximenes said the same could be said if they made it to the meeting late and missed comments at the beginning. Discussion continued without consensus. Ms. Ximenes asked the few members who were not okay with having comments made at the beginning to stand aside even if they did not agree. They did not agree to do that. There was a suggestion to have some comments at the beginning and end and split the fifteen

minutes. There was no consensus on this. There was a proposal that the issue be settled with a majority vote. Ms. Ximenes suggested using a super majority (75 percent in favor) since consensus could not be reached and there was an unwillingness to go into committee to discuss the issue. The proposal was to have half the public comment period at the beginning and half at the end. Two people would comment at the beginning of the meeting. Three comments would be made at the end of the meeting, for a total of fifteen minutes.

DECISION: The Task Force voted with a super majority to have the fifteen minute public comment time be divided and have two comments, three minutes each, at the beginning of each Task force meeting and three comments, three minutes each, at the end of the meeting. The proposal passed with a super majority of 29 votes for and 3 votes against.

Agenda Item XI: Review and agree on the schedule of meetings

Handout: This information pertains to handout titled “Revised Schedule of Meetings”.

Due to time constraints, this issue will be addressed at a future meeting. Ms. Ximenes pointed out that the schedule is set with the exception of the November meeting, when the decision needs to be made about meeting during Thanksgiving week on Monday at another location or Tuesday at the Civic Center. The other option is to meet the previous week or the week following Thanksgiving.

The January meeting date needs to be decided also. She asked the Task Force members to be thinking about what they wanted to do.

Agenda Item XII: Approve Distribution of the Task Force roster

There was a question whether the Task Force could approve the distribution of the Task Force Roster. Ms. Ximenes suggested including a name, organization, email and phone number on the Task Force Roster for public distribution.

DECISION: The Task Force decided to distribute the Task Force roster including their name, organization, phone and email address.

Ms. Ximenes thanked all of those in attendance for their time and comments and adjourned the meeting.