



**NEW BRAUNFELS OUTER LOOP TASK FORCE
FIFTH MEETING
AUGUST 17, 2009
NEW BRAUNFELS CIVIC CENTER
6:00 - 8:00 P.M.**

MEETING MINUTES

Attendance:

<p>TxDOT REPS: Jonathan Bean, PE Greg Malatek, PE Laura Lopez Darla Laughter</p> <p>Elected Officials: Jay Millikin, Comal County Commissioner</p>	<p>TASK FORCE MEMBERS: In order introduced at meeting: Rusty Brockman Vincent Schwab Dolly Williams Art Brinkkoetter Tom Myers Gary Cobb Suzy Collins Ted West Marilyn Altwein Cheryl Fisher Maegan Krueger- Blaschke Martin Levett Karen Dietz Donna Jones Roy Linnartz Rod Smith</p> <p>Robert Boyd Glenn Avriett Connie Krause Dean Word Mitchell Sacco Tipton Ross Alicia Herrera Jim Folbre</p> <p>Also in attendance but not introduced: Korvan Kruesler Lenny Llerena Marcie Helmke Phillip Schulze Shannon Mattingly</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 fifth meeting of the New Braunfels Outer Loop Task Force shortly after 6:00 PM. She acknowledged the elected officials in the room and introduced the members of the consultant team and TxDOT representatives in attendance.

Agenda Item II: Introductions

Ms. Ximenes opened up the meeting with introductions of Task Force members in attendance and asked that during their introductions they list which constraint is most important to them.

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

Ms. Ximenes reviewed the charge of the Task Force.

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 concerns regarding the identification and ranking of constraints.
- Review information addressing the identification and ranking of constraints.
- Identify preliminary recommendations regarding the identification and ranking of constraints.
- Identify information needed for the September meeting on the facility.
- 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 with the Task Force. She let the Task Force know they would be given a presentation which would review the process utilized to identify constraints. The agenda also included review of the concerns regarding constraints identified in the interviews and small group work to discuss the constraints identification process and make recommendations on ways to strengthen the study process.

Ms. Ximenes asked the Task Force to write any information they would like to have for the upcoming meeting on facility type on their evaluation sheets. She also stated they would talk about the schedule and then have comments from the public.

Agenda Item VI: Approval of the Minutes from July 20, 2009

Martin Levett indicated he had a correction to the meeting minutes from Task Force Meeting #4 on July 20, 2009.

The stated correction was to Item III: Review the Task Force's Charge. During the discussion regarding the procedure being implemented to manage how information is sent from Task Force members to the Task Force distribution list, Laura West asked if anyone had an experience where they felt there had been censorship of information. Sharon Levett stated she had. She explained she had submitted a letter from the City of New Braunfels along with a comment on her comment card regarding the letter and an article she wanted distributed to the Task Force members. Neither the letter nor the article was distributed and the comment was eliminated from the document recording the comment cards. Ms. Ximenes responded that she would ask Yobana Diaz to look into it and asked Ms. Levett to submit a summary of the documents so they could be distributed using this new process that was just outlined to the Task Force.

Agenda Item VII: Comments from the Public

Rittler Strachan

[From Rittler Strachan] "My name is Rittler Strachan. I've been a resident of New Braunfels for thirteen years so I kind of have a feel for what's going on. See I don't see this as being TxDOT's road because they are not going to build it. No, it's going to be built by some consortium from Europe and they'll build it as a toll road and they'll build it soon. So it will be more USA money going out of the country. And I'm trying to imagine what Europe's environmental concerns are for our aquifer. So I have to guess that Rivera is not working for TxDOT to sell this road and it is a very transparent thing that they are trying to sell the road. I mean listen to the rhetoric. And recently asked them to come back with why and how and we are not addressing that today. They are talking just more stuff. So, I wonder who he is working for. Now, there is a massive truck lobby that would like to see all the trucks go from East I-10 eventually to West I-10. Now, for those who live around the Frio Watershed you know all those NAFTA trucks are going thru that area and going down those little roads and barreling down those roads and people hate it. It's not going to get any

better here. Not only that but we notice that San Antonio is about ready to fail their air quality standards and they are going to lose millions in federal highway funds. So what better thing to do than to send all their trucks and all their cars and all their pollution thru our hill country and across our aquifer and get it out of town? Fabulous idea! So, someone has probably invested in that. Now, when one looks at the enticement of a major commercial road passing thru the hill country the temptation by plenty will be to buy and sell the land in the recharge zone and develop it to the 'nth degree. And if we ever ink, put down, where this road is going to go, there will be development and it will pop up like a movie set. And I guarantee you that's the way it is going to happen. These people are being recruited here. We are not going to get two hundred thousand people here just because they happen to show up. They are being invited. Recruited and they will be placed out there in the hill country. People, this is a national treasure. This is the aquifer, Canyon Lake, the hill country. And what I am saying here today is that New Braunfels will be held in infamy for not protecting it. That's how they are going to remember you. The nation, the state, the planet will remember how you allowed this water to get run over by a six lane bridge; across Second Crossing where I kayak and people tube and there is ambiance and a national scenic river. A parallel to that would be that recently some people on city council voted to put a major road across Comal Springs right where it bubbles out of the ground and a big bridge. This is not the vision I have for this part of the world. I don't want downtown to become a major transportation hub. I don't want the seemingly quiet Guadalupe River to have 2.5 million cars zooming all around and in its watershed destroying the fishing, the tubing the kayaking. I'm studied and I'm published in macrobentic ecology and stream ecology. The little bitty larva that live the bottom of the stream that are the foundation."

Connie Krause

[From Connie Krause] "I just wanted to address a comment a gentleman over there, who is not here tonight, had made about the outer loop being in the master plan of New Braunfels. Just so the rest of ya'll understand this; also in the master plan of New Braunfels was a plan to save the Seguin underpass. And unfortunately now plans are being made to widen that so it is four lanes. And TxDOT is working on getting that changed. So we need to understand that just because something is in the master plan does not mean it is a done deal."

Agenda Item VIII: Address Concerns and Comments Regarding Identification and Ranking of the Constraints

Handouts: The small work group done in the later part of this section responds to the questions on the handout titled *Constraints Worksheet*; map showing constraints located on the study area with the recommended route identified; summary of constraint data used to identify constraints in the study area called *Data Collection*; summary of efforts to identify constraints thru the public involvement process on a handout titled *Constraints Recap*.

Brief Review of the Process for Identifying and Ranking the Constraints

Ms. Ximenes then introduced Rudy Rivera with RJ RIVERA Associates to give a presentation on constraints identification and ranking.

Mr. Rivera made a comment regarding a concern that had been previously voiced regarding there being no new information presented. Mr. Rivera stated that was the case since the charge of the Task Force was to review what was previously done. He said that with the help of the Information Subcommittee they did arrange and organize information in a different way for the Data Collection Handout.

Mr. Rivera reminded the Task Force that the purpose of the study was to identify a corridor for right-of-way preservation and that there are no sources of funds identified. The route is a mechanism for the city and county to preserve right-of-way when properties are developed. If federal funds were to become available, projects identified would follow the NEPA process.

After presenting information on the purpose and need, the study team then worked to develop a preliminary constraints map which is what was discussed during this meeting. An environmental constraint is something that is held to be most important. Mr. Rivera stated that he was glad to hear some people say during

introductions that the most important thing is to balance constraints since they are all important. Through the study process,, the study team sought to identify what constraints were most important to the community. He stated that they also considered state and federal laws that required compliance.

The public involvement process was utilized to get input from the community in regard to what was important to the community. There was a map distributed for this Task Force meeting which included the constraints identified thru various sources including: published information, the Community Work Group, the Technical Work Group, public meetings, field observations and field visits. When constraints were identified, the routes were adjusted to minimize impacts to identified constraints. If a constraint could not be avoided, then efforts were made to minimize the impact. If the constraint cannot be avoided, a way must be found to mitigate the impacts.

Mr. Rivera referred to the large size maps on display that showed a more detailed view of the map by section. There were over 27,000 residences identified in the study area. The recommended route hits less than one percent. The constraints were used as the basis for drawing and screening the lines for the routes.

The data used to identify constraints included published information, maps from FEMA, maps from Connie Krause (for cemeteries) and aerial photographs. The aerial photographs were used as backgrounds to the constraints map. There is always a concern about what data to use and how current the data needs to be. NEPA says that as long as you are consistent with the application of the data you are using, the study is being done properly. Mr. Rivera gave an example saying that if you look today there could be a subdivision where there used to be a wetland. So that means the wetland map is wrong and the subdivision map is wrong. But he highlighted that there was a certain point, back in 2007, that was identified as the “cut-off” point for using the most current data.

A big challenge lies in that each person has a passion and the study process attempted to identify the most important constraints for the community. There were varying opinions expressed at meetings. The most important constraint identified however, was homes. There was a slide on the presentation showing the list the consultant team used as a starting-point list of constraints. The list was presented at the various public meetings that were held and attendees were asked to rank the list in order of priority. The results were compiled and the final ranking was utilized do a preliminary screening of the various route alternatives. There was not just one constraint was used to screen the alternatives. The study team recognized that homes was the number one constraint, but the first five or six constraints on the prioritized list were used to screen alternatives and taking into account the things the community said were most important to them.

Mr. Rivera stated that there are fatal flaws the study team also had to consider. Cemeteries ranked number six in constraint priority but as a general rule cemeteries are considered a fatal flaw and require special consideration.

Ms. Maegan Krueger-Blaschke asked if the starting-point list of constraints was pre-fabricated. Mr. Rivera stated that they did get input on the list and it was taken to the public meetings as it was shown. There was a space left for “other” where the community could write in their own responses. There was a follow-up question to see if the list was a standard list and was not tailored to specifically fit the New Braunfels area. Mr. Rivera responded that there was input from technical staff that was part of the early list making that included the County Engineer, TxDOT District Engineer, and the City Planner among others.

Dr. Levett asked for the definition of a constraint. He then read the definition of constrains from the “Glossary of Terms” provided for the Task Force members. Dr. Levett noted there was a footnote on the glossary that states the definition was created by the study team specifically for the New Braunfels Outer Loop project.

Dr. Levett asked for clarification on Mr. Rivera’s prior statement that NEPA states that as long as you are consistent with the data then you have a proper study. Mr. Levett referenced a slide showing a list of constraints that has “Limited English Proficiency” (LEP) listed. He stated he had never seen that constraint listed before. Mr. Rivera responded that there is an executive order that requires consideration of this constraint. Dr. Levett asked if it was a typical constraint why it was the first time that it had been listed and was

not included on the other lists of constraints. He asked why, if there was a requirement for consistency, Limited English Proficiency had not shown up before.

Mr. Rivera stated that you start the process with a lot of things. When you go thru the process you start adding and deleting information: you start drawing lines, taking lines out and making adjustments. Early on there was one German-speaking person who requested translation. Ms. Vela added that there are certain requirements that go with LEP but the community for this project does not require having translators or information to be presented bilingually. She stated that when you talk about applying constraints consistently it has to do with using the same level of information for the whole study. For example, if you use 2007 information for the east side of the study area you cannot use 2008 data for the west side.

Dr. Levett stated he was bothered that constraints were thrown in at the last minute that had never been seen before. Mr. Rivera stated that the slide shown today was the same slide that was presented in Public Meeting #1. Dr. Levett referred to a slide showing a list of public meetings with the constraints ranking exercise. The table shows 17 constraints for one of the meetings. He asked why and what "anti-growth sentiment" meant since it was listed separately for that one meeting. Mr. Rivera stated that one of the meetings had 17 constraints because the public filled in a response for the "Other" category. Vela stated that "Anti-Growth Sentiment" got its own line item and was not included with "Other" because there were several similar comments made, so it was given its own line item. The other items listed in the "Other" category were only stated once and therefore did not get their own line item.

Dr. Levett referred to a slide where a constraint was listed as "Environmental Justice" and in another area was listed as "Potential Environmental Justice". He stated that there should be consistency in listing the constraints. He stated that the definition of environmental justice in the glossary also had a footnote that the definition for environmental justice was written for the project.

Ms. Krause made a comment regarding the data collection handout on page 3 in the row for information on cemeteries. There was a note in the handout about an additional cemetery that was found. Mrs. Krause stated that the additional cemetery she knew of was north of Highway 46. If the one west of I-35 was being referred to, then that is one she had provided maps of to Clint Rey. She indicated that if there was a cloverleaf in that area, the cemetery would be disrupted. It should have been picked up from her map or from the Texas Historical Commission Listing of Historic Cemeteries because it is the Carolina Schwab cemetery. She said she saw a note from Mr. Rivera asking that the cemetery be included on the map. She is concerned that there is a mistake on the handout. There was another cemetery that was brought up on a map for Ewald Road. Mr. Rivera stated there was one cemetery identified after the study had wrapped up. Ms. Ximenes clarified Ms. Krause's concern that the cemetery asterisked on the data collection handout should have been included on the map before the final recommendation was made. The cemetery off of Ewald lane was brought to Mr. Kennedy's attention at the last MAPO meeting.

Marilyn Altwein asked for help because she was concerned that there were two homes that were not on the map that had previously been pointed out.

Dr. Levett had a comment about the data Collection handout. LEP was not listed on the data collection handout and he asked if it had been eliminated because the community did not require it. Ms. Ximenes stated that that was the case. Dr. Levett asked how the constraints were used. Ms. Ximenes said that more in-depth information would be given on how the constraints were utilized during the meetings on the screening process.

Dr. Levett stated that part of the agenda was to identify constraints that were missed. He noted that page 5 of the data collection handout, in the Water Resources row, lists Floodplains and Potential Wetlands and are on the matrix identified by acreage. The Edwards Aquifer is identified on the map but is not reflected on the matrix, even though it states that approximately 22,700 acres are in the study area. Considering the drought and where we are with water these days that is a big deal. Ms. Ximenes asked Mr. Rivera if that was included under water resources. Dr. Levett stated that it was not on the map or the matrix that is on the map. The matrix lists floodplains and wetlands but does not list the Edwards Aquifer.

Mr. Rivera stated that the constraints evolved into thirty items and the list could grow in future phases. Mrs. Vela stated that the matrix in the presentation was not the list used for evaluation. She clarified that the list was provided as a public involvement tool to solicit input on the constraints. It was on the back of a comment card that was handed out at each meeting. It was meant to highlight some of the more common constraints encountered on projects of this nature. It was not meant to be an exhaustive list or the final constraints list but was used to get a general feel for the community's priorities.

Ms. Krueger-Blaschke stated that the issue goes back to the first comment she made about the list that was given to the public being a generic list and not tailored to the community. She stated that recommendations have been made that information should be tailored to the community.

Dean Word stated that he felt his time was being wasted going over the same issues repeatedly. He said the Task Force has a lot of diverse opinions and people should have the chance to share their opinions and not be hoarded by one person.

Brief comments from the interviews and identify successes and concerns

This information was handed out prior to the meeting and was meant to provide the Task Force with some general comments that were heard during the interviews held with potential Task Force members regarding the study process's handling of constraints.

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

Ms. Ximenes asked the Task Force to break into small groups to work on the handout titled "Constraints Worksheet". Ms. Ximenes stated that the questions on the worksheet were to get them thinking and talking and the last question was what they should focus on, which was making recommendations to improve the process.

Small groups report out on their recommendations

Ms. Ximenes asked the groups to report out to the Task Force the recommendations they came up with to strengthen the constraints identification process of the study. The small groups reported in the following order:

Group 3

- Tailor constraints to the specific community

Group 4

- Alternative and additional data collection opportunities should be provided, either online or in the papers
- Have constraints more focused on New Braunfels – not a generic list

Group 5

- List the Edwards Aquifer as a separate constraint
- Constraints should be measurable, not subjective
- Have a specific marker for constraints – more detail, i.e., homes impacted vs. not
- Identify all homes affected on maps
- Identify 300 ft. buffer zone for noise on maps
- How was the environmental area identified and what firm was used?

Group 6

- Include a definition of the constraint when ranking
- Identify things that are regulated – non-negotiable

Group 1

- Felt the process was pretty good – large group made it unwieldy
- Lack of consistency in naming the constraints – be more consistent
- Give an explanation of the procedure for ranking and compilation of rankings

Group 2

- Identify which constraints are regulated by law and the regulations
- Look at rankings of various groups individually instead of looking at the averages
- Be very clear in defining constraints and the language used
- All constraints should be mapped

Agenda Item IX: Identify information needed for the September Meeting on Facility

Ms. Ximenes asked the Task Force to include on their evaluation form the information they would like to see in discussing the facility type selected during the study.

Agenda Item X: Schedule Updates

Ms. Ximenes stated that the initial idea was to have two meetings on constraints but that one meeting would suffice to cover that topic. The following meeting will focus on the facility type and the subsequent meetings would focus on screening of alternatives.

Ms. Ximenes stated that there was a request to hold a meeting in Guadalupe County and suggested holding the next meeting in Guadalupe County. She asked that anyone who had any recommendations to include any suggestions on their evaluation sheet.

Agenda Item XI: Comments from the public

Nancy Krueger

[From Nancy Krueger] "I'm Nancy Krueger. We live out on Westmeyer Road. Our road is actually named, my grandparents established that area, so I am pretty proud of that. I want to thank everyone on the Task Force for your time and effort because I know it is taking away from your family time and believe me I have better things to do than be here tonight too, but this is important. After seeing the map that was handed out tonight about where the outer loop will be, it does show our farm, ranching operation, being divided into half which makes me really sad. I also wanted to share with you kind of how my day starts in the morning. While this was happening I thought, well, I'm going to share this with the people at the Task Force. In the morning,, we get up early in the morning because of the heat situation, and then we go check our cattle. And we feed out cattle. One of my rituals is, I go to our tank and I feed my catfish, almost every morning. And they are kind of waiting for me to drive up with my gator and they are right there, ready to eat their food. But anyhow, the other morning when I was standing there and I was feeding our catfish and looked out, and I thought, "You know, this is really sad. One day when I look out that way that's where they are planning on putting the loop, or toll road, and that will definitely impact our family, our way of life, kind of how we do a lot of things." For some of you that don't own a farm or ranch you really don't know what I'm talking about. But for those of you that do, you know, it's in your heart how that works. I just wanted to share that with you. I know you have heard all sorts of stories, but I think, myself, my family is just as important, as a business. It's our livelihood; it's our heritage; it's what New Braunfels was built on and somehow I feel like we are getting forgotten with that. So, anyhow again, thank you for all your help and work tonight, because I think you all are very important and ya'll could make a very big difference. Ya'll just need to keep talking up and letting people know how it is.

Robert Shearer

[From Robert Shearer] "I'm Robert Shearer and I live in town. I don't live on the loop and I have a constraint to tell you about that's not on the list. And it is one that probably makes the idea of a loop just a dumb idea in total. It's forecast that our normal rainfall will be 80 percent of what is used to be normally. All the people that tell you about environmental change will tell you this. Two or three people have said that. We are short of water with normal rainfall, at present, the droughts notwithstanding, not counting that. Considering that we face this situation there is not going to be the extra water for the forecast population increase of 100 percent - 200 percent in 20 to 40 years. So do the math. The population explosion ain't gonna happen unless people can flush their toilet with sand or something. So I think the outer loop is just a

dumb idea. It's born of refusal to face the actual forecast probability. It would be road for nobody for no purpose except to enlarge TxDOT's empire and grip on Comal County.

Renee M. Stigall

[From Renee M. Stigall] "Hi everyone, I'm Renee Stigall, been a resident of New Braunfels for about four years now. Texas resident for about 45 years. We go back about four generations in Texas. One thing I'm concerned with and I notice that it is not being discussed is air quality impacts. Maybe it has been discussed before, just not tonight and I'm new to coming to these meetings, but it is just common sense. All large Texas cities have poor air quality as a result of a large amount of traffic. I think that community health would be compromised. Especially those with respiratory sensitivity, you know that they have it in the large cities; some of you have family members in the larger cities so that is something to think about. So, it would not be for the better to have this. This is just one of the many little things. Thank you."

Diane Scharnhorst

[From Diane Scharnhorst] "My name is Diane Scharnhorst and I have lived here off and on for about thirty years. I started visiting New Bruanfels when I was five. My granddaughter is an eighth generation Comal County resident and my relatives settled the property close to Weimer in Olmsville, that's my maiden name. I was told repeatedly that this would not go thru my property; we were not a viable route. Then I was told, "oh yes, it will skirt your property." Then, next thing it was going to miss my house. So everything kept changing on us. Every time I called it was a different answer. And I wonder how many people called and were told an answer so they wouldn't call back again. And they said, "Oh, you're not affected," and they weren't smart enough to call back. That's been told over and over again. Pleasant Lane is a 60-foot connector; it's not being considered anymore. Loan Oak is a 220-foot loop connector and it's not being considered anymore. But you are going through my neighborhood. My neighborhood is densely populated with overgrown trees that we want to keep; underground springs that provide a lot of wildlife. And over and over again we were told that we would not be affected, we weren't viable but guess what: we are the recommended route, so I want an answer to how did we go from not viable to recommended? That's never been addressed before. Every time we called up we were told we weren't viable. We weren't on the short list of options but now we are recommended. So what is the problem with addressing our issues? You kept changing it. So how many people did you tell that you weren't affected over and over again? You kept changing the route. Every time you said, "Oh wait a minute, it's 800-feet" so you'll skip us but that's not going to happen again because it's going to go right through the middle of my property. I've already wanted to divide my property between my two children. My next door neighbor he's 98 years old and he wants to divide them between his two children. They are in their thirties. Over and over again we were told we weren't viable but we are recommended so nobody's addressing that. How many people were told that they weren't affected and they didn't call back? Thank you."

Agenda Item XII: Adjourn

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