



**NEW BRAUNFELS OUTER LOOP TASK FORCE  
SEVENTH MEETING  
OCTOBER 19, 2009  
NEW BRAUNFELS CIVIC CENTER - BALLROOM  
6:00 - 8:00 P.M.**

**MEETING MINUTES**

**Attendance:**

<p><b>TxDOT REPS:</b> Jonathan Bean, PE Greg Malatek, PE Laura Lopez Maggie Rios</p> <p><b>ELECTED OFFICIALS:</b> Jay Millikin, Comal County Commissioner</p>	<p><b>TASK FORCE MEMBERS:</b> In order introduced at meeting: Vincent Schwab Rusty Brockman Dolly Williams Art Brinkkoetter Donna Jones Gary Cobb Ted West Roy Linnartz Rod Smith Karen Dietz Martin Levett Maegan Kreuger -Blachke Cheryl Fisher</p> <p>Suzy Collins Marilyn Altwein Dean Word Tom Hornseth Tipton Ross Jim Folbre</p> <p>Also in attendance but not introduced: Marcie Helmke Lenny Llerena Shannon Mattingly Connie Krause Alicia Herrera</p>	<p><b>CONSULTANTS:</b> <b>Ximenes &amp; Associates, Inc.</b> Linda Ximenes</p> <p><b>Kennedy Consulting, Inc.</b> Kevin Kennedy, PE Tony Estes</p> <p><b>RJ RIVERA Associates, Inc.</b> 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](http://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.

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**Agenda Item I - Welcome**

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Linda Ximenes, the facilitator, convened the seventh meeting of the New Braunfels Outer Loop Task Force shortly after 6:00 PM. She welcomed those in attendance and thanked them for being there. She mentioned that there was a lot of information to cover. Ms. Ximenes then briefly went over the goals of the meeting and let the Task Force know that today's meeting would be focusing on Section A of the New Braunfels Outer Loop. She then did an overview of the agenda. She let the group know the agenda they received at the meeting was different from what went out previously with the meeting materials due to information received from the Information Subcommittee meeting that was held after those materials had gone out that affected the agenda. She also stated they would be working in small groups to identify any specific questions they have related to the sections. At the end of the meeting the group would do a report out.

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**Agenda Item II: Introductions**

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Ms. Ximenes then asked the task force members in attendance to introduce themselves.

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

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Ms. Ximenes reviewed the charge of the Task Force.

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### Agenda Item IV: Review the Desired Results of the Meeting

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**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 comments regarding the screening process.
- Review information addressing the screening process.
- Get feedback on the meeting process to review the screening process.
- Identify information needed for the November meeting on the screening.
- Allow for public comment at the beginning and end of the meeting.

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### Agenda Item V: Review the Agenda

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

Ms. Ximenes reviewed the agenda with the Task Force during the welcome.

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### Agenda Item VI: Approval of the Minutes from September 21, 2009

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Ms. Ximenes asked for any corrections to the meeting minutes from September 21, 2009. They were approved by the Task Force with no comments or changes.

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### Agenda Item VII: Comments from the Public

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#### Nancy Krueger

*[From Nancy Krueger]* "Hi, I'm Nancy Krueger, I live at 12641 Westmeir Road in New Braunfels. I want to tell you good evening. I rushed to get here from work. Anyhow, I want to thank you again for all your work and effort you've done here. I know it takes a lot of time, I know. I wanted to share this information with you that I've gathered. I thought it was interesting. I wanted to bring it to your attention so you would be aware of it. I hope all of you are planning to vote in the November election. I have voted in every election except for one so, I am pretty proud of that. Proposition 11 was brought to my attention by Guadalupe County Farm Bureau which refers to eminent domain proceedings. The Farm Bureau is highly backing this Constitutional Amendment Number 11. I have made a copy of the amendment for your information. The legislature passed a bill similar in 2006. But I found this very interesting. It was vetoed by our Governor Perry. The handouts have a copy of the bill that Governor Perry vetoed and a copy of Proposition 11 which were both provided for me by State Representative Edmund Kemper's office on Saturday. The other handout is a copy of an article in the *San Antonio Express-News* on Sunday. It is about Proposition 11. The *Express-News* article explains Proposition 11 but I thought the last paragraph in the article was wonderful. Texan's have passionate feelings about property rights. Proposition 11 is a measure worthy of their passion. And I guess I fall right into that and people who own property here in the area that this is going to affect, ya'll know exactly what I am talking about. I challenge you to vote in the November election. I urge you to vote "yes" on Proposition 11. This could help myself, my family, friends and fellow Texans."

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

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**Handouts:** The small work group done in the latter part of this section responds to the questions on the handout titled *General Screening and Segment A Worksheet*. The handout titled *Screening Process Handout*

gives a summary of the levels of screening and the study efforts in using public input via the specific public involvement opportunities.

### **Review of the General Process for Screening the Routes – Rudy Rivera, PE**

Ms. Ximenes introduced Rudy Rivera who presented information on screening of alternatives. She referred the Task Force members to the handouts corresponding to the presentation.

### **Ask Clarifying Questions About the Process in General**

Mr. Rivera began by reviewing the purpose of the study. He showed an image of the funnel type process utilized by the study team. He stated it was a proven process that had been used successfully on previous studies in the area and around the state. He said that although the funnel might suggest it was a linear process, it is actually an iterative process because as the study team gathered more information things were reevaluated and reassessed throughout the process. He said the study area was broken into several sections but they were not evaluated independently because they do affect one another. Mr. Rivera stated that public input, federally mandated regulations and engineering requirements all had impacts on the study as well.

Mr. Rivera gave an overview on Geographic Information Systems (GIS) and said the program is good for planning studies but not for engineering purposes where more precision is required. He stated that digital files were created from information received to create the constraints maps. He also stated that professional judgment comes into play in the study as far as recognizing GIS and recognizing its limitations; recognizing the passion of an individual and balancing that with the needs of the community.

Mr. Rivera stated that the team started with the City of New Braunfels currently approved outer loop route. Adding to that, routes were drawn by the Technical Work Group, the Agency Coordination Conference, the first round of public meetings and the consultant team. Mr. Rivera displayed an exhibit that showed how the maps that were drawn on by the public at the meetings mentioned were then put together into a GIS document. He said the line drawn on the maps may represent up to 1,000 feet so when that map is scanned and incorporated into GIS there is judgment exercised by the technician in placing the line. He showed the lines that were drawn by the consulting team which were drawn after the Technical Work Group, Agency Coordination Conference and the first round of public meetings. All of those inputs together on one map made up the Universe of Options.

After the facility type was selected, the corridor width was established. Once the width was applied to the lines on the Universe of Options map many of those lines started to converge. On a strictly technical basis, the lines were merged. These lines were taken to the Technical Work Group for their input. Mr. Rivera stated that throughout the process the team made modifications to the lines to avoid or minimize impacts to constraints. After the lines were combined, the lesser number of lines was called the Refined Universe of Options. Early on, the team was aware the community wanted to minimize impacts to homes but the team also needed to look at federally mandated regulations and engineering constraints. Lines that were impacting a high density of homes or cemeteries, parks, landfills, etc. were eliminated from the Refined Universe of Options.

Mr. Rivera showed a matrix with six items highlighted in blue which were the screening criteria used at the next level of screening to eliminate options from the Refined Universe of Options. If one of the lines bisected a high density of residences it was eliminated from consideration at this level. He showed the options that resulted after the screening criteria was applied and pointed to some examples of why certain lines were removed. The study team received input and feedback from the first round of public meetings that resulted in changes to Section A. A Meeting of Affected Property Owners (MAPO) was held to address the specific changes to that section.

After this level of screening, the resulting options were called the Viable Options. He stated that at this level any option would work. You are not trying to find the best option at this point; you are trying to eliminate the least desirable options. At this level of assessment, the study team evaluated the best places to cross I-35 and the river and eliminate the options that are less desirable. Mr. Rivera stated that the study team considered

using existing crossings and if that was not viable they also considered appropriate spacing from existing crossings. After that criteria was applied the study team then had the Short List of Options.

At the Short List of Options, the study team had more information and data and a lesser amount of options. At this stage, the study team took a more quantitative approach to evaluating each option. He showed the full matrix that was used to assess the criteria for each option.

Tipton Ross asked a question about the route sections. Mr. Rivera stated that they were subsections of the section. Mr. Ross asked if during the evaluation the routes were evaluated section by section or subsection by subsection. Mr. Rivera stated that each subsection was called a node and each one was evaluated and then pieced together to make the routes. From the Short List to the Recommendation each node was evaluated. If one node was bad it came out and the adjacent sections came out.

Mr. Ross asked if A3, A6, A4, A10 was evaluated and put thru the 32 criteria together and then had a score. Mr. Rivera stated that it depends on the level of screening. At the first level of assessment lines that went through high density residence areas were eliminated without looking at any information on a subsection by subsection basis.

Rod Smith asked if the question was whether the evaluation was done for the loop as a whole or section by section and then pieced together.

Mr. Ross said he was asking something else, but that his question had been answered. Mr. Ross clarified that at the Short List of Options the 32 criteria were applied. Mr. Ross said that what he was trying to figure out if the team looked at a section or the entire route. Mr. Rivera stated that the full 40 miles was not evaluated based on the 32 criteria on a section-by-section basis, but also considered how the sections affected each other and professional judgement.

Mr. Ross asked if there were three routes that were very similar, where the analysis of those two sections falls out on the matrix of the route. Mr. Rivera said that all things being equal, the two subsections that are different would be evaluated. If the top constraint considerations are equal then you go down the list of constraints until there is a difference found that makes one less desirable.

Mr. Ross said if that was the case, then on the route analysis if that is the only difference that should be shown on the route analysis when you use the matrix to make the decision. Mr. Rivera stated that you do not only use the matrix to make decisions, but in a perfect world everything else being equal, the differentiator between one subsection over another could be the deciding factor in choosing between two options. As an example he stated that at this level of study, 1 acre of wetlands difference between subsections may not be a differentiator and maybe considered by the study team to be the same impact. That is due to the level of precision of planning studies and the data that is being used for the study purpose.

### **Break Into Groups Focusing on Section A**

Mr. Rivera began review of the Section A exhibits. He stated that the recommended route corridor had been included on all of the exhibits. Exhibit A-1 showed the Universe of Options. A-2 shows the Refined Universe of Options which resulted from the lines being combined. Mr. Rivera reviewed lines from the exhibits and reasons for their being dropped from consideration.

There was a comment from Martin Levett stating that A26, A27, A32 were eliminated due to residential impacts and yet the recommended route goes right through there. Mr. Rivera stated that once an option is eliminated the adjacent options are eliminated because the connection is no longer there.

Mrs. Connie Krause asked if it was stated that A-1 was drawn by the Technical Work Group. Mr. Rivera stated that it was. She said it was curious that a line was drawn by technical people who were paid for their input in drawing lines that miss constraints. Mr. Rivera stated that could be due to the map that was marked on might

have been smaller and they might have not seen it or it is possible a fat line was drawn and when that was put into the GIS program it could have been placed imprecisely.

Rusty Brockman stated that the green line above A-1, the line referenced by Mrs. Krause, had been moved after the Technical Work Group when it was found that there were too many houses. It was moved down to eliminate many of the houses from the route. He pointed to the fact that it was moved twice and moved out of the area where there were homes.

Mr. Rivera agreed that adjustments were made along the way to miss constraints. Mr. Brockman stated that going back to Dr. Levett's comment it might have been a similar situation. Sections A27 and A32 were eliminated because they go thru homes and they connect to A26, which is the final route made and it shows there are no homes affected. Dr. Levett stated that A32 is where homes are affected and it was eliminated but was brought back as the recommended route. Mr. Brockman stated that it looked to him like it had been moved up to miss homes. Dr. Levett stated that it had not been moved and the same number of homes were still affected.

Mr. Rivera brought up a graphic that showed the adjustment that was made. There was a small change that was made to remove homes from the corridor route. There was a comment that exhibit A-3 depicts the scenario being shown.

There was a question from Mr. Ross agreeing that it looked like A32 had been shifted, but on the Refined Universe of Options, Sections 26, 17 and 18 had been eliminated and he wanted to know if that was the same issue. How did the team decide to come through 26 on exhibit A-2? It was shown as eliminated but then it is the route chosen.

Mr. Smith and another task force member commented that the route was not shown in the next exhibit on A-3 but then it was brought back and was the route that was chosen.

#### **Using Worksheet, List Questions about Segment A and the Other Segments – to be answered at the November Meeting**

Ms. Ximenes asked the Task Force members to break into small groups to work on the handout titled "General Screening and Section A Worksheet". She said the study team would be giving written answers to the questions and then would discuss them at the next meeting. Mrs. Ximenes stated that the next meeting would talk about the responses to the questions received and she was hoping there would be time for discussion. Mr. Levett stated he wanted to have group discussion on the questions and not just get written responses from the team with no dialogue.

There was a question if questions from the public on the comment cards would also be answered. Ms. Ximenes stated that those questions would also be answered.

There was a request to put the timeframe on the map.

Dr. Levett also asked if the Task Force could see the original maps that went to the public meetings. He said the maps the Task Force was using had been "cleaned up."

Marilyn Altwein asked if the questions and answers would be in their package and responses to the questions reviewed at the next meeting. Ms. Ximenes stated that yes that was the case.

Mr. Ross asked a question regarding exhibit A-2 where it hits I-35 on the Refined Universe of Options. He asked what the number of the section was below Section A2 between A4 and A6. Mr. Ross stated that he was very disappointed that fundamental questions could not be answered right here, right now. He said this was the whole reason for being on the Task Force and that the discussion was the heart of the matter. Mr. Ross stated that millions of dollars had been spent and someone should be able to address these questions. He wanted to know why Mr. Rivera could not say that night what happened to A26. Mr. Rivera stated that there were several

routes on top of each other so it is hard to distinguish them. Mr. Ross said that he was confused because it says the route was eliminated, but it was still there.

Karen Dietz asked for a reminder about how many feet would be required at major intersections. Mr. Levett stated that page 59 of the New Braunfels Outer Loop Study says the interchange would be three levels high, 3,500 feet at its widest. He said that is 11 football fields by 7.5 football fields right on top of Mission Hills.

Mr. Brockman said that on map A-5 it becomes numbered again and becomes A10 and becomes green and yellow. Then on map A-6 and it turns blue. He said he was curious about that.

Linda Vela responded to Mr. Ross and stated that there was a modification in Section B in response to public involvement. As a result of the modification there was another refinement that was made in Section B that caused the team to look at and revisit Section A and that was why that option was brought back with some refinements. At that level of screening it did go away but as the public involvement process moved forward, the team was looking for options in the area and that option did come back. She said it was not one person that worked on the project but it was a team of people. A change in Section B caused the option that had been previously removed in Section A to come back into consideration.

There was a question if there were significant enough changes in development, for example the 46 interchange with A10 going into it on Exhibit A-5, that we should be using newer maps for what the Task Force is doing. Ms. Vela stated that the Task Force was looking at the work conducted for the study and that the study used a certain dataset which was from 2007, and this process is evaluating that study. She said the Task Force could recommend that future efforts refresh the data and that would probably be a first step for future studies so that additional refinements and changes could be seen.

Dr. Levett asked if the data used for the study was from 2007 or 2008. He stated there were homes being counted in 2008 that were not there in 2007. Mr. Rivera stated that was a question that could be written down and would be responded to later. Ms. Vela stated that the dates for data used for the study was also included in the study report. Mr. Rivera stated that the aerial photograph was flown between December 2006 and February 2007, so the picture is from somewhere within that 3 month period. Mr. Levett stated that routes were moved for houses that were built after that time period. Ms. Vela indicated that that information was covered on the meeting pertaining to the data collection efforts that were undertaken which outlined what data was used as far as aerials and the dates that public input and feedback was taken in order to determine the impacts of the alignments. Dr. Levett stated that the report also says that we were going to be consistent throughout the study, so if you are using homes that are from after 2007 and moving routes because of them, then you are not being consistent. Ms. Vela stated the study was consistent in using public input and involving the public and, thru the date listed in the study report, the study team was accepting public comment regarding constraints, such as identifying residential structures and those that were identified during that time frame were considered. Mr. Levett stated that the Task Force charge included ensuring that the screening and evaluation tools were applied consistently throughout the study. He said that if you are counting homes in certain sections from after your capture date that were not there when you say you are using data from 2007, then that does not make sense. Ms. Vela stated that 2007 data was used for the whole area and was supplemented with public involvement.

Dean Word made a comment that he recalled that at one public meeting at Comal High School there were big maps rolled out and the public could put dots in areas where they could identify cemeteries, businesses or homes or any other constraints. He asked if those updates got included in the study and route adjustments made based on what was put on the maps after December 06 – Feb 07 aerial survey was taken. Ms. Vela pointed to the chapter on Data Collection in the New Braunfels Outer Loop Study Report starting on page 34 where it states that published data, aerial and field recognition was performed for the study beginning April 2007 through January 31, 2008. In addition, public input and feedback was collected and investigated through July 7, 2008.

## Short Conversation on the Process for Reviewing Segment A, What Was Learned From it and How to Improve it.

Ms. Ximenes asked the Task Force members to give her some feedback on the process for the meeting by responding to the following questions.

### What worked?

- Finally got to a point where we could have some discussion about something that mattered, without repeating.
- Start off with what public has to say and then move right into discussions- don't do so much review.
- Discussion opportunities – it is the meat of the whole thing.
- Seeing that there's a lot of complicated trade-offs and the need to document what they were.
- Small groups did help.
- We had some good questions asked tonight and need to pursue answers to those questions.
- Maps in the back very helpful

### What didn't work?

- Forgo 20 minutes of unnecessary stuff and go right into meat
- Experts not being able to answer questions. Questions should be responded to while they are fresh on our mind
- Last meeting I asked for material that wasn't presented at this meeting, I want an assurance that these questions will be responded to.
- Come prepared to work, not to editorialize – do the job that we have asked you to do, we are here to make some decisions.

### How would you do it differently?

- Legend needs to be larger.
- These maps have been updated – I would prefer that as the process was going through, if we could have actual maps that were used at that time.

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## Agenda Item IX: Comments from the public

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### Diane Scharnhorst

*[From Diane Scharnhorst]* “My name is Diane Scharnhorst. I live in the area that is referred to as B23. On page 72 of the handout today you marked A26, 27 and 32 eliminated due to impact to residential structures. I am directly affected by that because as you go to B that goes right through my property. I was told I was not viable. I did not make the Short List of Options so I did not worry about it. Both one side of 46 and the other did not go through my property. On the October public meeting I was not on that list and I wasn't included. In November, you had a meeting with another group that was part of the 2005 Thoroughfare Plan: Lone Oak and Pleasant Lane. Lone Oak is a 220-foot outer loop designation. Pleasant Lane, [a] 60-foot connector. You advertised that you were going to meet with them to present a change to their plan. You didn't make a change to their plan; you eliminated it. You didn't even have to meet with them. You could have said, “Don't bother to come.” You're moving it down to our area. You slid it down right through our property. We couldn't defend ourselves because we weren't there. We didn't imagine that a change to their route would be to eliminate it and put it right through the middle of our property. After that we tried fighting it. We were told, I was told repeatedly by Rivera Associates that it missed my property. Then it skirts my property. Now it goes right up through the middle. I have not access. I will lose all of my utilities; telephone, electricity, everything. My property will be split in two. And my understanding is that if I want to divide my property legally between my two children I can't do it without dedicating a right of way right through the middle. That takes away my property rights. Thank you.”

## **Stacy Graupner**

*[From Stacy Graupner]* “I just want to make sure that the resolutions and comments that are being made or the questions and comments that are being derived from map A, at what point in the next meeting when we discuss B and C and D and E and F, or whatever the rest of them are: when will resolutions be made based on those discussions? I just want to make sure that instead of saying, ‘Oh we don’t have time for that, we have to keep going, we have to keep going.’ This is my first meeting and I’m not sure of progress based on what the comments and questions were on A.”

Ms. Ximenes stated that recommendations will be made in January. Mrs. Graupner asked when questions were going to be addressed. Ms. Ximenes said that they would have to figure out how to make the time to address the questions brought up for each section.

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## **Agenda Item X: Adjourn**

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Ms. Ximenes thanked all of those in attendance for their time and comments and adjourned the meeting. She asked those in attendance to please fill out their comment cards and evaluation forms including their questions or thoughts and put them in the comment card box.