



**NEW BRAUNFELS OUTER LOOP TASK FORCE
NINTH MEETING
DECEMBER 21, 2009
NEW BRAUNFELS CIVIC CENTER - BALLROOM
6:00 - 9:00 P.M.**

MEETING MINUTES

Attendance:

<p>TxDOT REPS: Jonathan Bean, PE Laura Lopez Maggie Rios</p> <p>ELECTED OFFICIALS: Jay Millikin, Comal County Commissioner Dick (Richard) Hetzel, Cibolo Commissioner</p>	<p>TASK FORCE MEMBERS:</p> <table border="0"> <tr> <td>Arthur Brinkkoetter</td> <td>Phillip Schulze</td> </tr> <tr> <td>Bennie Bock</td> <td>Rod Smith</td> </tr> <tr> <td>Brett Reynolds</td> <td>Roy Linnartz</td> </tr> <tr> <td>Cheryl Fisher</td> <td>Cherise Bell</td> </tr> <tr> <td>Connie Krause</td> <td>Suzy Collins</td> </tr> <tr> <td>Dean Word</td> <td>Ted West</td> </tr> <tr> <td>Donna Jones</td> <td>Tipton Ross</td> </tr> <tr> <td>Gary Cobb</td> <td>Tom Hornseth</td> </tr> <tr> <td>Kevin Lehman</td> <td>Tom Myers</td> </tr> <tr> <td>Laura West</td> <td>Vincent Schwab</td> </tr> <tr> <td>Maegan Blaschke</td> <td>Alicia Herrera</td> </tr> <tr> <td>Marcie Helmke</td> <td>Frank Dietz</td> </tr> <tr> <td>Marilyn Altwein</td> <td>Martin Levett</td> </tr> <tr> <td>Mitchell Sacco</td> <td></td> </tr> </table>	Arthur Brinkkoetter	Phillip Schulze	Bennie Bock	Rod Smith	Brett Reynolds	Roy Linnartz	Cheryl Fisher	Cherise Bell	Connie Krause	Suzy Collins	Dean Word	Ted West	Donna Jones	Tipton Ross	Gary Cobb	Tom Hornseth	Kevin Lehman	Tom Myers	Laura West	Vincent Schwab	Maegan Blaschke	Alicia Herrera	Marcie Helmke	Frank Dietz	Marilyn Altwein	Martin Levett	Mitchell Sacco		<p>CONSULTANTS: Ximenes & Associates, Inc. Linda Ximenes</p> <p>Kennedy Consulting, Inc. Kevin Kennedy, PE Tony Estes</p> <p>RJ RIVERA Associates, Inc. Rudy Rivera, PE Linda Vela Yobana Diaz William Long Sofia Torres</p>
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The meeting followed the agenda set out. To obtain a copy of the meeting agenda, please visit www.nbolstudy.com and click on the "Public Involvement" page. There you will find the agenda and all handouts that were distributed at this Task Force meeting. The following minutes are meant to document the events of the evening in a detailed format. Transcription of public comments are included and made to the extent possible but there is no guarantee of accuracy. These portions of the minutes are indicated and indented.

Agenda Item I - Welcome

Linda Ximenes, the facilitator, convened the ninth 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 referred to the Levels of Analysis board that was handed out in a previous meeting and has been exhibited for the meetings. She stated that the board provides information on the requirement for different project phases. The New Braunfels Outer Loop study was a planning level study and the exhibit outlines the requirements and actual steps taken for the study and also requirements for future study phases.

Agenda Item II: Introductions

In the interest of time the Task Force introductions were skipped since people should be familiar with other Task Force members by this point.

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 screening process for Sections B and F.
- Respond to clarifying questions regarding the presentations on Sections B and F.
- Allow for public comment at the beginning and end of the meeting.

Agenda Item V: Review the Agenda

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

Ms. Ximenes reviewed the agenda for the meeting with the Task Force.

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

Ms. Ximenes asked for any corrections to the meeting minutes from November 30, 2009.

Marilyn Altwein stated that at the November meeting she had asked if the remaining sections would have the same level of detailed information presented and if all sections would be treated the same. She understood that would be the case from the responses she received. Ms. Ximenes stated that the Task Force has chosen to have presentations on each section and that would take the place of the exhibits that were created for the previous sections.

Martin Levett stated that at the previous meeting he had a question about the project authorization document which only he and Ms. Maegan Blaschke had received. He stated that the documents he received were work supplement orders. He requested to have the project authorization documents to be sent to the full Task Force. Ms. Ximenes asked Dr. Levett to include the request on his evaluation form. Dr. Levett stated that he did not want the Task Force to run out of time in the meeting without having the opportunity to review these documents. Dr. Levett stated that TxDOT's responsibilities included providing the Task Force with technical documentation to make informed decisions. Ms. Ximenes stated that the documents had been submitted and the remaining documents would be submitted. She added that she did not believe the review of the project authorization was part of the charge of the Task Force.

Agenda Item VII: Comments from the Public

Stacy Graupner

[From Stacy Graupner] "I am only getting up here tonight to apologize for what I said at the last meeting. At the last meeting I said that you all on this Task Force are to be like that of a jury on a trial. That you are to go through all of this information and you are to dissect it and you all as this task force committee are to be that representative for us. And I have to apologize for saying that because after reading all of these reviewer's comments I don't know how you can get the information that you are charged to get. I don't know how you can come to a meeting in a couple of weeks and make an informed decision or offer suggestions to them when they didn't give all of the necessary information. You name it. It doesn't matter. How can you give a suggestion when you are not given all of the information that is necessary to make a decision. You can't. So to me, I owe you an apology because I charged you with that commitment and that drive and that force and I don't see how you can do it. So to go on what TxDOT wanted last time, quit wasting tax payer dollars. They want to get your time out of these meetings; let's get these over with. To me that seems like the only thing we can do is stop it. Because how are you going to come to the table with the questions that weren't answered and say, "Yeah I was informed." Whether the Sunset Commission or whomever put you on this task force or you volunteered, you are not able to make the suggestions that are needed to be made without the information. Thank you."

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

Handouts: This agenda item pertains to the questions and responses on the General Questions and Section Specific Questions. Also refers to the *Study Process Timeline Diagram*.

Review the Process for Screening Section B

Rudy Rivera began the presentation for Section B by reviewing the screening of options and stated that the Task Force had agreed to start with the Viable Options. He said the study area was broken into six sections and Sections B and F would be covered that evening. He stated there currently is an adopted outer loop and part of the study goals was to improve on that alignment. He stated that during the presentation for Section A he had explained the full screening process. He showed an exhibit of Section B that included the Viable Options. He stated that the Viable Options were presented at the second round of public meetings and that a concern expressed by the public was that there was only one option being evaluated through a portion of Section B. He stated that the study team went back to the office and attempted to find another option that could be included and evaluated in the area of concern. The team identified an option that was in the Universe of Options that they considered. With refinements they did develop another route option to include in the evaluation at the Viable Options stage. The option which was B6 in the Universe of Options was refined and made more perpendicular to SH 46 and also adjusted to miss the impacts to the historic site and residential subdivision that the option previously impacted. This refinement of B6 became Option B23 on the Refined Viable Options. He reviewed other changes made between the Viable and the Refined Viable stage which included changes to options in order to minimize impacts to constraints in the area and provide linking connectors for those refinements. The results became the Refined Viable Options.

When the study team looked at the Refined Viable Options, at this stage, all options were considered good viable options. The next phase of screening looked specifically at the crossing of IH 35 and the Guadalupe River. He stated that as part of the study the team evaluated possible interchanges with all of the arterials shown on the New Braunfels Thoroughfare Plan. River Road is shown as an arterial in that plan, so the study team planned for a connecting roadway that connected River Road with the Outer Loop facility. Three options that crossed over the Guadalupe River remained after screening the Refined Viable Options.

At SH 46 some of the connecting options in Section A were removed which resulted in the connecting options in Section B being deleted. After screening the Refined Viable Options at SH 46, two options that crossed SH 46 remained for further evaluation. Mr. Rivera stated that the team had been made aware of a possible historic structure in Section B which had resulted in options in the area being eliminated. After further investigation, it was determined that the historic structures did not affect the options, so the options were brought back for evaluation. He stated there was a narrow property in Section C that caused a slight modification to options in Section B that connected with Section C in order to minimize impacts to the narrow parcel. There was an option developed that stayed between two transmission towers. The results became the Shortlist of Options. The change between the Shortlist of Options and Refined Shortlist of Options in Section B was a slight modification of an option that connected with Section C to be more perpendicular and to minimize impacts to the narrow parcel previously pointed out.

The Refined Shortlist of Options for Section B included 24 routes which were evaluated. The other five sections (A, C, D, E, F) combined had a total of 26 options. Half of the effort for the study process was in Section B because the study team recognized that Section B was critical. Mr. Rivera showed the matrix of the 32 criteria that was used to evaluate the Refined Shortlist of Options. He stated that different tolerances were set for each criterion and the options were evaluated based on their impacts to those criteria and the tolerance levels established. He stated that the matrix was used only to evaluate impacts between SH 46 and FM 306 for Section B; the study team had to evaluate the impacts of the full matrix and also connectivity to adjacent sections. He gave an example of the tolerances set for residential displacements. He stated that if an option impacted between 0 and 10 homes a light green color was designated. Impacts to 11 – 14 homes got a medium green color and impacts to 15 or more residences received a dark green designation. The more dark

green impacts an option had, the less desirable the option was for that criteria. He stated that the matrix could provide a lot of information but there is also an element of professional judgment that needs to be applied to analyze the information and make determinations beyond what the matrix can do. He stated that when the team used the matrix to evaluate the options, the three best routes considered were routes 18, 21 and 22. He showed the three routes. However, those three routes only provide one crossing of SH 46 and one crossing over the Guadalupe River. The study team wanted to be able to compare and evaluate route options for these important crossings or what were considered the "critical points" for each section. He pointed out that the team included nine route options that allowed them to evaluate alternatives at those critical points such as SH 46, the Guadalupe River and Hwy 306. The top seven options crossed SH 46 at the eastern crossing and the Guadalupe River at the north most crossing. The eighth highest ranked option crossed SH 46 at the western crossing and the Guadalupe River at the south crossing. The 13th ranked option also crossed SH 46 at the western crossing and the Guadalupe River at the middle crossing. The impacts of these nine options were further evaluated based upon professional judgment in order to determine which option would be recommended when weighed against the 31 matrix criteria, connectivity to other sections and overall impacts.

He broke Section B into those three critical areas in order to look at each area more closely. He started by evaluating the route options at SH 46. He stated that the team evaluated the impacts of the options with a three level interchange where they intersect with SH 46. One of the two options evaluated was located on a high point, Option B1, and one was located on a low point, Option B23. When you consider that the intersection would be a three level diamond where part of the lanes would be below ground, the option that is on a higher elevation is preferred. He stated that a three level diamond interchange is similar to Loop 1604 and US 281 in San Antonio. He showed an exhibit where the actual footprint of the interchange at Loop 1604 and US 281 in San Antonio has been overlaid onto the New Braunfels Outer Loop alignment at SH 46. He stated that the footprint would fit within the identified corridor. The New Braunfels Outer Loop Thoroughfare Plan calls for 250 feet of right-of-way at the SH 46 intersection which would be narrower than the footprint that was overlaid. He showed the 250 foot right-of-way overlaid. He stated that the B1 option which is the one that falls more to the north and is at a lower elevation could be engineered to work, but it would be more complicated, more expensive and has more impacts to the floodplain in Section A.

Further, in evaluating the two options that cross SH 46, the B23 option was determined to have a better possibility of minimizing impacts to the homes in the alignment path in future studies. The B1 option had less possibility of minimizing impacts to homes in the alignment route in future phases because of the transmission line in the area, which limited options. Option B1 also had more impacts to karst features and large parcels in Section B. Because of these reasons, B23 was evaluated to be a more desirable option. Additionally, in Section A the preferred option connected with the B23 option.

Frank Dietz stated that in the exhibit shown the alignment gets very close to the dots designated as a home. Mr. Rivera stated that was a good point because sometimes the facility could be very close to a home without impacting it, but the evaluation outlined the rationale for selecting the option in Section B.

Phillip Schulze asked about the facility type which Mr. Rivera had stated that an Expressway Type 2 on the west side may be most desirable because of environmental constraints. Mr. Rivera stated that his opinion was that an Expressway 2 type facility would probably be what is the ultimate constructed, but future studies would have to evaluate those and other options.

Dr. Levett stated that TxDOT was planning for the largest facility and so it is not possible to say how impacts will be minimized because that facility type determination has not been made. He stated that the B1 option crosses at Range Road which is at the crest of a hill and that the B23 option is at a low grade going up. The floodplain is there in Section A and connects to Option B1, but since the team considered building a bridge over the Guadalupe River it should not be out of the question to build a bridge at the intersection of SH 46. He also stated that in the notes for the Agency Coordination Conference, the LCRA stated willingness to move the transmission lines and the study also considered options in other sections that run parallel to the transmission lines. He stated that the team's assertion that the transmission line caused the team to look for alternatives does not make sense either. He stated that it was very similar to what happened with an option in Section A,

where B23 was eliminated and then brought back, which bothered him and he stated that it showed intent on the part of TxDOT to force a route. He was not certain what that reason could be. Mr. Rivera emphasized that the process outlined in the presentation represented the process used by the study team for evaluating options.

Mr. Rivera continued to speak to the options evaluated at the Guadalupe River crossing. He showed a topographic map of the area. He stated that River Road was at approximately a 660-foot elevation. The highest point in the vicinity is 960 feet. There were three routes evaluated at the river crossing. All of these options originate at the river which is at about a 660-foot elevation and then have to climb up towards the higher elevation. The north most option is a much gentler grade because it follows on a path that does not cross the highest elevation and also has a longer stretch between the river and its highest point which allows a more gentle degree of climb. The middle and southern options both cross closer to the highest elevation point on the map and the distance between the river and that high point is shorter, which would require a steeper climb. He showed a photo of the Loop 360 Bridge in Austin, Texas which required a cut into the surrounding topography in order to allow for the bridge crossing. The study team deemed the northernmost crossing at the Guadalupe River to be the most desirable because the grade was much gentler, which would allow for the least impacts to the topography in the area and still provide an interchange with River Road.

Rod Smith stated that at the Information Subcommittee he had asked for some of the contour topography maps in the area and was told they were not available, but today the Task Force was shown topography maps. Mr. Rivera stated that no options were dropped due to impacts to topography prior to this phase. The exhibits and presentations being made were developed for the Task Force using information from the study but also were developed primarily for the purpose of the Task Force. Linda Vela added that the maps were not included as part of the documentation for the study report but that does not mean that they were not used in the evaluation.

Maegan Blaschke asked for clarification on the option numbers for the three crossings at the Guadalupe River. The northernmost crossing was Option B15. First and Second Crossing were also pointed out for reference. Dr. Levett asked how many lanes the Loop 360 bridge has. Mr. Rivera responded that it has four lanes. Dr. Levett stated that the bridge proposed for the New Braunfels Outer Loop would be six lanes. He also stated that if one option would result in an 80-foot cut and another option would result in a 60-foot cut there would be little difference; and that if Comal County or New Braunfels approved a cut into the bluffs in the area they would be crazy. Mr. Rivera stated that the team recommended the northernmost crossing based on the information they had and that the currently adopted loop crosses near one of the other two options.

Mr. Dietz asked if there was ever a time when the team considered which arterials would be intersected with, which would bring traffic into this very precious piece of the route. He stated that you would want to minimize, not maximize impacts to a very fragile part of River Road. Mr. Rivera stated that the study attempted to evaluate where the best crossing option was located. Mr. Dietz stated that whether one looks at it as an engineer or a geologist or someone who appreciates the river for what it is, what it has been and what it is hoped for and why that is not an appropriate question to ask. Mr. Rivera stated that there is a currently adopted loop route in the Thoroughfare Plan and River Road is identified as an arterial on that plan. From a planning perspective, the team did evaluate intersecting with River Road. Future studies would determine portions of the loop that were needed and then evaluate options and alternatives for the project. Mr. Dietz asked about the mysterious reality of how those judgments and recommendations could be made without commenting on how inappropriate it is at River Road. Mr. Rivera stated that what he outlined was the study process used for evaluating options in that section.

Mr. Rivera spoke to the two options evaluated which intersected with Highway 306. He stated that during the public involvement process a newly platted subdivision was identified during the Open House. The study team evaluated options and impacts at this stage and made adjustments to minimize impacts to this newly identified platted subdivision. Route B21 was recommended at the crossing of Hwy 306, which is the same location that the currently adopted loop alignment crosses.

Dean Word stated that the study team was not tasked with determining a No Build option, but they were charged with finding an alignment for a reasonably buildable route. He stated that some folks do not like that, but that was their task.

Laura West stated that the Community Work Group did have an option of No-Build and that some of the members of that group did choose that option.

Dr. Levett stated that part of their charge was to make sure the study was consistent but he was bothered that one of the study goals was to minimize impacts to subdivisions, but route B23 goes through five subdivisions and so that is not consistent. He also pointed out that one of the homes was shown to be in the route and caused a route change; it should have been located properly because it is not actually in the route. He stated that TxDOT and RJ RIVERA were trying to pull a fast one by misplacing data. Ms. Ximenes asked Dr. Levett not to make accusations about intent when he was not certain why they did what they did. Dr. Levett stated that he was pointing out an improperly placed home. Ms. Ximenes stated that was a fine point to make but stating it was done on purpose was not. Ms. Vela clarified that during the study there were other instances of homes actually being located in a different location than shown on the maps once new data was reviewed. She added that it was not only one home that would make a difference. Mr. Rivera pointed out that if the loop were ever built it would have to be on someone's home or land because it has to be somewhere.

Dr. Levett stated that the route was moved and the reasons given had nothing to do with what was being said.

Jim Folbre stated that the discussion was becoming very nit picky and that the responses had been given and the answers were just not accepted. Ms. Ximenes stated that Dr. Levett could ask any questions or comments and that mistakes should be pointed out without accusations being made.

Tom Myers stated that he had already given up property for the power line and he does not like the loop in general, but if it does have to happen then he would prefer to use the existing right-of-way of the transmission line for the roadway.

Mr. Dietz stated he was concerned by a statement that was being made about the currently adopted loop route being the same as the recommended route alignment. He stated that the existing alignment was just a line on the map but if the recommended route were adopted it would actually designate right-of-way. Mr. Rivera asked Tom Hornseth of Comal County, to speak to the existing loop route and the recommended route alignment. Mr. Hornseth stated that, in his opinion, the lines [the existing loop and the recommended loop] are the same; and theoretically, when a development goes up along the alignment route the right-of-way would be dedicated, and the use of the existing and recommended route alignment would be the same.

Dr. Levett stated that he had a question about the process. The process went from the Viable to the Refined Viable Options. He stated that the website was intended to provide a one-stop source of timely information for the public but the Refined Viable Options map was not posted on the website, but was first seen on the final loop study. He asked why that was not posted on the website. Ms. Ximenes asked if the question was a clarification from the questions that were responded to in writing. Dr. Levett stated that he had not seen that question but the issue had been brought up so he wanted more information about why other information was posted quickly but that one map was not. Ms. Vela responded that the Refined Viable Maps and the Refined Shortlist maps were exhibits that were created for the Study Report to document the changes that were made. Dr. Levett stated that the Refined Viable Options map was presented on November 15th and was posted on January 15th. Ms. Vela stated that the timeframe falls over a holiday period and that the time is not unreasonable. Dr. Levett argued that the NEPA process is intended to get public input but if the exhibit was posted on January 14th and the recommendation was made on January 15th, then input could not have been included. Ms. Vela stated that the Draft Recommendation was presented at the Open House and public input was still being accepted on that occasion. Mr. Rivera pointed out that the study accepted public comment and evaluated the possibility of addressing issues, but not every issue could be addressed.

Dr. Levett stated that a question he had asked and had been responded to in writing was not answered adequately. The question had to do with the MAPO meeting where there was an exhibit showing houses in the B23 section by Old Bear Creek Road and three of the houses disappeared on the recommended route. He said it was interesting that three out of thousands of houses had disappeared when the new route was presented which ultimately became the recommended route, until the public pointed out the three houses which were shown on the original maps. Mr. Rivera stated that the study did make mistakes so that might be an error. Dr. Levett stated the response to the question does not include the map where the houses are missing, but makes it look like the houses were always there. He added that statistically it would be less than one one-thousandth of a percent chance that those houses would accidentally fall off the map.

There was a suggestion from Roy Linnartz that the questions that required clarification be addressed in writing. Ms. Ximenes stated that it was asked and responded to in writing. Dr. Levett stated that the response was not adequate and that at meeting seven he asked if questions would be discussed in an open discussion and that the questions are not being adequately answered. Mr. Linnartz stated that he was interested in the responses as well but in the interest of time it might be best to have the presentations on the rest of the sections and have questions responded to in writing. Dr. Levett asked when questions that were not answered adequately would be discussed in an open forum. Ms. Ximenes stated that if there was time after the presentations those would be further discussed, but the questions had written responses already submitted. Mr. Rivera stated that the only response he could give was what was done for the study and that is the only answer that can be given.

Ask Clarifying Questions about the Process for Section B

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

Review the Process for Screening Section F

Ms. Ximenes introduced Kevin Kennedy with KCI who led the route study for the east side of the loop. Mr. Kennedy introduced himself to the Task Force and stated that KCI worked with RJ RIVERA on the loop, working on the east side of the study area. He stated that RJ RIVERA also led the public involvement efforts and that another firm, TCB, created the constraints maps that were used for the east and west sides of the study area. Mr. Kennedy indicated he would be presenting information on Section F and in future meetings the remaining sections would be presented.

Mr. Kennedy started with the Viable Options which he pointed out were from an exhibit that was presented at the Technical Work Group meeting in September 2007. After the Technical Work Group meeting, revisions were made that included adding routes F14, F15, and F4 to connect Sections A and F. As new constraint information became available, a property owned by New Braunfels ISD was identified in route E1, in Section E. As a result, route E1 was eliminated therefore eliminating F7. After these changes were made, the Viable Options were presented at the October 2007 public meetings. Around this time, new information was received by the study team identifying a newly platted subdivision (Rolling Hills Ranch) which was located within the study area in Section F. F1, F2, and F14 impacted the newly identified platted subdivision and were consequently eliminated. This left F5, F6, F11, and F12 in need of a connection back to Section A. No viable connections were identified because of the large number of residential impacts that would occur as a result any connections

The team then looked at the connections with IH 35 and FM 1044 to further evaluate the Viable Options. Mr. Kennedy stated that F4 crossed IH 35 just south of Schwab Road while F3 crossed IH 35 at the existing Schwab Road interchange. He stated that existing interchanges present opportunities and constraints. They could be used in an interim condition, but if an option was too close to an existing interchange it could conflict with the existing interchange location. He pointed out that the F4 option was too close to the existing interchange at Schwab Road creating an impact to the existing IH 35 interchange. In addition to the interchange impact, a creek ran parallel along option F4, which was undesirable. Option F3 was aligned in close proximity to F4 but crossed IH 35 directly at the existing Schwab Road interchange, which was preferred, and did not have impacts to the creek. As a result, F4 was eliminated leaving F3 as the only connection to Section A. All remaining options became the Shortlist of Options.

The Shortlist of Options were made up of three routes, which were evaluated based on impacts to the 31 criteria matrix. Route 1 was nearest to Santa Clara, Route 3 was closest to New Braunfels, and Route 2 aligned between Route 1 and 2. Mr. Kennedy stated that although Route 2 was ultimately recommended, all three routes were similar based on the matrix evaluation. Route 1 was eliminated because it only connected to routes in Section E that impacted newly identified family cemeteries brought forth at the October 2007 public meetings. Route 3 was eliminated because it connected to FM 1044 at an undesirable skew while it also closely followed along a tributary of Long Creek in Section E. Route 2 had a more direct and perpendicular connection to FM 1044, which was preferable, and also impacted slightly fewer large parcels than Route 3.

Mr. Kennedy presented an exhibit that showed the line of the currently adopted New Braunfels Outer Loop in Section F. He stated that that line equates to the recommended route if it were to be adopted into the New Braunfels Major Thoroughfare Plan. Mr. Kennedy stated that Guadalupe County requires right-of-way preservation for any facility on its thoroughfare plan. Mr. Kennedy confirmed that Guadalupe County has the currently adopted New Braunfels Outer Loop on its thoroughfare plan.

Marilyn Altwein asked which creek was being referred to in the presentation. Mr. Kennedy replied that it was a tributary of Long Creek. Ms. Altwein stated that she thought the tributary shown in the exhibit was actually longer and both options in the area would cross it. Mr. Kennedy stated that F2 follows on top of that tributary in Section E and was limited in how it could be modified because of the constraints in the area and the crossing with FM 1044.

Mr. Dietz referred to the Guadalupe County right-of-way preservation efforts. Mr. Kennedy stated that Guadalupe County had adopted the New Braunfels currently adopted loop route into its current thoroughfare plan. He stated that any property that is platted in Guadalupe County is required to preserve right-of-way for the loop facility. Mr. Dietz stated that was not true in Comal County. Mr. Kennedy stated that in Comal County a majority of the alignment was in the ETJ [Extra Territorial Jurisdiction] for the City of New Braunfels, which would require the preservation of right-of-way. In Guadalupe County, the east side of the loop study area is in Guadalupe County or the ETJ of municipalities in the county such as Cibolo or Schertz. He stated that New Braunfels has ETJ in both counties and anywhere in their ETJ the preservation of right-of-way would be required when the property is platted. Mr. Dietz stated that some of the people in Comal would need to make a testimony that that was not protected in Comal County.

Mr. Schulze stated that someone from the City of New Braunfels Planning and Zoning made a presentation and that the right-of-way was not protected because the loop alignment did not follow NEPA guidelines, so there is no possibility of utilizing federal funds for any project. Ms. Ximenes asked for a comment from the City of New Braunfels. Ms. Cherise Bell, Senior Planner with the City of New Braunfels stated that the key is when the property owner plats with the City of New Braunfels, the City would require the right-of-way to be reserved for the outer loop if they are in the area where the adopted thoroughfare plan shows the loop is located. The City of New Braunfels does not proactively reserve the land proposed on the thoroughfare plan. She stated that as developers plat their land, the right of way was being reserved. There was a question if that was the case outside of the ETJ of the City of New Braunfels. Ms. Bell stated that the City of New Braunfels only has authority for their area and the County would be responsible for areas outside of the New Braunfels ETJ that fall inside of Comal County. Mr. Hornseth clarified that the existing loop and proposed loop, in Comal County lies totally in the ETJ of New Braunfels and a portion is in the City of Schertz, but none of it is in under the authority of Comal County, as the route is proposed in this study.

Mr. Kennedy stated that was generally true in Guadalupe County as well. There is very little of the route that is in Guadalupe County because most of the alignment falls in the ETJ of various municipalities. There was a comment that part of the loop alignment falls within the City of Santa Clara, which is not preserving right of way for the loop facility. Mr. Kennedy stated that whether or not the authorities have suspended the process of preserving the right of way or it was being overlooked was not clear. The Guadalupe County regulations state that they require municipalities that they have deferred their platting authority to, in their ETJ's, to require that those municipalities preserve right-of-way in accordance with the Guadalupe County Thoroughfare Plan. The

current Guadalupe County Thoroughfare Plan includes the currently adopted New Braunfels Outer Loop alignment.

Ms. Altwein made a comment that she would like to see in Sections D and E which portions of the study area are in Guadalupe County. Ms. Ximenes stated that could be addressed in the upcoming presentations for those sections and Mr. Kennedy stated that the information would be presented.

Cheryl Fisher made a statement that because there were questions regarding the various policies and procedures from the cities and counties that would make it easier to respond to if there were authorities from those organizations present. Ms. Ximenes stated that the January meeting would be in Guadalupe County. Ms. Blaschke stated that if a direct invitation could be made to invite representatives from Guadalupe County to attend and respond to clarifying questions.

Mr. Folbre asked if there was a property that changed hands and the right-of-way was not shown on the survey then that might pose a serious problem. Mr. Hornseth stated that there were really three zones. The unincorporated area where there is no ETJ, which is where the County regulations would apply. The second is an ETJ which is regulated by the City or the County and the City and the County would have to come to an agreement as to who would have platting authority in the ETJ.

Mr. Folbre stated his was more of a legal question of whether a property owner affected by the route line who wanted to sell the property would have to produce a survey as part of that sale. What if that survey does not show the existence of the right of way dedication so that the buyer is unaware that the dedication is on the land they are purchasing? Would that be a serious problem? Mr. Hornseth stated that it would not be a serious problem because unless it was subject to the subdivision regulations of either that city or that county, the requirement would not come into play. The only time the requirement would come into play is when the city or the county exercises its subdivision regulatory authority; in a transaction between two property owners this would not come into play. Mr. Kennedy stated that the property owner or realtor would be required to disclose the dedication if they were aware of the dedication.

Mr. Kennedy showed the recommended route for Section F. He stated that the Study Report was finalized in the fall of 2008. After the report was finalized, new aerial photography was obtained to look at the recommended route to see if there were any new developments that had occurred that might affect the recommendation. The study team identified a property in Section F that should have initially been identified as a potentially eligible historic structure on the environmental constraints map. During the course of the study any structure older than 50 years was designated as a potentially eligible historic structure because if they were deemed, in later studies, to be eligible to be placed on the historic register they would have to be avoided as part of a federal action. The study team identified any structure over 50 years of age since it would be too costly and time consuming to evaluate each individually. He stated that the new aerial photography showed a potentially eligible historic structure that was in the middle of the recommended corridor which had not been previously identified. He utilized this as an example of what might happen in future phases of study when new constraints information is identified. He stated there was also a residential development, Mustang Valley, in the area and those two constraints would need to be considered. He stated that the particular historic structure he was referring to rose to a greater level of consideration because of the unique preservation of the land on which it was located. In Section 106, the Historic Preservation Act, there are a myriad of elements under which a property can be deemed historically significant. The property could be associated with a famous person, event or have unique character. It could also be pristine and look exactly as it did when it was originally constructed and not be degraded by alternations or modifications. Mr. Kennedy stated that the property identified in the new aerial photography seemed to him like it might meet these conditions. He stated that because the whole parcel rose to the level that might meet preservation requirements, the entire parcel might be deemed historically significant and future changes would need to be made to the recommended route to avoid impacts to the parcel. He stated this was just one example of how future phases of study would need to make adjustments or accommodations based on new information or circumstances.

Mr. Word asked if the 800-foot corridor would not be enough to minimize impacts; that future phases would also have to look at options outside of the corridor width. Mr. Kennedy stated that there was an effort to identify properties where the entire parcel might be eligible for the historic register and not just the structure. If in the future the structure is deemed national register eligible, there would be flexibility in the 800-foot corridor to not impact the structure. In the instance where the entire parcel is deemed national register eligible then future adjustments would need to be made. Ms. West stated that it is not just the house that is considered historic but the entire farmstead. If the owner wants to give up part of the farmstead it could be something they could do but it could impact them gaining national register status and other designations. She stated that it is not a good thing to sever a 100-year-old farm either, and it is important to maintain the heritage of the area. She acknowledged that homes are important and the farmstead is part of the entire home. She also stated that there are several properties on the national register that are not in particularly good repair.

Connie Krause announced that she brought copies of the contact information on how to find out if you have a historic property and how to become a consulting party to protect that historic property. She also stated that if you have a cemetery on your property to contact the local genealogy society.

Mr. Smith stated that regarding the example that Mr. Kennedy discussed where there was a new potentially historic structure or parcel identified, it is important for reasons such as that and others that issues like that would need to be resolved before the recommendations were made. Mr. Kennedy stated that the Task Force would work on their recommendations and that the study team would make the recommendation that the route in the area where the newly identified historic structure is located would need further evaluation.

Dr. Levett asked if there was a platted subdivision along IH 35 and the type of interchange that would be located at that intersection. Mr. Kennedy stated that for the purpose of the study the team considered the highest type of interchange between two facilities for evaluation purposes. Mr. Kennedy stated that the study identified a five level interchange with direct connectors, fly-overs and frontage roads but it is not known what will actually be constructed. Dr. Levett asked if there was an example of that type of interchange in the area. Mr. Kennedy stated that Ben White Blvd. and IH 35 in south Austin was an example, which is currently under construction. Dr. Levett stated that the intersection looks skewed and does not have a 90 degree angle. He asked the size of footprint that would be required and if it would affect the subdivision. Mr. Kennedy stated that the team went through an exercise during the course of the study and overlaid the footprint of the interchange identified at each intersection to evaluate impacts.

Mr. Dietz made a comment regarding his observation of the work performed on the east side and commended Mr. Kennedy for the diligence in honoring property lines as much as possible. Mr. Kennedy stated that the east side had more large parcels which made that a more daunting task because the property lines are not on a grid but go in different directions. He stated the team did look for those opportunities and tried to take advantage of them.

Mr. Folbre commented that the subdivisions being referred to did not have any activity and could even be considered abandoned as far as development in the near future. Mr. Kennedy stated that the study made an effort to be as far-sighted as possible, so the fact that the property was platted and there were roads would make it more likely to have residences on it than a property that is still in agricultural use or is a single plat. He stated that Mission Hills was a good example of how over a short time an open raw tract of land can become a dense development.

Ms. Blaschke stated that the team took consideration that a homestead and subdivision not be divided and asked what was done to minimize impacts to farmland that has been in the same family and the next generations want to keep the land of the same type of use. Mr. Kennedy stated that some of the comments they received early on encouraged them to preserve those family farms. He stated it was hard to define exactly what a family farm is. The team decided upon any parcel larger than 50 acres as the threshold for identifying farmland because it was something the team could measure and readily identify. He said the team then made efforts to minimize impacts to those properties.

Ms. West stated that if the route is going to be on someone's land that is used for agricultural reasons, she would prefer to have access built into the facility. She stated that she had been told that would be very expensive but that should not matter because it should be a priority to allow farmers and ranchers to do their work and keep producing what they are used to producing. She stated that it would be akin to driving a tractor through the middle of a factory, because it is destroying a way of life.

Dr. Levett asked if there were any existing roads used in this section. Mr. Kennedy stated that he was not aware of any existing road where the asphalt that is on the ground today would be connected to the loop facility. The recommended route follows a short piece of Schwab Road, but most of the roads in the section are generally parallel to IH 35 and FM 1044, so there were limited opportunities to get on those roads. There was an option that followed Weil Road but it was eliminated for impacts to other constraints. Dr. Levett clarified that there was no existing road that was utilized. Mr. Kennedy stated that was a fair statement that generally the loop in that section was all new alignment.

Ask Clarifying Questions about the Process for Section F

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

Agenda Item IX: Review Schedule and Locations for January, February and March Meetings

Handouts: This agenda item refers to the *Updated Schedule of Meetings*.

Ms. Ximenes stated that the next meeting was scheduled for January 25th at the Little Red Barn in Seguin. She said the team might be able to present Sections C, D and E during the January meeting and the Task Force would begin the recommendations in February. Otherwise February would have the presentation on Section E and the beginning of the recommendations. She pointed to the Updated Calendar of Meetings and stated that there were two weeks in March that had been eliminated due to Spring Break schedules and she recommended the Task Force designate March 6th as the March meeting date. Tipton Ross and Marcie Helmke indicated they would not be able to attend on that day but did not oppose having the meeting scheduled for that day. Ms. Ximenes encouraged any of the members of the Task Force who could not attend to speak with a fellow Task Force member so that person would be able to speak for them if there were any issues or questions they had on the recommendations.

Agenda Item: Comments from the public

Diane Scharnhorst

[From Diane Scharnhorst] "I live at 640 Old Bear Creek Road and I am directly affected by what became B23. Section B23 starts off with a 200-acre tract of land. A man just passed away a couple of weeks ago. He would have been 99 this Thursday. He's the fourth generation continuously living on that property. His children are in their late 30's; his grandchildren are as young as ten. That makes them 6th generation of continuous living on that 200 acres. If they chose to develop it, it certainly won't be with them wanting to give this route through there. Historic planning that takes a lot to do and as I said, he was elderly. Goes thru my platted subdivision crosses that. [The recommended route] goes through the subdivision next to me with Martin [Levett] and Doug Culpepper. Then it goes thru the Segal Subdivision, 60-acres, second owners since the Spanish Land Grants. It crosses another subdivision on our street, the Lucky Seven subdivision; these are already platted. Then it crosses 2722, goes through a tract that is 60-acres, father and son. One house will have to go. Then it careens on forward using property that one man has said he's pointed out five different times that this is where his thing was going to go. Nobody told us about this. We found out at the January 31st meeting because B23 morphed from B6 to B23 without our involvement. We had no way to even comment on this. I don't want to give up part of that. And I thank you for bringing that up. It's not listed anywhere. On this page 1 of 24 it says if a roadway is adjacent to or crosses a proposed subdivision. It's crossing subdivisions that are there already. And it says that they require dedication not reserving. There is a big difference between dedication and reserving. Thank you."

Shirley Hanover

[From Shirley Hanover] “I live in Comal County and I think Section B crossing River Road will be a major, major mistake. It’s just a big mistake for Comal County. There are existing roads that can be used. They’ve been platted in the future for alternative routes and please use alternative routes.”

Patty Godfrey

[From Patty Godfrey] “I’d like to address my comments to a question that was asked previously. Why in the A, B and C areas specifically is the loop so close to the existing 337? The answer to this quoted the American Association of State Highway and Transportation Officials which says it is recommended to be spaced between 1 and 5 miles apart. So this study team looked at placing this from 3 to 5 miles from Loop 337. However, when I went to that study guide I found something that was quite different and I would like to read a portion of that to you. It says that there are ‘no firm spacing rules that apply in all or even in most circumstances. The spacing between principal arterials in larger urban areas may vary from less than 1 kilometer to, in a highly developed central business area, to eight or more in the sparsely developed urban fringes.’ But I think the thing we need to look at is that there are no firm guidelines. The reason I think this is important is we could provide more mobility in Comal County for those subdivisions that are outlying in the County if this road were placed further out. We could use some existing roads. That would avoid this beautiful 10 miles between New Braunfels and Sattler. We are in a state where our natural resources are disappearing rapidly. If any of you are interested in that, take a look at the January *Texas Monthly*. There is an article by Andrew Sansom that says “Saving Texas One Acre at a Time”. We have an opportunity to do this. We can be smart about our planning, but we have to look outside the box. Maybe we don’t have to have a circle. Maybe we can provide mobility in the county, but use something that is not quite a circle. Thank you.”

Daryl Thompson

[From Daryl Thompson] “I’m kinda new on this project. I just found out about it. This project is moving ahead without any consideration of the ecosystem impact. It is stated that further compliance will be placed on developers, local agencies or TxDOT. Compliance refers to an EPA 1973 law or TQCB [TCEQ?] rules. I recommend that the City of New Braunfels use the highest available standards available globally in the 21st century, not the lowest standards they can get away with. Developers have no incentive to meet the highest standards. There is no local agency. Comal County does not even have an environmental engineer. TxDOT wants to build roads to justify their existence as dictated by Austin. May the sun set on TxDOT. May New Braunfels move out of the 19th century and into the 21st century and meet the highest available environmental standards on this project. Thank you.”

Jerry Jernigan

[From Jerry Jernigan] “I live off of Elm Creek Road and I have the same thing that most everybody is saying here. I was asking a question: what criteria was used to set the boundaries that the loop was proposed, more specifically in Sections A and B? And who set and established those boundaries? I would note that 337 to the proposed location of the outer loop is approximately 3.2 miles and 337 to Hueco Springs, if you are familiar with the area, is approximately 2.7 miles from 337. That means that Hueco Springs and the proposed location of the outer loop is 1.2 miles. If this is an environmentally sensitive area noting that Rudy stated that all the through fares and arterial roads have been noted to be considered in this study, can somebody answer the following question: why is the loop so close; why don’t we use existing roadways to relieve areas of congestion; and what do we want New Braunfels to become? We need to proceed responsibly by growing responsibly.”

Agenda Item X: Adjourn

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