

**New Braunfels Outer Loop Task Force
Meeting #11 (February 15, 2010): Meeting Evaluation Forms Tally**



	Agree	Disagree	No Comment
A total of 15 Meeting Evaluation Forms were received.			
1. The objectives for this meeting were clearly articulated.	8	5	
2. The stated objectives for this meeting were met.	1	10	2
3. I felt that my time was valued and utilized well.	2	9	2
4. The handouts/presentations were appropriate and helpful.	7	5	1
5. The information from speakers/presenters was clear and informative.	8	4	1
6. The facilitator was well prepared and fair to all viewpoints.	7	5	1
7. The facilitator was helpful in framing the issues and process of the meeting.	7	2	4
8. I believe the topics were covered adequately in the time available.	2	8	3
9. There was sufficient time for public comment.	7	4	2
10. Task Force communications (i.e., materials, calls, logistics and other information) are being handled effectively.	8	3	2
11. The meetings are convenient and conducive to our work (i.e., meeting time, meeting length, location, audio visual, acoustics, overall meeting space).	8	2	3
12. The overall process that the Task Force is using is effective in bringing diverse views together to come up with recommendations for inclusion into the Draft Study Report.	7	3	3

Comments regarding questions (above):

Evaluation Form 9:

Question 4: missing small group sheet

Question 6: we side tracked here

Question 8: half way thorough

Question 7, 9 & 10: ?

Evaluation Form 15:

Question 4: West side modification matrix was never displayed.

Comments:

- The final push will be more difficult than we think.
- I would appreciate each authority being informed that there may be some inconsistencies and inaccurate information in the report.
- I resent not being allowed to discuss recommendations in small groups. I would prefer to spend some time in March doing so. It is not fair for a few to monopolize the floor and slow the process down. We have heard their points often enough. We just wasted two hours that could have been spend on recommendations.
- I would like to see a list of inaccuracies and missed information before next meeting.

Recommendations:

- This report needs to be presented to proper officials.

Need and Purpose:

- 1) Provide evidence/information to support the assertion that building a loop will decrease traffic accidents.
 - 2) Provide evidence/information to support assertion that emergency service provider travel will be enhanced. Example: seek input from local emergency service provider as how their response time will be affected.
- Note: Table 8 (pg. 28) is provide and loop 337 had the smallest increase in traffic volume from 2000 to 2005.

Public Involvement:

- 1) Little to no involvement/consideration for residents/public/officials in Guad. Co. compared to Comal/City of NB (see pg. 2)
 - 2) Vast majority of data for the study was gathered from databases and there was no field survey or exam for much of the data.
- However, some portions were visited so this is an inconsistency.

[comments on Task Force Recommendations and Process for Consensus on Them]

- p. 1, #2 Public Involvement – was this for Task Force meeting?
- p. 1, #6 Public Involvement – Needs to be displayed in Guad. Co.
- p. 2, #2 Need and Purpose – Was this within the scope of the study
- p. 2, #2 Constraints – Add: Consideration should be given to splitting large farm and ranch land. This land is just as important as going over the recharge zone because this will have a large environmental impact.
- p. 3, #8 & #9 Constraints – Combine. Add: no consideration for providing access for split farm property, but this consideration was given to the river area.
- p. 4, #4 Miscellaneous – pass tense. [~~crossed out~~] 'is complete' [replace with] was completed

- Reasons were given why options on Section C & D were eliminated but we were not shown where the options were on the map. Where the cemeteries were also were not shown on the routes on the sections.
- Need to shorten the comments and lets make sure we stay on track when discussing and not discuss other items or subjects.

Need to make sure all items are heard and discussed when talking about the item. Not when other topics are on the table.

- Recommend that we not add general recommendations away from what has been gone over.

Screening hasn't solidified the inaccuracies – we should recommend each entity (authority) choose to look hard at inconsistencies found in data (Sec B, C, E, D)

- When was study report given to planning? How was it given? Was it delivered to Seguin, Schertz, Marion etc – Guadalupe Commissioner
- Mr. Kennedy clearly avoided my direct question about the location of the cemetery on the North side of the East river crossing. I was very clear last time when I asked about this cemetery, but his answer was inadequate. I am not convinced that the location of this cemetery is accurate, but I know there is one there. He did not even contact the landowner.

Recommendations on the Screening Process:

1. Criteria applied were not adequate to protect what needs protection. Recommend using criteria that reflect community values (following).

1a) Texas Dept. of Agriculture Family Land Heritage program should be used as criteria for avoidance, in order to protect historic farms.

1b) Use criteria established in Farmland Protection Policy Act to evaluate impact to farmlands (Farmland Conversion Impact Rating). Use FPPA criteria to avoid important farmlands before route is chosen.

2. Reduce facility size to reduce impacts to all categories.

3. All routes were not presented to the public to allow for comment. Example: E15 was not presented until study was completed. Other route changes were addressed at MAPO meetings but E15 was not given equal treatment. This is inconsistent.

[comments on Worksheet for Screening Process]

Members of the group: Phillip Schulze – Please record this, my recommendations are made more clear on my comment card though.

What were the key points you remember from the information on the screening process? Most criteria were not applied. Criteria used were not adequate to protect what needs protection. We were told that only one property meets criteria for Historic Preservation, yet many TX Family Land Heritage properties are bisected. Texas Dept. of Agriculture Family Land Heritage program should be used as criteria for avoidance. Using an 800 ft wide corridor for evaluation eliminates possibility of using existing R.O.W., yet the road will be much smaller and could be built on existing roads. Evaluate actual R.O.W. not 800 ft.

- Showed that not all routes were given opportunity for public comment (EX: E15). Other changes were given MAPO meetings but E15 was not.

- Made no effort to avoid prime and unique farmland. Recommendation: Identify prime and unique farmlands and avoid

- Use criteria established in Farmland Protection Policy Act to evaluate impact to Farmlands. (Farmland Conservation Impact Rating)

- Reduce R.O.W./facility size to reduce impacts to all categories.

- Present recommendations to City Council → Connie's recommendation.

- Reduce R.O.W. and use existing roads.

- The meetings have become an ongoing source of frustration due to the tactics of the Levetts and CASE whose only purpose is to stop the Loop without any regard to the charge given to the Task Force.

They have wasted everyone's time with their constant challenging of the procedures.

In their pretense of representing CASE members. They have chosen to side AGAINST the young/families who have worked hard to earn their way and purchase small plots of land on which to build their homes and raise their children. Three homes and properties most affected by the uncaring groups choice of routes for the loop are home to a total of ten young children – how can that be a choice rather than going across undeveloped range land as recommended by the plan for Sec C.

Again, Levetts claiming to REPRESENT Landowners but his real motive is to stop the loop.

He has managed to turn neighbor against neighbor in pretending to represent their interests but in actuality he is only SERVING his own.

- We had an agenda that should have been followed. Linda Ximenes organizes and conducts Task Force meetings therefore it is she who should dictate how process should be done. Lots of time wasted at the end.

Last proposal was unfair to the people who have attended every meeting and worked on recommendations even if we haven't reached consensus. Process should be followed through.

- Anonymous comments/questions allege an absence of explanation for the route chosen crossing River Road(G96, B6). Page 5 of the minutes of the December meeting precisely explains the choice. The explanation was given with a slide that shows the relative elevation change and the distances from top to bottom elevation and the resulting grade. The fact that the route separates from the power line there has an obvious basis in simple engineering. Some choose to ignore it. Also, the fact that some have suffered a power line through or next to their property for thirty years does not logically justify forcing a highway on them when the engineering dictates something different.

Also, a minimal number of fact errors does not mean the whole screening process was inconsistent, or that the whole report was inaccurate, or that the consultants ignored the data. I have never heard proof that some of the alleged factual errors were made. For example, I heard nothing proving that the route crosses any cemetery.

Next, a public comment by a familiar speaker at the last meeting directly suggested I colluded with or conspired with the consultant to improperly manipulate the B section of the route in 2007. That comment was false and made with no regard for or knowledge of the facts. I did not attend the Elm Creek Estates Homeowners Association meeting with the consultant on 10/1/2007 nor did my family have any knowledge of the meeting. I never spoke to anyone from Rivera & Associates outside of a public meeting. The letter I drafted, signed by a large number of Elm Creek Estates residents, is in the Appendix to the Report along with the other letters and communications from stakeholders, as the speaker is well aware. The speaker suggests Rudy was well aware of the name of "the attorney" following the homeowners meeting. I did not attend, nor have I acted as an attorney for this homeowners association or anyone else, nor was I paid a dime to write the letter or attend any public meetings. Desperation and frustration do not justify defamation.

- 1) For the west side modification to have been truly discussed, the west side modification matrix should have been displayed showing the study route recommendation and the modified study route recommendation. There should also have been a map displayed showing where a house had been incorrectly placed and it's proper location 300-400 feet away.

2) There is no doubt that the West side modification was changed for "one house" not a platted subdivision as currently stated by RJ Rivera. Please go to the "New Bruanfels Outer Loop Final Study Report" disc you received (since it is significantly different from the NBOL Final Report on line and for the record there should be no difference since the disc was from June 18, 2009) then go to the "Individual Stakeholder Meetings", the #14 – MAPO – Westside Modification", then to "05 Appendix E – Court Reporter's Transcript". Never once does a TxDOT employee or consultant use the word "subdivision" to explain the change in route. You will see on Page 5, Lines 19 & 20 "homes were number one to avoid". On page 5, Line 25 through page 6, Lines 1-3: "We took a blind eye whether these were platted lots" "If there was not an existing home... took a blind eye and went to those areas." In other works platted lots without homes did not divert routes. Page 6, Lines 5 – 9: "We found out there were some homes being built. And that's what prompted the change." Page 6, Line 15: "That's the one house...". Line 16: "We found out about this house"; Line 20: "verify that was a house"; Lines 20 – 22 "We felt it prompted the move down here to our second recommended corridor".

3) Westside Modification: Since Mr. Ray, RJ Rivera and Mr. Malatek, TxDOT were standing on the slab when GPS readings were taken, GPS is accurate to 50 feet and the house was misplaced 300 – 400 feet, this is an error of over 80%.

4) Regarding Question B-12: Page 9 of 23: Shows two maps. The question by Sharon Levett was accompanied by two maps, unfortunately one of these 2 maps was not displayed/distributed. It showed the 3 “spaces” where “houses” went missing. Linda Vela stated that map could not be verified so was not shown. It turns out that map was the “Recommended Route Map” displayed online on the NBOL Website starting January 15, 2008 and at the Open House January 31, 2008. That map with 3 missing homes, is what prompted a Freedom of Information Act request leading to TxDOT sending the map in graphic #1 revealing that TxDOT knew the existence of these homes despite claims that they did not know of these 3 homes (for a variety of reasons: old maps, no access to homes, etc.). Graphic #2: Shows the “Final Recommended Corridor” map with the houses replaced, as if they had never been missing. I do not see this behavior on TxDOT’s part as being open or transparent.

5) Project Authorization Document: For more than 7 months several members of the Task Force requested this document. Contact No. 15-648P5023 was specifically requested. We did receive supplemental work authorizations from TxDOT, who is charged with providing “technical background information”, but not the document requested. A Freedom of Information Act was submitted and 7 days later I have this document...does any other Task Force member have this document? No! Why doesn’t TxDOT want you to have this information?

6) I was surprised to learn from Jonathan Bean, TxDOT, that the “Final Report” had already been submitted to all platting authorities earl 2009 despite his and TxDOT’s knowledge there would be a second Task Force. This explains why from the beginning of the second Task Force TxDOT stated it would not be making any changes, only allowing our recommendations. I don’t believe this is honest or transparent. It also appears that TxDOT is correcting it’s errors, which I agree with, but then eliminating their errors, which range from 20 – 80%, which in the future will appear as if those errors never occurred.

7) I have been accused of being too detailed, how one house here (and here, and here) never made a difference (unless you own that home) and to look at the “big picture”. So let’s look at the “Big Picture” using those details. The 5 houses out of 23 affected, that were misplaced were all thought to be in the path of the route “recommended” by TxDOT. Do people make mistakes? Yes. Does an engineer make mistakes? Yes. Do eight licensed senior engineers, make the same error repeatedly over multiple editions of the same map? I don’t believe so. Most Licensed Professionals would not be allowed to keep practicing with 20 – 80 % error rates. I could not find another home that was not correctly placed outside of TxDOT’s recommended route and believe me I was looking for other errors. So the “big picture” is that there is a trend toward inaccuracy of data and inconsistency with the use of data – 2 of the 3 changes this Task Force has been charged to assure. All of the data, maps, etc. submitted by CASE come from public documents that any Task Force member or member of the public can access to ensure veracity of claims made. Whether you believe I am stating the truth or not, there is one “one truth” and ultimately the truth always comes out. Ultimately there is also always judgment day in whatever form you believe in. Take this into account when decide what recommendations you make or what future course the New Braunfels Outer Loop Study takes...your good reputation depends on it. History sees the past with 20/20 vision and acts objectively; it will judge us by the question: “What did you do, when you knew?” Future generations will ask themselves “who were these Task Force members and what did they do?”

I agree with Mrs. K. Dietz's proposal for a "Minority Statement", because I do not agree that this study is accurate or consistent (within the range of human error). I would also agree with a minority report describing all of the errors, so that future generations have all of the information used. Whether you want this loop or not please make it possible for those of us who wish to dissent the opportunity to do so! Thank you, Martin Levett, MD, MBA.