

# **Kendall County – Boerne – Fair Oaks Transportation Committee Minutes**

**05 April 2022  
2:01 – 4:01 p.m.**

## **In Attendance:**

Don Durden, Bob Manning, Del Eulberg, Ben Eldredge, Northern Hendricks, Bitsy Pratt, Bryce Boddie, John Kight, Gary Louie, Rankin D’Spain, Jonah Evans, Jeff Carroll, Ben Eldredge, and Marcus Garcia.

## **Not in Attendance:**

Henry Acosta, Josh Limmer, Kim Blohm, Stephen Zoeller, Steve Sharma, Rich Sena, and Bobby Balli.

## **Item 1: OPENING REMARKS**

Don Durden calls the meeting to order at 2:01p.m. and explains that they will be reviewing the CrowdSourcing projects again today. He opens the floor for Committee members to make opening comments.

Del Eulberg chimes in first, saying that in the last couple meetings there has been a lot of discussion about the Major Thoroughfare Plan process. He says he sent a note to Jeff Carroll asking if he would bring the MTP for the Committee members to view and use as they weigh their decisions since many of the projects they have been discussing could be conditionally relying on the MTP process.

Bob Manning makes comments that he has been seeing many emails and receiving many phone calls about the use of eminent domain, but he stresses the importance that the Committee must come to a consensus about the matter soon.

Gary Louie asks if there will be a future agenda discussion item regarding eminent domain. Durden responds to Louie saying that his recollection of where the Committee left off was that they had some language drafted that was “OK”, but it needed to be refined. A couple Committee members have agreed to take on the task of crafting the verbiage, and he notes the

importance of the Committee paying homage to the values of the community with their statements and policy recommendations.

Jonah Evans chimes in and says that he has come to believe that the discussing involving eminent domain will be one of the most crucial discussions the Committee will have as they move forward in casting their votes and support for projects. He thinks the projects they choose to support or not support will dramatically impact whether a developer will move forward. He recommends tabling the greenfield project discussions until the eminent domain decision becomes clear. He also thinks redundancy is a good thing so as not to have conflicting ideas in their policy recommendations for the report.

Tim Bannwolf notes that the Subcommittee has been meeting and they hope to have their drafted redlines to bring to the Committee by the next regularly scheduled meeting.

John Kight comments that it makes sense to have new transportation corridors rather than trying to develop over already existing structures. He notes that Eldredge and Evans handed out a page about roundabouts, but what they don't realize is that almost every roundabout will require the use of eminent domain, not just of greenfield areas but of already developed and privately owned land, because there will be a need to obtain ROW to make room for that type of infrastructure. He says there has been a lot of projects that the Committee members have supported that they don't realize will require the use of eminent domain.

Durden talks about the management of expectations. At the beginning of the Committee's time together, they had high hopes that they would come up with something that would dramatically change transportation in the area. After hearing the sentiments of the community and listening to experts in the County and School District, the fact of the matter is that if they really want to impact mobility in this community, it will take a major project that will likely cost more than they can afford. So, the Committee will likely come up with a very pragmatic list of projects that may address some of the hot spots in the community and calm some frustrations, but more than likely this will come down to what they can afford to do.

**Item 2: CONSIDER APPROVAL OF MINUTES OF MARCH 15 AND 29, 2022**

The minutes from March 29 are available for consideration. March 15 minutes are held off for consideration until a later date. Bryce Boddie makes a motion to adopt the March 29, 2022 minutes. Eulberg seconds the motion. With no objections, the minutes are approved and adopted.

**Item 3: PUBLIC COMMENT**

Lance Kyle approaches the lectern. He begins by saying that in 2018, people were fed up with forced annexations, which the Governor outlawed that year. People were also fed up with the Kendall Gateway project consideration. There were a lot of people at those meetings to protest, and he notes that eminent domain is not a popular concept. He says that everyone in the room is in favor of doing what is good for the public, but developers are benefitting. He thanks the Committee for working to craft language that does not force the use of eminent domain. He notes that he has found the County Commissioners to be good listeners, but he does not feel the same way about City Council. He says there needs to be a vehicle to echo the sentiments of the public. Right now, there are too many advisory boards and other committees that don't listen to the people.

Bill Cannon is next to address the Committee. He explains that he is the great, great grandson of Ferdinand Herff. He says he saw their south pasture mentioned in the Boerne Star, and it's a road that has been on the MTP for quite some time. He says he has no complaints for the lines that have been drawn on the maps for connecting roads. He even thought it was a good idea to have a plan for developers to build a road if the property were to ever sell. However, he notes that Texans cherish their property rights more than they cherish the right to bear arms. The goal of Esperanza was to bring people to the area, but he says the Council was warned that the infrastructure could not hold that kind of capacity. Now there are requests for private citizens to give up their land to benefit a private developer and the City is stuck with the problem. He says the Herff's have been one of the major benefactors of Boerne, giving land away here and there to preserve the area's heritage and open space.

Jim Drought is up next. He is the first cousin of Bill Cannon (their moms were the Herff twins). He says they bought back 60 acres of the south pasture that Mr. Cannon has just mentioned. They are currently in the process of placing a conservation easement on that land. He hopes the Committee will not make any recommendation that their land be taken from them.

Durden asks Mr. Drought about a particular piece of land that the Committee has been discussing. Because the Committee made a commitment early on to ask the landowners before drawing lines on maps, he asks Mr. Drought if he has objections to there being a line drawn on the Major Thoroughfare Plan on the condition that it would never be acquired by use of eminent domain. Drought responds and says he has no problems with lines being drawn; he only has a problem with the use of eminent domain.

Tom Adelstein, who is joining via Zoom, comments about the eminent domain discussion. What they learned from the Kendall Gateway project is that Kendall County does not want to use eminent domain just to get better commercial businesses or school routes. He thinks they should be focused on improving the current infrastructure. He insists that there are other ways to obtain land without the use of eminent domain.

**Item 4: DISCUSS DRAFT POLICY ON MAJOR THOROUGHFARE PLANNING/EMINENT DOMAIN INTERACTION**

This discussion is postponed until a later meeting date when there is more information available regarding the Major Thoroughfare Planning process and how it relates to the eminent domain concept.

**Item 5: CONTINUE DISCUSSING CROWDSOURCE PROJECTS PREVIOUSLY APPROVED FOR FURTHER CONSIDERATION AND PROCESS FOR FINAL DISPOSITION INTO LONG- AND SHORT-RANGE PROGRAMS WITH COMMITTEE COMMENTS**

Project 1: At the last meeting, the Committee was asked by Mr. Adelstein to reconsider the Caulk & Cibolo Crossing connection. This is where the

discussion begins. Bitsy Pratt mentions she understood this to be an area to assist kids in getting to and from school, but she notes that with the growth expected in the area, there would not be much of that foot traffic. There is concern about a drainage ditch in the area. The two neighborhoods in that area have different needs. She proposes they remove this from the list of recommendations. Evans asks a question: How would having traffic on Caulk adversely impact the residents? He asks for clarification on any cut-through traffic. Eulberg agrees with Evans. The Committee has been pushing for connectivity all this time. Adelstein chimes in and says many of the residents walk around the neighborhood and have cars. Having increased traffic in that area would impact their quality of life. Carroll pops into the meeting at just the perfect time to answer questions about the drainage in the area. He says the flooding is sometimes so bad that he has seen people canoeing on the streets. The Committee thinks it best to add to the long-term list of recommendations. Adelstein says he is comfortable with that. The project is added to the recommendation list as a long-term project with no objections from the Committee.

Project 2: Roundabout at Dietz Elkhorn and Fair Oaks Parkway. Bannwolf chimes in and mentions that almost all the roundabout projects will require the acquisition of ROW by use of eminent domain. He wonders if they should abstain from discussing these types of projects like they agreed earlier in the meeting. Manning and Durden clarify that they only want to stay away from talking about greenfield projects at this time. Durden's reasoning for that is when lines are drawn on maps for greenfield projects, property values decrease. Conversation ensues between Bannwolf and Evans. Pratt notes that even if the Committee takes a stance against eminent domain that the City or TxDOT could still choose to exercise it. Evans mentions modifying existing structures, and Eulberg talks about crafting policy language that will satisfy the people of the community. Northern Hendricks chimes in and says that this project was brought to the Fair Oaks Ranch Council once before and she says she thinks it will not require the acquisition of ROW. The main reason Fair Oaks Ranch did not act on this project was for lack of funds. With that, Evans moves to support this project recommendation. Marcus Garcia seconds the motion. With no objections, it is added to the final recommendations.

Project 3: Roundabout at Bentwood and Highway 474. Pratt discusses the suggestion for turning Adler into a 3-lane road. Kight mentions that Esser/474 is used for parking during football season. Manning chimes in and says that he understands Pratt's idea to be a separate issue. The Esser Road project is already in the CIP. Evans wonders if a further study for a roundabout in this area would be a better suggestion for this project rather than giving a full-on recommendation. Pratt says she thinks it would go well in the long-term category. With no objections, this project is moved to the final recommendations for a further study and investigation.

Project 4: Roundabout at Adler Road and Highway 474. The City has proposed turning Adler into 3 lanes. There is discussion about a 3<sup>rd</sup> lane going north on 474. Kight thinks it should go to TxDOT. Pratt makes a motion to move this to the short-term list as an addition of a center left-turn lane instead of a roundabout. There are no objections, and the motion is approved and adopted.

Project 5: Connectivity between Esser and Highway 46 at Vista Verde and Destiny Dr. Since the Committee is in favor of promoting connectivity within the area, it is moved to the short-term recommendations with no objections from Committee members.

Project 6: North Main Street bypass. Eldredge and Evans are in favor of a bypass route with smoother intersections and the wide nodes concept. Durden suggests including a grouping of projects that discuss alternative ways through or around Boerne in the report. Manning then suggests using a route like this as the truck route for keeping that kind of traffic off Main Street. Evans says he is comfortable with moving it forward to do more studying, not necessarily as a recommendation. Without objections from the Committee, Durden makes this a conceptual recommendation rather than a project recommendation for the final report.

Project 7: Esser and Adler. Hendricks says this suggestion was covered by two other suggestions earlier on and have been covered by the Subcommittee. With that, this item is rejected, and responsibility is given to the Subcommittee.

Project 8: Sharp turn on Joshua Springs that impacts trucks and vehicles with trailers needs improvement. Louie suggests considering this item and another suggestion, that Frontage Road be extended down to the intersection at Waring/Welfare Road, at the same time. Evans expresses concern that this may not really be a congestion issue. Durden and Boddie note that it's about safety. Kight motions to consider the items separately. With no objections, the Joshua Springs project moves forward to the final report.

Project 9: The Frontage Road extension to the Waring/Welfare intersection. This item is removed from consideration because there is concern about funding and TxDOT ownership.

Project 10: A suggestion for a speed bump on Fuller Road is rejected because there is a concern about a low vehicle count to support a need for that.

Project 11: A drop-off point for busses and a ride-share on the HEB campus. Manning notes that HEB has been good at taking and acting on suggestions like these in the past. Boddie agrees to take it to HEB as a councilmember.

Project 12: A suggestion for a roundabout at the Herff Road and Old San Antonio Road intersection. Kight wants to keep this one in. Manning remembers Kight making comments in an earlier meeting about how the first roundabout they put in needs to be a success. He asks Kight if this would be a good starting point for a roundabout. Kight responds and says yes. Eulberg thinks that when a roundabout is put in, people will figure out how to use it quickly. This project is moved forward for the final report with no objections as a short-term project.

Project 13: A suggestion for a roundabout at the Herff Road and Main Street intersection. Kight thinks this could work if it had one lane with right turns that let you continue onward. It is included on the short-term recommendation list. Evans notes that this would be a good project to have a mock-up drawn.

Project 14: IH-10 and Ranger Creek Road access road improvements. Evans clarifies that this suggestion only asks for a turn lane to get under the bridge. The Shoreline Park development is out there, which will create more traffic. Kight notes that the exit ramp is bad there. Evans asks if this project will require the bridge to be widened. Durden asks Kight to write an explanation of what needs to happen in this area, and Kight agrees. He thinks it should be sent to TxDOT as a long-term project.

Project 15: Extension of US 87 and FM 473 access roads. Durden says this would fall under a long-term study. There are no objections.

Project 16: Improvements at the IH-10 and US 87 intersection. Durden says this would be another long-term study for TxDOT. It is deemed as a safety issue. There are no objections for that suggestion.

Project 17: Improvements to Johns Road near Fabra Elementary School. Hendricks herself sits in the traffic that this set-up creates. She says traffic backs up all the way to the apartment complex (Carrington Place). This project is moved forward as a short-term project since the City is already looking at doing improvements for Johns Road for a turn lane and bike/ped lanes. This was a Subcommittee recommendation and Hendricks makes a note to use this reference ID as support for that recommendation.

Durden brings this item to a close to allow time for the second round of Public Comments. Next meeting, they will hear from the Subcommittee on the eminent domain concept.

**Item 6: DISCUSSION OF A PROCESS TO ADDRESS  
“COMMITTEESOURCE” PROJECTS, INCLUDING SH  
46/HERFF ROAD IMPROVEMENTS DISCUSSED AT THE  
MARCH 1, 2022 MEETING**

This item it skipped until a later meeting as the end of the meeting time is approaching.

**Item 7: PUBLIC COMMENT**



Denise Dever, who is joining via Zoom, says she is very anxious to hear from Carroll whether has been able to put together a policy statement regarding eminent domain. She says she expressed her concern at the Boerne Master Mobility Open House. She says the current Master Plan has never addressed that the Thoroughfare Plan does not respect the boundaries of some existing housing neighborhoods or historical properties, and it was not on the map at the Open House event. She says there is a disconnect between the City and the ETJ regarding the Thoroughfare process. She says there is a failure happening currently regarding the Esperanza subdivision and a property that is being developed over there. This is a property that the landowners said they would not sell, and she believes this to be a failure of the MTP process.

Lance Kyle approaches the lectern a second time saying that it has been suggested by a couple Committee members that the citizens are being intellectually inconsistent when it comes to eminent domain and property rights. It has also been suggested that people are trying to take the property rights of their neighbors, AKA: developers. He says that is not necessarily what they are doing. He mentions a “second-hand smoke” argument, saying they are trying to protect their property from having a skyscraper, airport, or other development built right next to their home. He says it is two-sided.

#### **Item 8:     ADJOURNMENT**

The Committee adjourned at 4:01 p.m.