

Block Creek Concrete Products
Comfort, Texas
(830) 995-3189

July 24, 2008

Office of the Chief Clerk
Attn: Agenda Docket Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Docket No. 2008-1009-AIR (08/20/08)
Air Quality Standard Permit No. 83958
Block Creek Concrete Products LLC
Applicant's Response to Hearing Requests

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 JUL 24 PM 2:33
CHIEF CLERKS OFFICE

Block Creek Concrete Products
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Air Quality Standard Permit No. 83958
Block Creek Concrete Products LLC
Applicant's Response to Hearing Requests

Dear Hon. Commissioners Garcia, Soward and Shaw:

My husband and I (Burt and Susie Seidensticker) are the owners and operators of Block Creek Concrete Products which is the applicant for the standard permit that is referenced above. We are literally a "mom and pop" business. Our small concrete batch plant is located on the same property as our sole residence in Kendall County. We live on the property along with our sons and two-year-old granddaughter, and we operate the business out of our double-wide trailer home. This enables us to earn a modest living while at the same time caring for our granddaughter who is a special needs child. This property has been in our family for more than 100 years. It is where we live and recreate with our children and grandchildren, and we will not degrade the soil, water or air. We intend to fully comply with the TCEQ's standard permit for concrete batch plants and hope to work cooperatively with our neighbors.

As TCEQ Commissioners, you have probably seen many large and sophisticated concrete batch plants over the years. Our concrete batch plant, however, is nothing more than a Quick Mix® mobile concrete mixer (i.e., a combination materials transporter and mobile concrete mixing plant mounted on a self-propelled transport vehicle).¹ We use the mobile concrete mixer to fabricate concrete septic tanks and concrete pads for electrical and water supply equipment. We produce less than 30 cubic yards of concrete per day, but five other businesses in the area rely on our company's concrete products in their own businesses.

¹ For a photograph and description of the Quick Mix® mobile concrete mixer, please see <http://www.quickmix.net/howItWorks.php> (a copy of which is in Attachment 'A' of this response).

Our onsite concrete batching/mixing operations have been shut-down² since May 20th despite the fact that TCEQ staff have formally determined we meet all technical requirements of the agency's standard permit for concrete batch plants. Our mistaken reliance on the advice of the previous owner of the business (i.e., indicating that a permit was not required to operate this mobile concrete mixer in rural Kendall County) was the self-inflicted reason for our initial shut-down. We are paying a heavy price for our mistake in the form of an administrative enforcement action and a shut-down of onsite batching/mixing operations during the permitting process, but we understand that rules are rules.³ We hired an environmental engineer and applied for TCEQ standard permit coverage as specifically instructed by the agency's San Antonio Regional Office and the Small Business and Environmental Assistance Division. Unfortunately, the shut-down of our onsite batching/mixing operations has unnecessarily continued because people who do not actually reside in a permanent residence within 440 yards of the proposed plant are continuing to request a contested case hearing on our application, thereby delaying the final issuance of our standard permit. In particular, one of our neighbors appears to be using this agency forum as an opportunity to leverage us into buying his nearby property which is listed for sale. We can't afford to buy his property, nor can we remain shut-down indefinitely while his real estate attorney pursues what appears to be an invalid hearing request.

No Hearing Requestor Is An Affected Person -
None of Them Actually Reside in a Permanent Residence
Within 440 Yards of the Proposed Plant

This portion of our response will address the issue of whether any of the hearing requestors is an "affected person." It is our understanding that under State law, "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing." Texas Health & Safety Code § 382.058(c). According to positions taken by the Executive Director and the Public Interest Counsel in other concrete batch plant cases, and the decisions of the Commissioners to issue standard permits to applicants in those cases, a person must meet the statutory proximity requirement in

² Since we own a combination materials transporter and mobile concrete mixer mounted on a self-propelled transport vehicle, "shut-down" means we may only use the transport vehicle to haul pre-mixed concrete and not for any on-site batching/mixing of concrete.

³ We are not in any way criticizing the TCEQ's field office, enforcement, permitting, or small business assistance staff for our shut-down. They have been extremely helpful, informative and professional in our quest to determine what is legally required to operate our business in compliance with TCEQ regulations.

order to qualify as an affected person.⁴ Under the statutory language, it is not enough that some portion of a person's residential property is located within 440 yards of a portion of the land on which the proposed plant is located. Rather, the potentially affected person must (i) actually reside, (ii) in a permanent residence,⁵ (iii) within 440 yards, (iv) of the proposed plant.

In this docketed case, none of the persons who previously requested a contested case hearing on our application (not Winakur, Bush or Spinelli) actually reside in a permanent residence within 440 yards of the proposed plant. In fact, the only residential structures that are actually located within 440 yards of our proposed plant belong to my husband and me and to my husband's parents.

Attachment 'B' of this Response is an aerial photograph that shows the actual distance (in yards) from our proposed plant to the residential structures of the hearing requestors. Please note the following:

- **Winakur** - As reflected in Attachment 'B', the residential structure on Mr. Winakur's property is located approximately 2.5 miles southeast of the proposed plant. It is our understanding that Mr. Winakur does reside in the structure and that it is his permanent residence; however, the residential structure is too far away from the proposed plant. Mr. Winakur does not qualify as an affected person under the governing law.
- **Bush** - As reflected in Attachment 'B', the residential structure on Ms. Bush's property is located approximately 705 yards southwest of the proposed plant. It is our understanding that Ms. Bush (who works and lives in the Houston area) does reside in the structure from time-to-time and claims it as her permanent residence; however, the residential structure is too far away from the proposed plant. Additionally, Ms. Bush did not renew her initial hearing request following the Chief Clerk's transmittal of the Executive Director's response to comments and the notice of opportunity to request a hearing. In a gracious face-to-face meeting, Ms. Bush recently advised us that she is not any longer requesting a contested case hearing on the application. We will certainly continue to work cooperatively with Ms. Bush should she have

⁴ In other concrete batch plant cases, the Executive Director's response briefs have specifically stated that "[a] requestor's failure to meet the distance requirement of § 382.058(c) is an absolute bar to affected party status." (Emphasis Added). Transit Mix Concrete & Materials Company (Docket No. 2008-0141-Air) and Ryno Materials, Inc. (Docket No. 2006-1947-AIR).

⁵ Note: *The American Heritage Dictionary of the English Language*, 4th Edition (2006), defines the term "residence" as "[t]he place in which one lives; a dwelling."

any future concerns about our operations. Ms. Bush does not qualify as an affected person under the governing law.

- **Spinelli** - As reflected in Attachment 'B', the residential structure on Mr. Spinelli's property is located approximately 540 yards northeast of the proposed plant. It is our understanding that Mr. Spinelli (who works and lives in the Boerne area) does reside in the structure from time-to-time; however, it is too far away from the proposed plant and Mr. Spinelli does not actually claim it as his permanent residence.

If you review the first paragraph of Mr. Spinelli's hearing request, note that it does not state he is a person who "actually resides in a permanent residence within 440 yards of the proposed plant."⁶ Additionally, Attachment 'C' of this response includes documentation that Mr. Spinelli instead (i) owns property within the City of Boerne for which he legally claims a homestead tax exemption, (ii) is legally registered to vote as a permanent resident of Boerne, (iii) formally registered as a permanent resident and candidate for the City Council of Boerne, (iv) does not claim a homestead tax exemption for his property northeast of our proposed plant, and (v) has listed for sale and is actively marketing his property northeast of our proposed plant. In sum, the house on Mr. Spinelli's nearby property is more than 440 yards from our proposed plant, and Mr. Spinelli's permanent residence is actually located in Boerne, Texas, approximately 20 miles away from our proposed plant. Mr. Spinelli does not qualify as an affected person under the governing law.

⁶ Mr. Spinelli's hearing request actually states that: "*He owns property immediately adjoining to the property operated by Block Creek Concrete Products LLC. Mr. Spinelli is a person permanently residing within 440 yards of the Concrete Batch Plant in issue.*" This statement is somewhat misleading because our plant site is actually a subset of our larger tract of land; our plant site does not run along the property line (i.e., there is a surrounding buffer); and there is a vegetated creek that separates our larger tract of land from Mr. Spinelli's land. Mr. Spinelli seems to be suggesting that because he resides somewhere on land that he owns, and that his land is adjacent to our tract, and that the proposed plant is located somewhere within our tract, that he is somehow "permanently residing" within 440 yards of the plant. However, "permanently residing" on adjacent property is not what the statute actually requires. Instead, the "permanent residence" in which he "actually reside[s]" must be within 440 yards of our proposed plant. The house on Mr. Spinelli's land is not located within 440 yards of the proposed plant (as reflected in Attachment 'B') nor is that particular house Mr. Spinelli's permanent residence which is located 20 miles away in Boerne (as reflected in Attachment 'C').

Conclusion: Because none of the hearing requestors actually reside in a permanent residence within 440 yards of our proposed plant, each of them is legally precluded under Texas Health & Safety Code § 382.058(c) from requesting a hearing as a person who may be affected. The hearing requestors' failure to meet the statutory proximity requirement is an absolute bar to affected party status as reflected in agency precedent. The Commission should determine that the hearing requestors are not affected persons and deny all requests for a contested case hearing.

Discussion of Disputed Issues

This portion of our response will address the disputed issues raised by each of the hearing requestors. It is our understanding that the hearing requestors must "raise disputed issues of fact that are relevant and material to the commission's decision on this application," and that their requests must be "based on issues that were raised during the comment period." TCEQ Office of Chief Clerk's Instructions for Requesting a Contested Case Hearing (June 4, 2008) and 30 Texas Administrative Code § 55.201(d)(4). The hearing requests in this case do not meet the requirements of Texas Administrative Code Chapter 55, Subchapter F.

- **Winakur** - Mr. Winakur's hearing request (filed on June 19, 2008) indicates that he owns land approximately 2.5 miles downstream from our property. Beginning in the third paragraph, Mr. Winakur alleges that our operations are responsible for what he describes as malformed concrete or slag littering the banks of Block Creek on his property. Despite Mr. Winakur's assertions, the TCEQ's San Antonio Regional Office conducted a complaint-based inspection of our property and an assessment of water quality along Block Creek and specifically determined that the materials observed downstream are not attributable to our operations. Similarly, the TCEQ's South Texas Watermaster investigated a complaint and determined that we were using groundwater (not surface water), that no material was being dumped or discharged into or along Block Creek, and that there was no visible sediment load in Block Creek from our operations. As reflected in Attachment 'D' of this response, the TCEQ has already fully investigated our operations, worked with us to ensure compliance with applicable storm water permitting requirements, and recently issued a letter of general compliance. Mr. Winakur additionally alleges that our concrete batch plant is located in the floodplain of Block Creek. As reflected in Attachment 'E' of this response, however, our operations are clearly located outside the floodplain.

Mr. Winakur's hearing request relates to storm water runoff and floodplain issues that are unrelated to the current application for an air

quality standard permit. As such, Mr. Winakur's hearing request does not raise any disputed issue of fact that is relevant and material to the Commission's decision on this application and for which an evidentiary hearing at SOAH would be appropriate.

- **Bush** - As discussed above, Ms. Bush did not file a hearing request in response to the Chief Clerk's issuance of the Executive Director's response to comments and associated notice of opportunity to request a contested case hearing (June 4, 2008). Although Ms. Bush previously raised air quality concerns (e.g., dust) in her earlier comments to the agency, it is our understanding based on a recent face-to-face meeting that she essentially wants to ensure that we obtain all necessary permit coverage from the TCEQ. We are fully committed to complying with the terms and conditions of the proposed air quality standard permit, and we pledge to work cooperatively with Ms. Bush should she have any future concerns about our operations. Based on our meeting, Ms. Bush no longer desires a contested case hearing as reflected in her recent decision to not file a renewed request for hearing.
- **Spinelli** - Mr. Spinelli's hearing request (filed by Joe M. Davis, Esq., on 07/03/08) states in the second paragraph that "[t]he basis of the appeal of the Executive Director's decision is the timeliness of the application itself." In the third paragraph, he complains of the previous unpermitted operation of the concrete batch plant but argues against issuance of the standard permit on "equitable principles" (e.g., "unclean hands"). Mr. Spinelli's new "policy" argument - for which he cites no statutory or regulatory authority, because none exists - does not present an issue of "fact" upon which the Commission can refer this matter to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing. Further, his lawyer's equitable arguments were not previously raised during the public comment period and should not be considered by the Commissioners. 30 Texas Administrative Code §§ 55.211(b)(3)(B) and 55.201(d)(4).

Mr. Spinelli's argument about "equity" ironically omits the fact that our onsite concrete batching/mixing operations have already been shut-down by the Executive Director. Further, when he calls for our plant to be "rebuilt" under current standards and guidelines, he neglects to mention that the plant is really a mobile concrete mixer (Attachment 'A') which had achieved compliance with the agency's technical requirements before it was shut-down by the agency. In reality, there is no plant to tear down or any equipment to rebuild under different technical requirements. You simply drive the transport vehicle back to the plant site and operate the attached concrete mixer in accordance with the standard permit. Mr. Spinelli also omits the fact that our

company is currently subject to an administrative enforcement action by the Executive Director (for which an Order of the Commissioners will likely be issued at a future date). There is no basis for Mr. Spinelli to suggest that we have not been and will not continue to be punished as a result of our previous mistake.

Mr. Spinelli also alleges in the fourth and fifth paragraphs of his hearing request that we were previously emitting excessive particulate matter and discharging pollutants into the soil and water, and that the State Office of Administrative Hearings should therefore order an inspection of our property and determine the extent of any pollution. It is the responsibility of the TCEQ's Executive Director (not an Administrative Law Judge from SOAH) to investigate complaints of past pollution. Mr. Spinelli perhaps does not agree with the TCEQ's San Antonio Regional Office and the South Texas Watermaster which conducted complaint-based inspections of our property including an assessment of water quality in nearby Block Creek. As reflected in Attachment 'D' of this response, the TCEQ has already determined there are no storm water violations or pollution and issued a letter of general compliance. In particular, the materials observed downstream from our property were specifically determined by the agency staff not to be attributable to our operations (Attachment 'D').

Finally, nowhere in his hearing request does Mr. Spinelli actually take issue with any of the Executive Director's responses to public comments or any of the technical aspects of our standard permit application - despite the Chief Clerk's specific instructions to all parties and 30 TAC § 55.201(d)(4). Mr. Spinelli's hearing request does not raise any disputed issue of fact that is relevant and material to the Commission's decision on this application and for which an evidentiary hearing at SOAH would be appropriate.⁷

Conclusion: Only two of the three persons who previously requested a contested case hearing actually renewed their request for a hearing after receipt of the Executive Director's response to public comments and associated notice. Mr. Winakur's hearing request relates to storm water runoff and floodplain issues that are not relevant and material to the current application

⁷ Mr. Spinelli's hearing request indicates that the Commission should consider referring this matter to the agency's Alternative Dispute Resolution (ADR) section for "mediation" prior to any contested case hearing. We note, however, that Mr. Spinelli has ignored nearly two dozen attempts on our part to reach-out, discuss and resolve this matter. Through two other persons, we have been advised that Mr. Spinelli essentially wants us to purchase his land in order to resolve this case. We cannot afford to purchase Mr. Spinelli's property and do not believe that a forced real estate negotiation under the guise of agency mediation is reasonable or appropriate.

for an air quality standard permit. Mr. Spinelli's hearing request presents "equitable" policy arguments (rather than disputed issues of fact) and requests that SOAH be empowered to preside over some type of multi-media environmental site assessment. Accordingly, none of the current hearing requestors has raised any disputed issue of fact that is relevant and material to the Commission's decision on this application and for which an evidentiary hearing at SOAH would be appropriate.⁸ The Commission should determine that the hearing requests do not meet the requirements of Texas Administrative Code Chapter 55, Subchapter F.

Requests for Reconsideration

Mr. Winakur and Mr. Spinelli also request that the Commissioners formally reconsider the decision of the Executive Director in this matter. The Executive Director's decision is embodied in the written response to public comments and decision not to make any changes to the proposed permit in response to those comments, which were filed with the TCEQ's Chief Clerk on June 3, 2008, and subsequently mailed to all interested persons. Neither Mr. Winakur nor Mr. Spinelli identifies in their requests any specific deficiency in the Executive Director's current technical review of the air quality permit application or the standard permit that is the subject of this proceeding. Rather, they complain of the results of past compliance inspections and enforcement actions by the Executive Director. It is our position that the Executive Director has performed the administrative and technical review of our permit application in accordance with all applicable requirements and made proper engineering judgments concerning the design and operation of our plant. In the absence of any particularized objection to the Executive Director's permitting review and decision, the Commissioners are presented with no basis for granting the requests for reconsideration as a separate measure of relief. The requests for reconsideration should be denied by the Commissioners.

⁸ If for some unanticipated reason the Commissioners were to refer this matter to SOAH for a contested case hearing, the referral should be limited to a single issue: "*Does the applicant's proposed plant meet the engineering requirements of the TCEQ's air quality standard permit for concrete batch plants?*" The ALJ should be directed to complete any such hearing and issue a proposal for decision containing findings of fact and conclusions of law within a period of three (3) months.

Request for Relief

The TCEQ developed its air quality standard permit for concrete batch plants based on substantial technical expertise and many years of experience. The standard permit is fully protective of public health, safety and the environment. The Executive Director's staff has carefully reviewed our permit application, thoroughly investigated our mobile concrete mixer and proposed plant site, fully considered and responded in writing to the comments of interested persons, and formally determined that we meet the pertinent technical requirements. Texas law specifically provides that persons who do not actually reside in a permanent residence within 440 yards of the proposed plant may not request a hearing on our standard permit application. Not one of the hearing requestors meets the statutory proximity requirement, which is an absolute bar to affected party status. There is no cognizable basis for disregarding this legal requirement and referring this matter to SOAH. Any suggestion by the hearing requestors that "equity" somehow dictates a different result overlooks the agency's shut-down of our onsite batching/mixing operations, the pending administrative enforcement action for operating without a permit, the explicit directive to pursue and obtain a standard permit, and the true nature of our mobile concrete mixer and operations. Furthermore, none of the recent hearing requests raises a disputed issue of fact (as opposed to policy) that is relevant and material to our air quality permit application (as opposed to storm water permitting). A contested case hearing at SOAH would not only be legally inappropriate, but would result in substantial delays and expense that will threaten the viability of our small business.

We live, work and recreate on our family property and have no intention of polluting the soil, water or air. My husband and I are making an honest effort to achieve full compliance with your permitting rules. Others appear to be "gaming the system" in order to extend their personal land use controls over our family's property or to leverage us into purchasing their nearby land. Please find that the requests for hearing and reconsideration do not meet the requirements of the statute and your rules; deny the requests for hearing and reconsideration; and favorably act on our application for an air quality standard permit.

Respectfully submitted,

Susie Seidensticker

Attachments (A - E)

cc: Attached Service List

MAILING LIST
BLOCK CREEK CONCRETE PRODUCTS, LLC
DOCKET NO. 2008-1009-AIR; PERMIT NO. 83958

FOR THE APPLICANT:

Tracy Powell, Sr. Production Specialist
Waid and Associates
14205 N. Mopac Expy. Ste. 600
Austin, Texas 78728

Burt Seidensticker, Owner
Block Creek Concrete Products, L.L.C.
444 Old No. 9 Hwy. #A
Comfort, Texas 78013-3803
Tel: (830) 995-3189

FOR THE EXECUTIVE DIRECTOR:

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Beecher Cameron, Technical Staff
Texas Commission on Environmental Quality
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Michael D. Gould, Technical Staff
Texas Commission on Environmental Quality
Air Permits Division, MC-163
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Fax: (512) 239-1300

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
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Austin, Texas 78711-3087
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Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE
RESOLUTION:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER(S):

Mickey V. Bush
430 Old No. 9 Hwy.
Comfort, Texas 78013-3803

Joe M. Davis
P.O. Box 2349
Boerne, Texas 78006

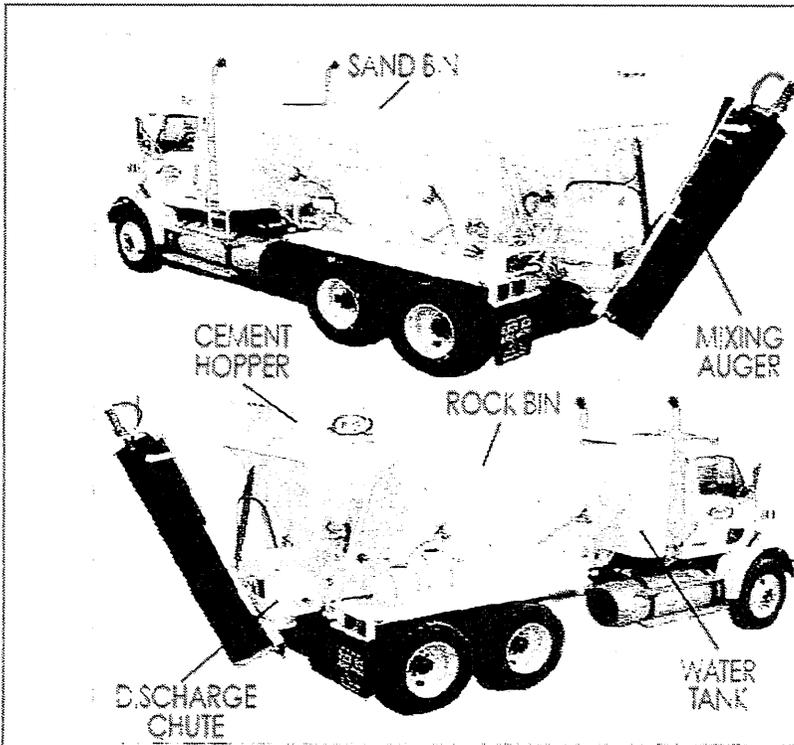
Dennis Spinelli
520 Old No. 9 Hwy.
Comfort, Texas 78013-3825

Jerry Winakur
P.O. Box 128
Comfort, Texas 78013-0128

INTERESTED PERSONS:

Deanna Rich & Janice Sparger
607 Old No. 9 Hwy.
Comfort, Texas 78013-3810

ATTACHMENT 'A'



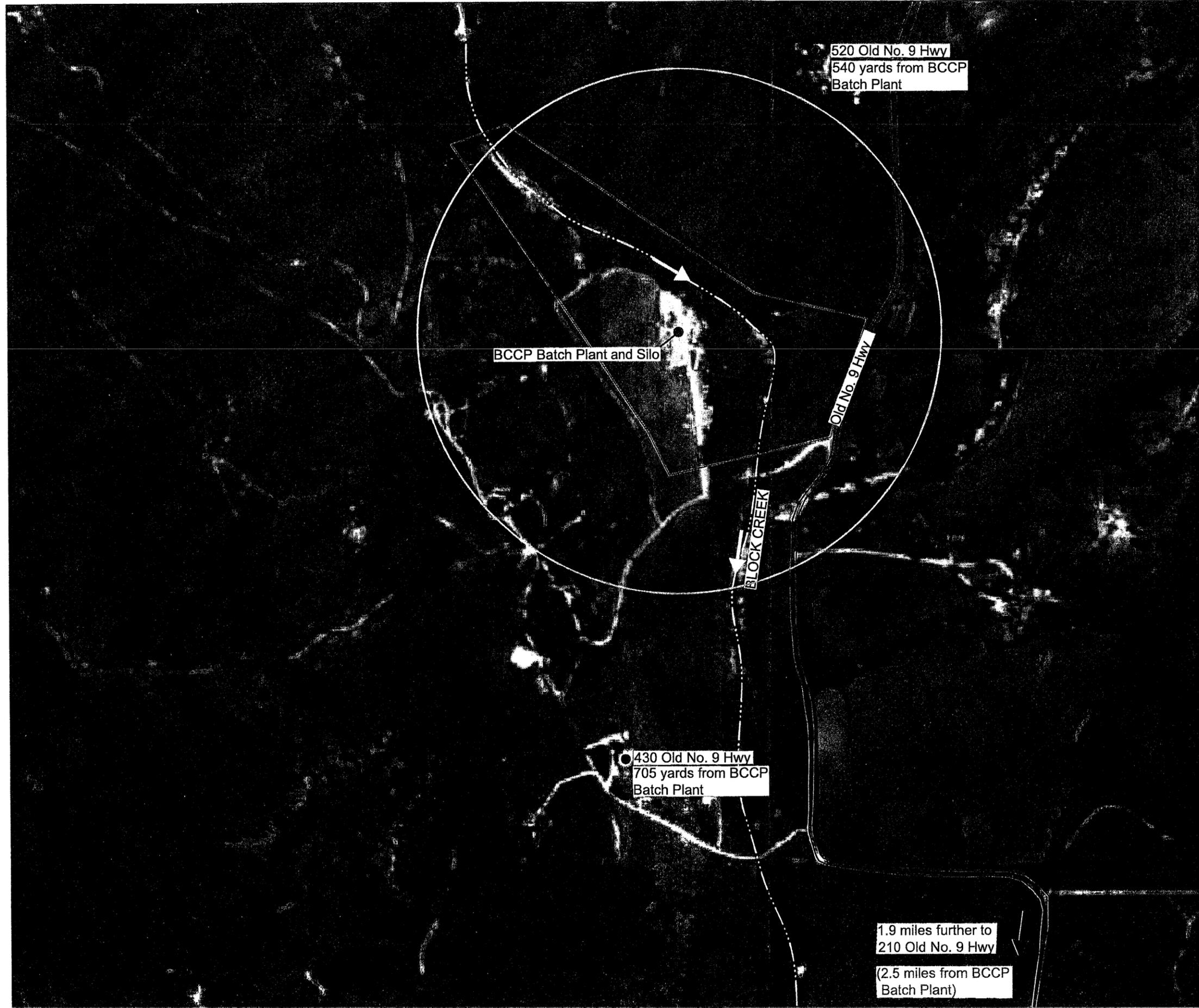
The volumetric concrete mixer is a combination materials transporter and mobile concrete mixing plant, mounted on a transport vehicle or a stationary skid mount frame. The mixer carries the component materials of coarse aggregates, sand, cement powder and water, used to produce fresh concrete. These materials can be mixed along with other admixtures to produce a specified concrete mix design, on a continuous or intermittent basis, on site where the mix is to be poured.

The mix design is calculated for a specific strength or designed to have certain desirable finishing properties. The mix is proportioned using known volumes of the component materials in the mix design.

The coarse aggregate and sand volumes are proportioned by adjusting the corresponding bin gates to the desired height as determined by a yield calibration test of the machine. The cement powder is accurately blended with aggregate using a uniquely designed auger delivery system. Finally, a metered amount of water is pumped into the mixing discharge chute and mixing auger to combine with the aggregates and cement powder.

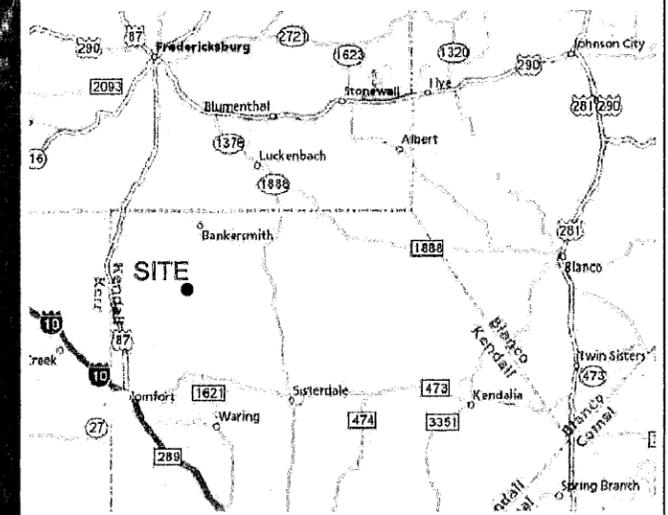
Once in the discharge chute, the mixing auger continuously and thoroughly mixes and blends the ingredients to produce a continuous discharge of uniform quality concrete.

ATTACHMENT 'B'



EXPLANATION

- PROPERTY BOUNDARY
- BLOCK CREEK
- STORM WATER FLOW DIRECTION
- 440 yard BCCP Batch Plant and Silo Buffer



SITE LOCATION



MAP LOCATION



SOURCE: GoogleEarth 2007, EuropaTechnologies 2007

SITE LOCATION MAP

BLOCK CREEK CONCRETE PRODUCTS LLC
Comfort, Texas

By: MLS Date: 7/23/08 Project No. 14058.000

AMEC Geomatrix

Figure 1

ATTACHMENT 'C'

A2-15PM
 Prescribed by Secretary of State
 Sections: 141.031, 143.004, 143.006, Texas Election Code
 9/03

All information is required to be provided unless indicated as optional. (Se requiere toda la información, a menos que haya alguna indicación que no es obligatoria.)

APPLICATION FOR A PLACE ON THE CITY OF Boerne. GENERAL ELECTION BALLOT
 (APLICACION PARA UN LUGAR EN LA BOLETA DE LA CIUDAD DE _____ GENERAL ELECCION)

TO: City Secretary
 (Al Secretario(a) de la Ciudad)

I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.
 (Solicito que mi nombre esté puesto en la arriba nombrada boleta como candidato para puesto oficial indicado abajo.)

OFFICE SOUGHT (PUESTO OFICIAL SOLICITADO) Include any place number or other distinguishing number. (Incluya cualquier número de lugar u otro número que hace el puesto oficial diferente a otros.) <u>CsTY. Council</u>	INDICATE FULL OR UNEXPIRED TERM (INDIQUE SI EL TERMINO DEL PUESTO OFICIAL ES TERMINO COMPLETO O NO COMPLETADO) <u>Full Term</u>
---	---

FULL NAME (First, Middle, Last) (NOMBRE COMPLETO) (Nombre de Pila, Segundo Nombre, Apellido) <u>DENNIS A. SpinelLi</u>	PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT (ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA SOBRE LA BOLETA) <u>Same</u>
--	---

PERMANENT RESIDENCE ADDRESS Street address and apartment number. If none, describe location of residence (do not include P.O. Box or Rural Rte.) (DIRECCION DE RESIDENCIA PERMANENTE: Calle y Número de Departamento; si no tiene, describa la localidad de su residencia. No incluya su caja postal o rural.) <u>911 South Main Boerne TX 78006</u> CITY, STATE (CIUDAD), (ESTADO) <u>Boerne TX</u>	MAILING ADDRESS (If different from residence address) (DIRECCION POSTAL (si es diferente a su dirección de residencia)) <u>Same</u> CITY, STATE (CIUDAD), (ESTADO) <u>Boerne TX</u>
---	--

OCCUPATION (EMPLEO) <u>Restaurant & Hotel</u>	DATE OF BIRTH (FECHA DE NACIMIENTO) <u>01/17/1959</u>	VOTER REGISTRATION CERTIFICATE NUMBER (if applicable) (NUM. DE CERT. DE VOTANTE (si aplicable)) <u>20301478</u>
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TELEPHONE NUMBER (Include area code) (Optional) (NUMERO DE TELEFONO -incluya el código de la área) (Facultativo) OFFICE: (DE SU OFICINA): <u>830-249 9563</u> HOME: (DE SU DOMICILIO): <u>830 816 2470</u>	Length of Continuous Residence as of Date Application Sworn (Tiempo en que ha Residido en un Solo Lugar en la Fecha en que Prestó Juramento Sobre la Solicitud) <table border="1"> <tr> <td data-bbox="779 1081 998 1207"> IN STATE (EN EL ESTADO) <u>18 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small> </td> <td data-bbox="998 1081 1218 1207"> IN CITY (EN EL CIUDAD) <u>8 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small> </td> <td data-bbox="1218 1081 1529 1207"> IN DISTRICT OR PRECINCT (EN EL DISTRITO O PRECINTO) <u>8 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small> </td> </tr> </table>			IN STATE (EN EL ESTADO) <u>18 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small>	IN CITY (EN EL CIUDAD) <u>8 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small>	IN DISTRICT OR PRECINCT (EN EL DISTRITO O PRECINTO) <u>8 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small>
IN STATE (EN EL ESTADO) <u>18 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small>	IN CITY (EN EL CIUDAD) <u>8 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small>	IN DISTRICT OR PRECINCT (EN EL DISTRITO O PRECINTO) <u>8 yr(s) 00 mos</u> <small>(año(s) (mes(es)))</small>				

Before me, the undersigned authority, on this day personally appeared DENNIS A. SpinelLi, who being by me here and now duly sworn, upon oath says: "I, DENNIS A. SpinelLi, of Boerne County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the Constitution and laws of this state. I have not been declared mentally incompetent as determined by final judgment of a court, nor have I been finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by other official action. I am aware of the nepotism law, Chapter 573, Government Code.

If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election.

I further swear that the foregoing statements included in my application are in all things true and correct."

(Antes mí, la autoridad, suscrita apareció en persona _____, quien habiendo aquí y ahora prestado juramento debido, bajo juramento dice: "Yo, _____ del condado de _____, Texas, siendo candidato para el puesto oficial de _____, solemnemente juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy ciudadano de los Estados Unidos (pago le para ocupar tal puesto oficial bajo la Constitución y las leyes de este Estado. No he sido declarado incapaz de la mente como determinado por la decisión final de una corte, ni he sido probado culpable finalmente de una felonía por la cual no he sido perdonado o por la cual no se me han restituido enteramente mis derechos de ciudadanía por medio de otra acción judicial. Yo tengo como ciudadano de la ley sobre el nepotismo según el capítulo 573 de Código Gobierno.

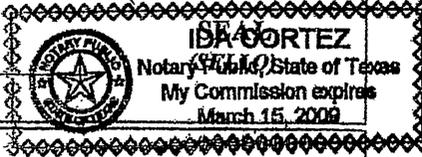
Para poder incluir un apodo como parte de su nombre completo en la boleta, Ud. deberá firmar la siguiente constancia: Además, juro que se me ha conocido por este apodo por mas de tres años. Además, juro que el apodo no es un lema político ni una indicación de mis creencias o afiliaciones políticas, económicas, sociales, o religiosas. Además juro que las precedentes declaraciones que incluyo en mi solicitud son verdaderas y están correctas en todo sentido."

[Signature]
 SIGNATURE OF CANDIDATE (FIRMA DEL CANDIDATO)

Sworn to and subscribed before me at Boerne County this 10th day of March, 2006
 (Jurado y suscrita ante mí en _____, este día _____ de _____, 20____)

[Signature]
 Signature of Officer administering oath
 (Firma del oficial administrando el juramento)

[Signature]
 Title of Officer administering oath
 (Título del oficial administrando el juramento)



TEXAS SECRETARY OF STATE
LIST of REGISTERED VOTERS
KENDALL
SORT ORDER: ALPHABETICAL

SUSPENSE	NAME	PRECINCT	CERT #	REG. DATE	DOB
S	SPINELLA, BENJAMIN P	9-1	1009142979	03/01/98	01/03/77
	PERM ADDR: 309 WOLLSCHLAEGERDR BOERNE 78006				
	MAIL ADDR: 309 WOLLSCHLAEGER DRIVE BOERNE TX 78006				
S	SPINELLA, CATHERINE THERESA	9-1	1009186790	04/04/98	03/22/49
	PERM ADDR: 309 WOLLSCHLAEGERDR BOERNE 78006				
	MAIL ADDR: 309 WOLLSCHLAEGER DRIVE BOERNE TX 78006				
S	SPINELLA, PETER ALFRED	9-1	1010267987	05/06/99	02/18/48
	PERM ADDR: 309 WOLLSCHLAEGERDR BOERNE 78006				
	MAIL ADDR: 309 WOLLSCHLAEGER DRIVE BOERNE TX 78006				
	SPINELLI, DENNIS A	4-3	1020526415	01/14/04	01/17/59
→	PERM ADDR: 911 S MAINST BOERNE 78006				
	MAIL ADDR: 911 S MAIN STREET BOERNE TX 78006				
	SPINKS, JACK LANIER	5-4	1023240367	10/30/04	08/06/47
	PERM ADDR: 109 MT PISGAHDR COMFORT 78013				
	MAIL ADDR: 109 MT PISGAH DRIVE COMFORT TX 78013				
	SPINKS, KATHRYN MARIE	5-4	1023240379	10/30/04	04/19/52
	PERM ADDR: 109 MT PISGAHDR COMFORT 78013				
	MAIL ADDR: 109 MT PISGAH DRIVE COMFORT TX 78013				
S	SPINKS, PHILLIP LEVI	5-4	1023240403	10/30/04	04/26/85
	PERM ADDR: 110 TURKEY RUNLN COMFORT 78013				
	MAIL ADDR: 110 TURKEY RUN LANE COMFORT TX 78013				
	SPIRE, DIANE DORIS	2-2	1010804239	07/30/99	05/23/54
	PERM ADDR: 539 STATE HIGHWAY 46E BOERNE 78006				
	MAIL ADDR: 539 STATE HIGHWAY 46 EAST BOERNE TX 78006				
	SPITSNAUGLE, MARGOT FISHER	2-2	1074846624	01/06/08	02/01/54
	PERM ADDR: 506 CORDILLERATRCE BOERNE TX 78006				
	MAIL ADDR: 506 CORDILLERA TRCE BOERNE TX 78006				
	SPITSNAUGLE, TOM LEE	2-2	1148027841	01/07/08	02/17/49
	PERM ADDR: 506 CORDILLERATRCE BOERNE TX 78006				
	MAIL ADDR: 506 CORDILLERA TRCE BOERNE TX 78006				
	SPIVEY, JAMES E	11-1	1021302097	06/09/04	08/12/11
	PERM ADDR: 1100 GRANDBLVD 220 UNIT BOERNE 78006				
	MAIL ADDR: 1100 GRAND BOULEVARD UNIT 220 BOERNE TX 78006				
	SPIVEY, WOODIE AUSTIN	11-1	1005616772	05/18/96	05/18/46
	PERM ADDR: 112 DOESKINDR BOERNE 78006				
	MAIL ADDR: 112 DOESKIN DRIVE BOERNE TX 78006				
	SPOFFORD, BARBARA N	4-3	1005754673	11/03/90	06/13/47
	PERM ADDR: 411 SISTERDALERD BOERNE 78006				
	MAIL ADDR: 411 SISTERDALE ROAD BOERNE TX 78006				
	SPOFFORD, JOHN ANDREW	4-3	1009705208	02/06/99	09/08/64
	PERM ADDR: 411 SISTERDALERD BOERNE 78006				
	MAIL ADDR: 411 SISTERDALE ROAD BOERNE TX 78006				
	SPOFFORD, JOSHUA JAMES	4-3	1005671344	09/07/95	06/18/77

TEXAS SECRETARY OF STATE
LIST of REGISTERED VOTERS
KENDALL
SORT ORDER: ALPHABETICAL

SUSPENSE	NAME	PRECINCT	CERT #	REG. DATE	DOB
S	SPINELLA, CATHERINE THERESA	9-1	1009186790	04/04/98	03/22/49
	PERM ADDR: 309 WOLLSCHLAEGERDR BOERNE 78006				
	MAIL ADDR: 309 WOLLSCHLAEGER DRIVE BOERNE TX 78006				
S	SPINELLA, PETER ALFRED	9-1	1010267987	05/06/99	02/18/48
	PERM ADDR: 309 WOLLSCHLAEGERDR BOERNE 78006				
	MAIL ADDR: 309 WOLLSCHLAEGER DRIVE BOERNE TX 78006				
	SPINELLI, DENNIS A	4-3	1020526415	01/14/04	01/17/59
→	PERM ADDR: 911 S MAINST BOERNE 78006				
	MAIL ADDR: 911 S MAIN STREET BOERNE TX 78006				
	SPINKS, JACK LANIER	5-4	1023240367	10/30/04	08/06/47
	PERM ADDR: 109 MT PISGAHDR COMFORT 78013				
	MAIL ADDR: 109 MT PISGAH DRIVE COMFORT TX 78013				
	SPINKS, KATHRYN MARIE	5-4	1023240379	10/30/04	04/19/52
	PERM ADDR: 109 MT PISGAHDR COMFORT 78013				
	MAIL ADDR: 109 MT PISGAH DRIVE COMFORT TX 78013				
S	SPINKS, PHILLIP LEVI	5-4	1023240403	10/30/04	04/26/85
	PERM ADDR: 110 TURKEY RUNLN COMFORT 78013				
	MAIL ADDR: 110 TURKEY RUN LANE COMFORT TX 78013				
	SPIRE, DIANE DORIS	2-2	1010804239	07/30/99	05/23/54
	PERM ADDR: 539 STATE HIGHWAY 46E BOERNE 78006				
	MAIL ADDR: 539 STATE HIGHWAY 46 EAST BOERNE TX 78006				
	SPITSNAUGLE, MARGOT FISHER	2-2	1074846624	01/06/08	02/01/54
	PERM ADDR: 506 CORDILLERATRCE BOERNE TX 78006				
	MAIL ADDR: 506 CORDILLERA TRCE BOERNE TX 78006				
	SPITSNAUGLE, TOM LEE	2-2	1148027841	01/07/08	02/17/49
	PERM ADDR: 506 CORDILLERATRCE BOERNE TX 78006				
	MAIL ADDR: 506 CORDILLERA TRCE BOERNE TX 78006				
	SPIVEY, WOODIE AUSTIN	11-1	1005616772	05/18/96	05/18/46
	PERM ADDR: 112 DOESKINDR BOERNE 78006				
	MAIL ADDR: 112 DOESKIN DRIVE BOERNE TX 78006				
	SPOFFORD, BARBARA N	4-3	1005754673	11/03/90	06/13/47
	PERM ADDR: 411 SISTERDALERD BOERNE 78006				
	MAIL ADDR: 411 SISTERDALE ROAD BOERNE TX 78006				
	SPOFFORD, JOHN ANDREW	4-3	1009705208	02/06/99	09/08/64
	PERM ADDR: 411 SISTERDALERD BOERNE 78006				
	MAIL ADDR: 411 SISTERDALE ROAD BOERNE TX 78006				
	SPOFFORD, JOSHUA JAMES	4-3	1005671344	09/07/95	06/18/77
	PERM ADDR: 411 SISTERDALERD BOERNE 78006				
	MAIL ADDR: 411 SISTERDALE ROAD BOERNE TX 78006				
	SPOFFORD, LYNN CATHERINE	4-3	1053213307	08/05/07	06/26/48
	PERM ADDR: 411 A SISTERDALERD BOERNE TX 780060000				
	MAIL ADDR: 411 A SISTERDALE RD BOERNE TX 78006-0000				
	SPOFFORD, WAYNE R	4-3	1005754734	11/04/90	10/22/43

Kendall CAD/TAX

Property Search Results > 64232 SPINELLI DENNIS H for Year 2008 ←

Property

Account

Property ID: 64232 Legal Description: KERNAGHAN ADDITION, BLOCK 1, LOT PT 41, ACRES 0.018

Geographic ID: 1-5400-0001-1300 Agent Code:

Type: Real

Location

Address: 911A MAIN STREET Mapsco: TX

Neighborhood: S MAIN BOERNE Map ID: EM3-IA

Neighborhood CD: SMAIN

Owner

Name: SPINELLI DENNIS H Owner ID: 40806

Mailing Address: 911 S MAIN ST % Ownership: 100.0000000000%
BOERNE, TX 78006

Exemptions: HS ←

Values

(+) Improvement Homesite Value:	+	\$30,790	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$6,590	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$37,380	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$37,380	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$37,380	

Taxing Jurisdiction

Owner: SPINELLI DENNIS H
% Ownership: 100.0000000000%
Total Value: \$37,380

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$37,380	\$37,380	\$0.00
CBN	CITY OF BOERNE	0.442200	\$37,380	\$37,380	\$165.29
GKE	KENDALL COUNTY	0.370000	\$37,380	\$37,380	\$138.31
SBN	BOERNE ISD	1.330000	\$37,380	\$22,380	\$297.65
WCC	COW CREEK GROUNDWATER	0.005000	\$37,380	\$37,380	\$1.87
Total Tax Rate:		2.147200			

Taxes w/Current Exemptions: \$603.12
Taxes w/o Exemptions: \$802.62

Improvement / Building

Kendall CAD/TAX

Property Search Results > 40567 SPINELLI DENNIS H for Year 2008

Property

Account

Property ID: 40567 Legal Description: A10174 SURVEY 556 M FLORES, ACRES 4.80
 Geographic ID: 1-0174-0556-0031 Agent Code:
 Type: Real

Location

Address: 520 OLD #9 HIGHWAY Mapsco:
 Neighborhood: CF LAND TABLE PROPERTIES Map ID: CISD1-PL
 Neighborhood CD: CF

Owner

Name: SPINELLI DENNIS H Owner ID: 40806
 Mailing Address: 911 S MAIN ST % Ownership: 100.0000000000%
 BOERNE, TX 78006

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$81,460	
(+) Improvement Non-Homesite Value:	+	\$53,560	
(+) Land Homesite Value:	+	\$10,070	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$38,270	\$190
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$183,360	
(-) Ag or Timber Use Value Reduction:	-	\$38,080	
<hr/>			
(=) Appraised Value:	=	\$145,280	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$145,280	

Taxing Jurisdiction

Owner: SPINELLI DENNIS H
 % Ownership: 100.0000000000%
 Total Value: \$183,360

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$145,280	\$145,280	\$0.00
GKE	KENDALL COUNTY	0.370000	\$145,280	\$145,280	\$537.54
SCF	COMFORT ISD	1.170000	\$145,280	\$145,280	\$1,699.78
WCC	COW CREEK GROUNDWATER	0.005000	\$145,280	\$145,280	\$7.26
Total Tax Rate:		1.545000			

Taxes w/Current Exemptions: \$2,244.58
 Taxes w/o Exemptions: \$2,244.58

Improvement / Building

Kendall CAD/TAX

Property Search Results > 40569 SPINELLI DENNIS H for Year 2008

Property

Account

Property ID: 40569 Legal Description: A10401 SURVEY 561 J RAMIREZ, ACRES 34.3
 Geographic ID: 1-0401-0561-0011 Agent Code:
 Type: Real

Location

Address: 520 OLD #9 HIGHWAY Mapsco:
 Neighborhood: CF LAND TABLE PROPERTIES Map ID: CISD1-PL
 Neighborhood CD: CF

Owner

Name: SPINELLI DENNIS H Owner ID: 40806
 Mailing Address: 911 S MAIN ST % Ownership: 100.0000000000%
 BOERNE, TX 78006
 Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$293,590	\$1,860
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$293,590	
(-) Ag or Timber Use Value Reduction:	-	\$291,730	
<hr/>			
(=) Appraised Value:	=	\$1,860	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$1,860	

Taxing Jurisdiction

Owner: SPINELLI DENNIS H
 % Ownership: 100.0000000000%
 Total Value: \$293,590

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD APPRAISAL DISTRICT	0.000000	\$1,860	\$1,860	\$0.00
GKE KENDALL COUNTY	0.370000	\$1,860	\$1,860	\$6.88
SCF COMFORT ISD	1.170000	\$1,860	\$1,860	\$21.76
WCC COW CREEK GROUNDWATER	0.005000	\$1,860	\$1,860	\$0.09
Total Tax Rate:	1.545000			

Taxes w/Current Exemptions: \$28.74
 Taxes w/o Exemptions: \$28.74

Improvement / Building

No improvements exist for this property.

Kendall CAD/TAX

Property Search Results > 40571 SPINELLI DENNIS H for Year 2008

Property

Account

Property ID: 40571 Legal Description: A10921 SURVEY 180 A WEINHEIMER, ACRES .20
 Geographic ID: 1-0921-0180-0011 Agent Code:
 Type: Real

Location

Address: 520 OLD #9 HIGHWAY Mapsco:
 Neighborhood: CF LAND TABLE PROPERTIES Map ID: CISD1-PL
 Neighborhood CD: CF

Owner

Name: SPINELLI DENNIS H Owner ID: 40806
 Mailing Address: 911 S MAIN ST % Ownership: 100.0000000000%
 BOERNE, TX 78006
 Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$1,710	\$10
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$1,710	
(-) Ag or Timber Use Value Reduction:	-	\$1,700	
<hr/>			
(=) Appraised Value:	=	\$10	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$10	

Taxing Jurisdiction

Owner: SPINELLI DENNIS H
 % Ownership: 100.0000000000%
 Total Value: \$1,710

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$10	\$10	\$0.00
GKE	KENDALL COUNTY	0.370000	\$10	\$10	\$0.04
SCF	COMFORT ISD	1.170000	\$10	\$10	\$0.12
WCC	COW CREEK GROUNDWATER	0.005000	\$10	\$10	\$0.00
Total Tax Rate:		1.545000			
					Taxes w/Current Exemptions: \$0.15
					Taxes w/o Exemptions: \$0.15

Improvement / Building

No improvements exist for this property.



[Click Here for More Homes](#)

Candidate's residency questioned

By DAVE PASLEY -- Star Writer

Where is the residence of Boerne City Council candidate Dennis Arturo Hernandez Spinelli?

That's the question that has been crackling through the Boerne political grapevine for the last few weeks.

The simple answer to this not-so-simple question is that Spinelli resides at 911 South Main Street in Boerne, his registered voting address since 2003.

Asked to estimate the percentage of nights he sleeps in the ranch house he owns north of Comfort, Spinelli said, "Sixty percent in Comfort, 70 percent in Comfort, give or take. And, once again depending on the volume of business. If I've got a lot of business and I'm having a lot of things to do, then I spend more time (at the Boerne residence)."

"I spend 99 percent of my waking hours here in Boerne," Spinelli claims. "Where you spend the most time is where you should be qualified to serve."

Despite the paradox of Spinelli's candid admission regarding his sleeping arrangements, Boerne City Secretary Linda Zartler says, "There is nothing to indicate that he does not meet the City's residency requirements."

The applicable section of the Boerne City Charter states: "...each Council member must, at the time of taking office, have attained the age of 21 years and be a qualified voter. Each Council member must have been a resident for at least six (6) months."

Spinelli has signed a notarized application for a place on the May 13 ballot attesting to all of those criteria.

Furthermore, both Zartler and the Star have confirmed with

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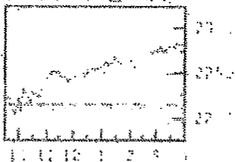
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go!

Enter symbol Get Quote

Symbol Lookup

NSDQ NYSE S&P 500



NSDQ	2284.85	
+69.14	(+3.12%)	
NYSE	8332.82	
+175.02	(+2.15%)	
S&P 500	1245.36	
+30.45	(+2.51%)	
AMEX	2129.89	
+5.69	(+0.27%)	
RUS 2K	686.75	
+24.40	(+3.68%)	
Crude Oil	134.62	
-4.12	(-2.97%)	
30YR Yield	4.58	
+0.13	(+2.92%)	

Quotes delayed at least 20 mins.

Market Summary

Market Movers

My Watchlist



**Boerne Star
Online Poll**

Have gas prices
changed your
summer vacation
plans?

Yes

the Kendall County Voter Registrar's Office the validity of Spinelli's voter registration. The Star also confirmed with the Registrar's Office that Spinelli has not registered to vote under any other combination of his four names in Kendall County.

"You make your decision where you want to be," Spinelli says. "And, like I said, since '98 this has been my voting residence. I have been loyal to Boerne since I got here and all my effort and time has been spent in the city of Boerne."

Informed later that there was no record of his having been registered to vote in Kendall County prior to 2003, Spinelli appeared genuinely surprised. Then, brightening, he said, "I'm a businessman, not a politician. I've been busy building my business."

Kendall Appraisal District records list Spinelli as the sole owner of the Main Street property. Spinelli told the Star he lives in an apartment on the premises, which also includes a restaurant and bar, and a 15-room motor inn. Spinelli declined the Star's request to photograph the interior of the residence.

Spinelli says he sought legal advice regarding his residency qualifications prior to filing for office and that he was assured he met the qualifications to run for city council.

He also pointed out that the first President Bush, father of the current President, claimed a hotel room in Houston as his official, voting residence for many years despite owning a large home in Maine.

Zartler says that, according to the Secretary of State's office, the only people who can challenge Spinelli's residency, prior to the election, are the four other candidates on the May 13 ballot. If Spinelli is elected, Zartler says the City Council could conceivably challenge his residency status when the votes are canvassed.

None of the residency issues pertaining to Spinelli's candidacy for the Boerne City Council seat appear to be directly related to the residential homestead exemption he claimed in 2004 and 2005 for a house on his 40-acre ranch north of Comfort.

But the homestead exemption on the ranch, which Spinelli bought in July 2002, does appear to cast doubt on his claim to have lived in Boerne "since 1998."

Spinelli filed an application with the Kendall Appraisal District (KAD) last week to transfer the homestead exemption to the Main Street property.

for S

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No

KAD Chief Appraiser Gary Eldridge said the law gives a property owner considerable leeway in claiming the homestead exemption, and that appraisal districts across the state traditionally defer to the property owner's decision.

"For people with multiple properties, our main concern is that they claim only one homestead exemption," says Eldridge.



Eldridge pointed out numerous situations where it is unrealistic - not to mention counterproductive - for an appraisal district to closely police homestead exemptions. Examples include people with multiple vacation homes who divide their time among the residences, people taking extended trips in travel trailers and people in nursing homes.

Eldridge said it is also not all that unusual for a homestead exemption to be claimed for the residential portion of a business property, as Spinelli has applied to do.

"It's not real common in a place like Boerne, like it would be in, say, New York City," says Eldridge, "but it happens here more than people might think."

The tax impact for Spinelli in transferring his homestead exemption to the Boerne property will likely be a wash. In fact, it could increase his total tax bill slightly if appraisers determine that his residence in the Main Street business has a value less than the \$15,000 exemption.

There will be no impact on the City of Boerne's tax revenues because the city does not grant homestead exemptions. The only taxing entities affected by Spinelli's request will be the Comfort and Boerne School Districts. Comfort ISD will gain \$15,000 in taxable value as a result of the change, while the Boerne ISD could lose as much as \$15,000.

"That is just a tax exemption and has nothing to do with politics," maintains Spinelli.

"We go back to what the law says; if you understand the law, this is not what everybody perceives it to be."

"I work here seven days a week; who better to be on city council?" he says during an interview in his restaurant at 911 South Main. "One of neatest things, if I win, is that I'm accessible to people. I feel with my understanding of business I can be an asset to the community."

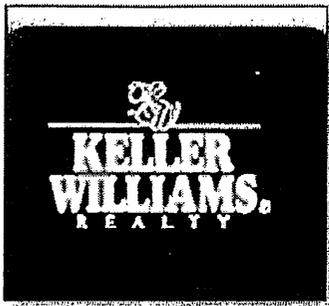
Another thing Spinelli has in common with the first President

Bush is two middle names, which he seems to use interchangeably but not simultaneously. He is listed on the tax rolls as Dennis H. Spinelli, but will appear on the May 13 City Council ballot as Dennis A. Spinelli.

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San Antonio IH-10

The San Antonio Realty Leader

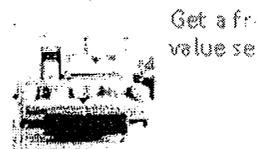


- Home
- Open House
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- About Area
- Our Associates
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Min Price: No Minimum
 Max Price: No Maximum
 City: _____
 State: _____ Zip/Postal Code: _____
 Submit

Find your Home



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Property Details for Listing #709330

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San Antonio IH-10

10999 IH-10 West #175 San Antonio, TX 78230-1349

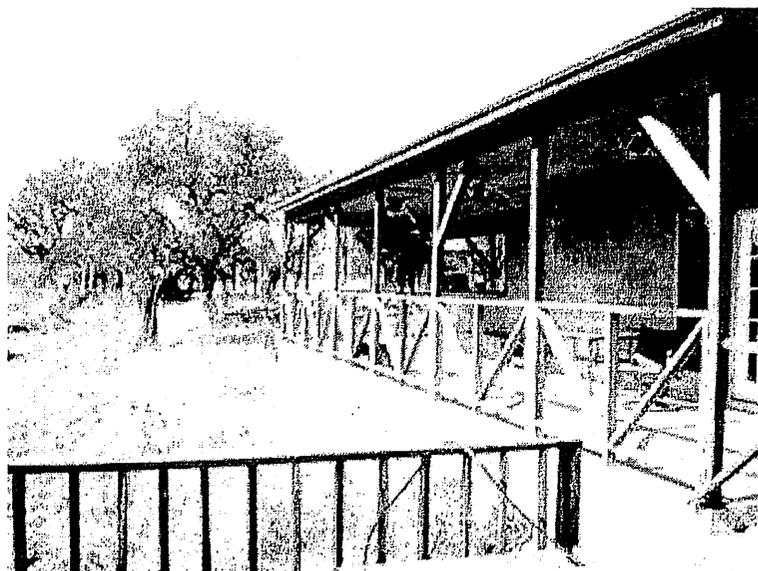
Office Email

Phone: 210-696-9996

Fax: 210-696-9981 Team Leader: Wendi Harrelson



Each Office Independently Owned and Operated



porch

520 OLD #9 RC Comfort, TX 78

>> map it

\$649,000

>> mortgage calc

bed/bath: 3/1

Tools

- >> save this listing
- inquire about listing
- request a showing
- >> email listing

View Full-Sized Photo Slideshow



Description: Cleared, Wooded, Pasture

PROPERTY DETAILS:

Property Type: Farm/Ranch
Type: Farm/Ranch
Class: Farm Ranch
Area Number: 2500
Present Use: Recreational, Residential
Year Built: 1999
Accessibility: First Floor Bedroom, First Floor Bath
Type of Construction: Metal, Frame
Shallow Water: 1 Well
Sewer: Private, Septic
Utilities Available: High Speed Internet, Telephone, Electricity
Utilities On Site: Water, Telephone, Electricity
Acres: 39.30
Documents available: Photos, Brochure, Survey
Mineral Rights: All Conveyed

FEATURES & AMENITIES:

Amenities: Cross Fenced, Fenced, Cabana, Storage Building, Loafing Shed, Hay

ROOM INFORMATION:

Bedrooms: 3
Total Full Baths: 1

SCHOOL INFORMATION:

Elementary School: Comfort
High School: Comfort
Middle School: Comfort
School District: Comfort

FINANCIAL INFORMATION:

Listing Price: \$649,000
Price/Acre: \$13,461
School Tax: \$3,278
Other Tax: \$14

Documents

Disclosure Statement

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Property Details for Listing #709330

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Agent Info



[>> email](#)
[>> visit website](#)

Sally A. Taylor

830-816-5310

Service by [mlsfinder.com](#) © 2008 WolfNet Technologies, I



[Office Intranet](#)



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ATTACHMENT 'D'

South Texas Watermaster Complaint/Inquiry Form

NO. JJ08025

1. Date: 11/29/07
2. Staff Accepting: John Paul Jones – Deputy Watermaster
3. Entity Name: Block Creek Concrete Products
4. Telephone No. 995-3189
5. Address: 444 old # 9
Comfort, Kendall County, Texas

Summary of Complaint/Inquiry: On November 29, 2007, Deputy Watermaster John Paul Jones, of the South Texas Watermaster Program, TCEQ, San Antonio Region, Bandera Field Office, received an anonymous inquiry from a concerned property owner along Block Creek in Kendall County. Their concern is about possible dumping into the creek by the Block Creek Concrete Products Company.

Summary of Investigation - Action taken: On December 3, 2007, Deputy Watermaster John Paul Jones conducted a site investigation at Block Creek Concrete Products, Physical address being: 444 Old # 9, Kendall County, Texas. Once on location, a short meeting with the owners Mr. and Mrs. Seidensticker took place, in which it was established that Block Creek Concrete products was using ground water and not surface water in the manufacturing of their product. During the site investigation there was no visible indication of washing of equipment on the grounds, nor any material being dumped or discharged into or along Block Creek. During the investigation there was no visible sediment load within the creek.

Conclusion/Referred to: At the time of the investigation no visible violations under the Texas Water Code were noted. No further action taken. Inquiry closed.

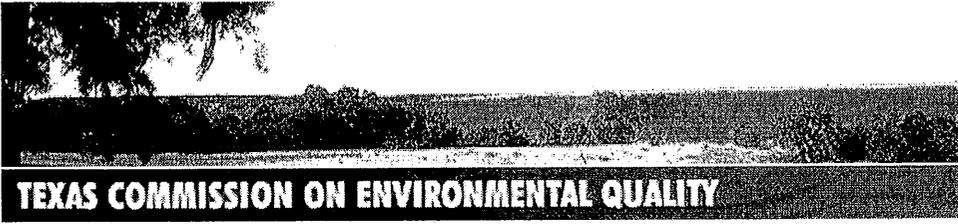
Date Forwarded to SA office: 11/29/07

Date Closed:

INQUIRY

INQUIRY INVESTIGATION XX
(Requires Site Visit)

COMPLAINT



SITE SEARCH:

please enter search phra

SUBJECT INDEX

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> [Agency Organization Map](#)

>> [Questions or Comments:](#)

oce@tceq.state.tx.us

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Complaint Status

Complaint Tracking #: **111383**

Complaint Received Date: 06/19/2008

Number Complaining: 2

Status: CLOSED

Status Date: 07/22/2008

Nature: STORMWATER

Frequency: CURRENT

Duration:

Media: WATER

Program: WATER QUALITY - HIGH LEVEL

Priority: Within 30 Calendar Days

Effect: ENVIRONMENTAL
PROPERTY

Receiving Water Body: 1806 Guadalupe River Basin

Regulated Entity: BLOCK CREEK CONCRETE PRODUCTS

County: KENDALL

Description:

The investigation/ incident were initiated by a referral made by the office of Senator Wentworth. In addition a second complaint was received from a private residence alleging that concrete is being discharged from the BCCP facility and washed 2.5 miles downstream, concrete deposits are being found on complainant's property near the creek.

Comment:

After reviewing the pictures and the sample submitted from the second complainant, it was determined that deposits are naturally occurring clay deposits. The sample when wetted quickly fell apart. When the sample was drained of excess water it became easily malleable and could be rolled into a ribbon; which is characteristic of high clay content. Concrete would not have fallen apart in solution. In addition all BCCP products contain mesh fiber, the sample did not.

Action Taken:

On May 22, 2008 a complaint investigation was conducted at the Block Creek Concrete Products (BCCP) site. The purpose of the investigation was to ascertain compliance with applicable storm water regulations. The regulated entity contact is Mr. Burt Seidensticker, Owner/Operator. During the exit interview Mr. Seidensticker was asked to send copies of the NOI, copies of the check for the STW permit and a current site map to the San Antonio Region Office. No violations of the Storm Water program were found during this investigation. A General Compliance letter was sent to the regulated entity.

[View Investigation Details](#)

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ATTACHMENT 'E'

P.2
830-990-5095
H C L S
Jul 22 08 04:06P
P.1
830-990-5095
H C L S
Jul 22 08 04:06P

HARRY SEIDENSTICKER AND
MARY LOUISE SEIDENSTICKER
REMAINDER OF 578 ACRES
VOL. 93, PGS. 385-389
DEED RECORDS

H.E.&W.T.R.R.CO.
SURVEY NO. 185
ABSTRACT NO. 659

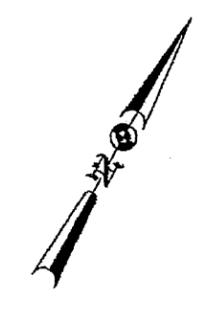
C.C.S.D.&R.G.
N.G.R.R.CO.
SURVEY 183
ABSTRACT NO. 694

SEIDENSTICKER AND
LOUISE SEIDENSTICKER
REMAINDER OF 197.5 ACRES
VOL. 93, PGS. 385-389
DEED RECORDS

J. RAMIRES
SURVEY NO. 561
ABSTRACT NO. 401
(APPX. 27.524 ACRES)

MICKY V. BUSH, M.D.
45.93 ACRES
VOL. 615, PGS. 470-474
OFFICIAL RECORDS

- LEGEND
- FOUND 1/2" STEEL ROD
 - SET 1/2" STEEL ROD
 - ☐ MAILBOX
 - ⊙ POWER POLE
 - X- WIRE FENCE
 - OHE- OVERHEAD ELECTRIC
 - EDGE OF PAVEMENT
 - POB POINT OF BEGINNING



Scale: 1" = 200'

DENNIS H. SPINELLI
39.315 ACRES
VOL. 742, PG. 573
OFFICIAL RECORDS

J. RAMIRES
SURVEY NO. 561
ABSTRACT NO. 401

APPROXIMATE LIMITS
OF FLOOD ZONE A
AS SCALED FROM FEMA
MAP 480417 0025 B
DATED JUNE 17, 1986

HARRY SEIDENSTICKER &
MARY LOUISE SEIDENSTICKER
REMAINDER OF 197.5
ACRES
VOL. 93, PGS. 385-389
DEED RECORDS

37.354 ACRES

Plant Site

M.M. FLORES
SURVEY NO. 556
ABSTRACT NO. 174
(APPX. 6.323 ACRES)



ADDRESS:
444A OLD #9 HWY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
ON THE GROUND, THAT THIS PLAT CORRECTLY
REPRESENTS THE FACTS FOUND AT THE TIME OF
THIS SURVEY AND THAT THERE ARE NO VISIBLE
EASEMENTS OR ENCROACHMENT OF IMPROVEMENTS
EXCEPT AS SHOWN HEREDN.

Brad Bryan Spenrath
BRAD BRYAN SPENRATH
REGISTERED PROFESSIONAL LAND SURVEYOR
5357
TEXAS REGISTRATION NO.

DATE: FEBRUARY 4, 2004
REVISED: 10 APRIL 2007
JOB #: 04-5025

HILL COUNTRY LAND SURVEYING, LLC
110 NORTH MILAM STREET
FREDERICKSBURG, TEXAS 78624
PHONE: (830) 990-2665

NOTE:
1) BASIS OF BEARING WAS ESTABLISHED FROM A SOUTH BOUNDARY LINE OF
A 39.315 ACRE TRACT RECORDED IN VOLUME 742, PAGE 573,
OFFICIAL RECORDS, KENDALL COUNTY, TEXAS.
2) A FIELD NOTE DESCRIPTION OF THE ABOVE SHOWN TRACT WAS PREPARED.
PLAT SHOWING: A 37.354 ACRE TRACT OF LAND COMPRISING APPROXIMATELY
6.323 ACRES OUT OF THE M.M. FLORES SURVEY NO. 556, ABSTRACT NO. 174,
APPROXIMATELY 27.524 ACRES OUT OF THE J. RAMIRES SURVEY NO. 561,
ABSTRACT NO. 401, APPROXIMATELY 2.178 ACRES OUT OF THE ANTON
WEINHEIMER SURVEY S.F.NO. 55204, ABSTRACT NO. 921, AND APPROXIMATELY
1.329 ACRES OUT OF THE H.E.&W.T.R.R.CO. SURVEY NO. 185, ABSTRACT NO.
653, SAID 37.354 ACRE TRACT BEING A PORTION OF THAT CERTAIN 197.5
ACRE TRACT AND THAT CERTAIN 578 ACRE TRACT OF LAND CONVEYED TO
HARRY SEIDENSTICKER AND MARY LOUISE SEIDENSTICKER BY DEED RECORDED
IN VOLUME 93, PAGES 385-389, DEED RECORDS, KENDALL COUNTY, TEXAS.