

**CITY OF SAN ANTONIO**  
**Board of Adjustment**  
**Regular Public Hearing Agenda**

Cliff Morton Development and Business Services Center  
1901 South Alamo Street  
Board Room, First Floor

**Tuesday, May 26, 2009**  
**2:00 PM**

**BOARD OF ADJUSTMENT MEMBERS**

Liz Victor – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
George Alejos – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10 Chairman	
Maria Cruz	Mimi Moffat
Henry Rodriguez	Pete Vallone
Rollette Schreckenghost	Narciso Cano

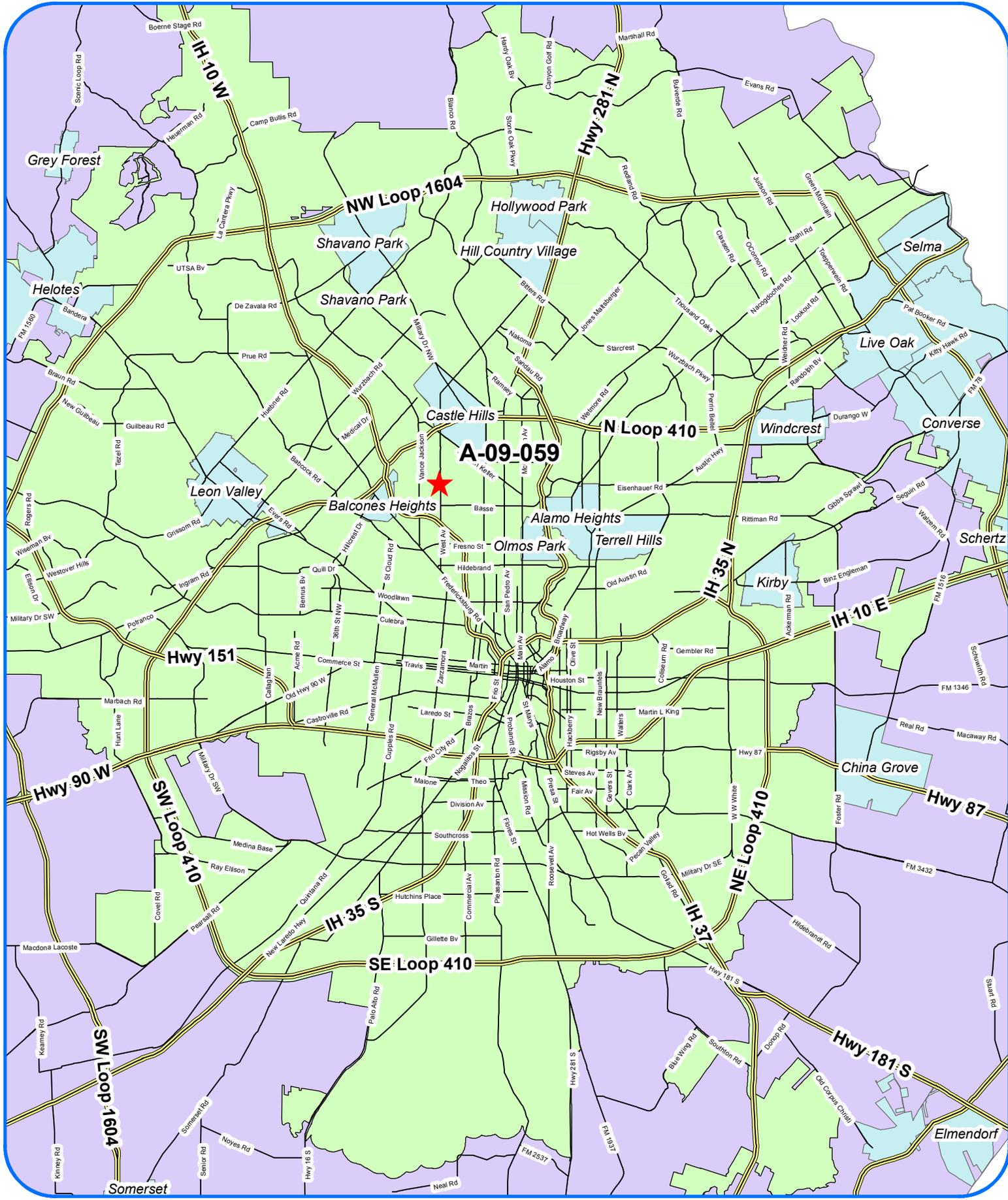
1. 2:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-09-059:** The request of the City of San Antonio. In accordance with Section 406 of the Unified Development Code (Chapter 35), The Director of the Planning and Development Services Department is recommending that the Board of Adjustment take action to terminate the Certificate of Occupancy of Club Babylon., 3625 West Avenue.
5. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
6. Adjournment

**Note:** The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: [www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)

At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

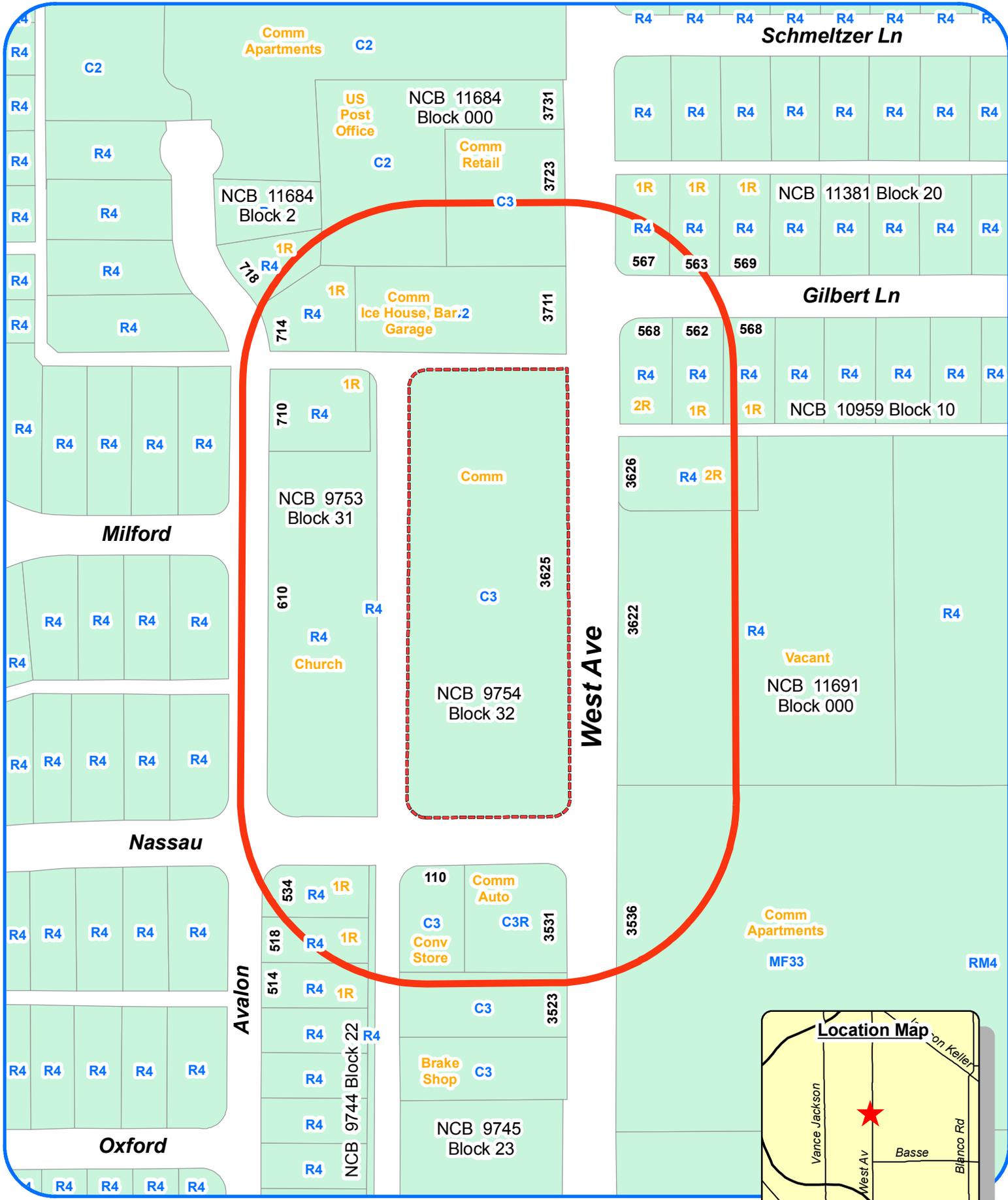
**ACCESSIBILITY STATEMENT**

This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



**Board of Adjustment**  
**Subject Property Locations**  
**Cases for Special Meeting May 26, 2009**



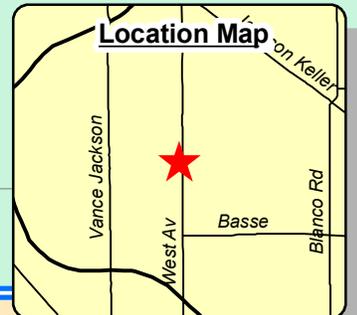


**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-059**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 1



# CASE NO: A-09-059

Board of Adjustment – May 26, 2009

**Applicant:** City of San Antonio

**Owner:** Club Babylon, LLC.

**Request(s):** In accordance with Section 406 of the Unified Development Code (Chapter 35), The Director of the Planning and Development Services Department is recommending that the Board of Adjustment take action to terminate the Certificate of Occupancy of Club Babylon.

**Legal Description:** Lot 1, Block 32, NCB 9754

**Address:** 3625 West Avenue

**Zoning:** "C-3" General Commercial District

**Neigh. Assoc:** Dellview Area Neighborhood Association

**Neigh. Plan:** Greater Dellview Area Community Plan

**Applicable Section of City Code:**

**35-406 (a) Revocation of Permit or Approval:** The department of code compliance shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the director of development services who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. Should the director of development services determine that a termination or suspension of a permit is appropriate, a recommendation, including the reason(s) for the his determination, shall be made to the board of adjustment who shall conduct a public hearing on the matter.

**Background:** The Director of the Planning and Development Services Department has initiated procedures to revoke the Certificate of Occupancy (herein referred to as CofO) for Club Babylon, a nightclub on the City's north side. The nightclub (herein referred to as club) is zoned C-3, which is a heavy commercial district and allows a number of uses, including a nightclub. The club is addressed at 3625 West Avenue and is located within a suite of the West Plaza Shopping Center. This portion of West Avenue has a mixture of uses, including Auto Sales and Repair, Multifamily Complexes, and the side-yards of single-family residences, which are fronting on local streets.

The Director has initiated the procedures, as delineated in Section 406 of the City's Unified Development Code (herein referred to as UDC), due to numerous violations of the business's CofO.

The business owner of the club applied for, and received, a CofO numbered 138431, dated June 28, 2007 for a "nightclub with live entertainment – alcohol will be consumed but not sold" (see Attachment #1). Upon applying for a CofO for this type of use (a use that could potentially be sexually oriented in nature), the City of San Antonio requires that the applicant indicate if the business will be operated as an "Adult Entertainment Establishment" and requires that an affidavit be submitted with the CofO application. This affidavit (see Attachment #2) certifies that the applicant is aware of the regulations regarding sexually oriented businesses and that their proposed use will not violate said regulations (see Attachment #3 for regulations regarding sexually oriented businesses and UDC definition). The business owner provided the aforementioned

application and affidavit, which are attached to this staff report (see Attachment #4), and were signed on June 6, 2007.

It appears that soon after receiving their CofO and commencing operation, the club began to operate outside the scope of their CofO; as a sexually oriented establishment, in violation of city code. The San Antonio Police Department has provided Planning and Development Services Staff a number of examples of this class of violations (see Attachments #5-6), to include:

- 08/05/08 – Operating outside the scope of the CofO (Sexually Oriented Business):  
Topless Dancing
- 03/17/09 – Operating outside the scope of the CofO (Sexually Oriented Business):  
Sexual Performance of a Child (16 y/o)

Additionally, violations of other city ordinances and laws may be grounds for the revocation of a CofO (see Attachments 7-8).

- 01/26/08 – Minors (3) In Possession of Alcohol in Club. Additionally, did not have appropriate Billiard Hall Tax Permit (Chapter 16 of City Code)
- 03/08/08 – Minors (2) In Possession of Alcohol in Club

**Recommendation:** According to section 406 of the Unified Development Code and Section 110.4 of the International Building Code, the Director is authorized to suspend or revoke a permit due to a violation of any ordinance or regulation. This business has been operated, as evidence by the numerous examples of violations, in clear disregard of their CofO and other city ordinances and laws. Further, according to Section 388 of the UDC, this location is inappropriate for a sexually oriented business because it is within one-thousand (1,000) feet of protected land uses; those being single-family residential uses and/or zoning districts and property devoted to a church (Gethsemane Lutheran Church, located at 610 Avalon; property located to the immediate west).

Staff recommends that the Board support the Director's recommendation and revoke the certificate of occupancy of Club Babylon.

**Case Manager:** Rudy Nino, Jr., Senior Planner (210) 207-8389

**Attachment #1**

NO. 1378431

CITY OF SAN ANTONIO, TEXAS  
DEVELOPMENT SERVICES DEPARTMENT

DATE: 06/28/2007

## CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 3625 WEST AVE

Lot: 1

Block: 32

NCB: 9754

has been inspected and the following occupancy thereof is hereby authorized:

Occupant Group: A2

Occupant: CLUB BABYLON

Occupant Load: 600

Description of Business: NIGHT CLUB WITH LIVE ENTERTAINMENT- ALCOHOL WILL BE  
CONSUMED BUT NOT SOLD

DBA Name: BLUB BABYLON



DIRECTOR OF DEVELOPMENT SERVICES

**CITY OF SAN ANTONIO, TEXAS  
DEVELOPMENT SERVICES DEPARTMENT**

**3625 WEST AVE**

**SAN ANTONIO TX 78213-0000**

**MAXIMUM OCCUPANT LOAD**

**600**

06/28/2007

NO. 1378431

*Roder A. S...*

DIRECTOR OF DEVELOPMENT SERVICES

**Attachment #2**

**Adult Entertainment Establishment**  
**AFFIDAVIT**

I, HIS MAJESTY SAINT ADAMS certify that I am cognizant of the requirements of Ordinance 82135 dated April 27, 1995 and Ordinance 87443 dated February 26, 1998. These Ordinances regulate the locations available for Sexually Oriented Businesses by requiring a 1000' (feet) or more from other Sexually Oriented Businesses and 1000' feet or more from Residential Property, Religious Worship Facilities, Schools, and parks. My application for a certificate of occupancy at 3625 West Avenue does not violate the provisions of the aforementioned Ordinance under Section 35-Apendex A, (definitions) and C (Fees), Sections 35-392, 35-497, and Section 35-709 of the Unified Development Code.

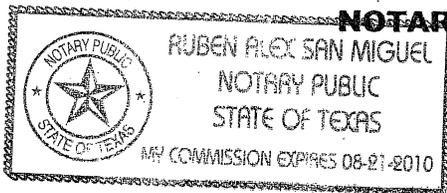
HIS Majesty USA  
Signature

STATE OF TEXAS }  
                                  }  
COUNTY OF BEXAR }

BEFORE ME, the undersigned authority on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is signed to the foregoing affidavit and sworn by me, states under oath that all of the facts therein set forth are true and correct.

SWORN TO BEFORE ME, this 6 day of June, 2008.

Ruben Alex San Miguel  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



**Attachment #3**

### Attachment #3

Sec. 35-388. Sexually Oriented Business Regulations.

These regulations are authorized by V.T.C.A. Local Government Code Ch. 243.

(a) **Applicability.** These regulations shall apply to all sexually oriented businesses operating on or after the effective date of this chapter. Further, any sexually oriented business annexed by the city after the effective date of this chapter shall be subject to all the requirements of this section. Existing sexually oriented businesses shall refer to this section and to nonconforming use regulations (article VII, division 1 of this chapter) to determine their appropriate classification.

(b) **Property Uses Requiring Separation.** Notwithstanding any provision of this chapter to the contrary, it shall be a violation to use or occupy land or a building for the purpose of operating or maintaining a sexually oriented business within one thousand (1,000) feet from property (referenced within this section as protected property, "protected use" or "protected zone") that is described as follows:

- (1) Another sexually oriented business;
- (2) Any property located within an "RP" or a residential zoning district, whether temporary or permanent, or devoted to a residential use, including any land zoned for one (1) of the aforementioned residential uses which is also described as a planned unit development or traditional neighborhood development, but excluding airports;
- (3) Any property devoted to church, synagogue, mosque, or other religious worship facility used primarily for religious worship;
- (4) Any public or private elementary, secondary or high school; or
- (5) Any public park.

(c) **Method of Measurement and Survey Requirements.**

- (1) **Sole Tenant.** Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot on which the sexually oriented business is located, to the nearest property line of the protected properties described in the above subsection (a), which requires separation. This method of measurement shall apply to a sexually oriented business which is the sole tenant, within one (1) building, located on one (1) platted lot.
- (2) **Multiple Tenants.** Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the occupied space of the sexually oriented business to the nearest property line of the protected property described in the above subsection (a) which requires separation. This method of measurement shall apply to a sexually oriented business which is a tenant within a multiple tenant building.
- (3) **Easements Excluded.** In calculating the distances described in subsections (b)(1) and (b)(2) above easements (such as right-of-way, drainage and utility easements) that are zoned as, or abut, a protected property classification, shall not be considered as part of the protected property.
- (4) **Surveyor.** A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with (1) and (2) of this subsection shall be

submitted to the director of development services for all sexually oriented businesses as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.

(d) Downtown District Prohibition. In addition to the location restrictions of subsection (a), it shall be a violation to operate, own, manage, or maintain a sexually oriented business within the "D" downtown district.

(e) Nonconforming Rights. See section 35-708 of this chapter.

(1) Annexation. Any sexually oriented business annexed by the city after the effective date of this chapter shall be subject to all the requirements of this section.

(f) Certificate of Occupancy. See subsection 35-424(c) for procedures for issuance of a certificate of occupancy for a sexually oriented business.

(g) Violations Subject to Criminal and Civil Penalties. See section 35-497 of this chapter.

(Ord. No. 98697 § 4 and 6) (Ord. No. 101816, § 2, 12-15-05)

## Attachment 3 (cont.)

### APPENDIX A DEFINITIONS AND RULES OF INTERPRETATION

Sexually oriented business. Includes any of the land uses defined as follows:

(1) Adult arcade means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are designed and maintained to show images to five (5) or fewer persons per machine or device at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) Adult bookstore means an adult bookstore, adult novelty store, or adult video store where more than twenty (20) percent of its inventory (that is offered for sale, rental or viewing for any form of consideration to on-premises customers) or floor space consists of one (1) or more of the following:

(a) Books, magazines, or sound recordings, or printed, visual or audio material of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or

(b) Non-contraceptive instruments, devices, toys, or paraphernalia designed for use in connection with specified sexual activities, books, magazines, pamphlets, pictures, drawings, photographs, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which, because of the depiction or description of specified sexual activities in the materials offered for sale, is restricted to adults. Novelty items designed as sight gags, advertised as such and not designed or advertised for sexual activity, are not instruments or devices as defined and regulated herein.

(3) Adult entertainment establishment means a nightclub, bar, restaurant "bottle club", "men's club", "gentlemen's club", "cabaret" or similar place of business, or portion thereof where live entertainment is provided for patrons, whether or not alcoholic beverages are served which features as a significant portion of the entertainment an emphasis on the exhibition, depiction, or description of specified anatomical areas or specified sexual activities; or a place where entertainment is provided to patrons wherein, because of the nudity or semi-nudity of person(s) employed by or associated with the operation of the business, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.

(4) Adult motel means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, in any form of consideration, which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photography reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and (b) which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets, leaflets, radio, or television.

(5) Adult motion picture theater means a business place where one (1) or more films, videos, slides, motion pictures, or similar photographic reproductions are shown that have as a dominant theme, or are distinguished by, an emphasis on the depiction or description of specified sexual activities for observation by patrons or guests, and where admittance to such showings are restricted to adults.

(6) Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features employees,

volunteer patrons, or independent contractors, who appear nude or semi-nude and/or engage in specified sexual activity, or live performances which are characterized by exposure of specified anatomical areas or engagement in specified sexual activities.

(7) Massage parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of, or in connection with, such treatment, manipulation, or service related thereto, exposes specified anatomical areas. The definition of a massage parlors shall not include the practice of massage in any licensed hospital, nor by a licensed massage therapist, hospital, licensed physicians, surgeons, chiropractor, osteopath, nurse, technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers of any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

(8) Sexual encounter establishment means any business or commercial establishment that, as of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas when one (1) or more of the persons is in a state of nudity or semi-nudity. The definition of sexual encounter establishment shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or medical professional, licensed by the state engages in medically approved and recognized therapy or treatment.

(9) Nude modeling studio means any place where a person who, for money or any form of consideration, appears in a state of nudity or displays specified anatomical areas, to be observed, sketched, drawn, painted, sculptured, photographed, or otherwise depicted by other persons. This definition shall not include nude modeling by an adult that occurs in conjunction with art classes of a university, college, or any art class supervised by an art instructor paid by an arts school.

(10) Nudity attraction establishment means any place of business where nudity or semi-nudity is regularly or routinely advertised as a characteristic of the business or which regularly attracts patrons with nudity or semi-nudity.

Additional definitions are as follows:.

(11) Specified anatomical areas means the human genitals, crevice of the buttocks, pubic region, anus, and the areola of the post puberty female breast.

(12) Specified sexual activity means actual and simulated human genitals in a state of sexual stimulation or arousal, actual or simulated human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, fondling or other erotic touching of human genitals, pubic region, buttock or female breast, and excretory functions as part of or in connection with the above described activity.

(13) Nude or nudity or state of nudity means a state of dress which fails to cover the human anus, genitals, pubic region, and the areola of the post puberty female breast.

(14) Semi-nude or semi-nudity or state of semi-nudity means a state of dress which fails to fully opaquely cover the crevice of the human buttocks, genitals, pubic region, and the post puberty female breast areola.

(15) Negative secondary effects means any one (1) of the following conditions caused by geographic proximity to a sexually oriented business:

(a) Depreciation in surrounding property values; and/or

(b) Violations of law not limited to but including: indecent exposure, drug use, prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials, possession and distribution of controlled substances, public intoxication, disturbing the peace, and/or

(c) Adverse impact upon the City of San Antonio's central business district as a family oriented vacation destination.

Sexually oriented business regulations. See section 35-391 of this chapter.

**Attachment #4**



**CITY of SAN ANTONIO**  
 Development Services Department  
 1901 S. Alamo  
 San Antonio, Texas 78204

1378431  
 Telephone Number (210) 207-1111  
 www.sanantonio.gov/onestop

Revised 04/2004

PLEASE PRINT. THE FOLLOWING INFORMATION PERTAINS TO THE BUSINESS THAT WILL BE OPERATING AT THIS LOCATION.

Date: 6/06/07	Address: 3625 West Avenue, S.A TX 78213	Bldg:	Suite:
Owner of the Business: BABYLON CLUB, LLC		Name of the Business: DBA: CLUB BABYLON	
Type of Business: NIGHT CLUB with Live Entertainment		Is a BUILDING PERMIT required in conjunction with this application? YES [ ] or NO [X] If yes, what is the AP#	

NOTE: IF THERE IS ONGOING CONSTRUCTION (Building, Electric, Plumbing, Mechanical, etc.), GO TO CUSTOMER SERVICE FOR CLEARANCE PRIOR TO APPLYING.

**Certificate of Occupancy Application**

- |   |     |                                  |              |
|---|-----|----------------------------------|--------------|
| 1. FOOD, DRINKS, CHILDCARE OR NURSING HOME?             | YES | <input type="radio"/>            | (CIRCLE ONE) |
| 2. ALCOHOL SALES?                                       | YES | <input checked="" type="radio"/> | (CIRCLE ONE) |
| 3. SEXUALLY ORIENTED BUSINESS?                          | YES | <input type="radio"/>            | (CIRCLE ONE) |
| 4. IS THIS BUSINESS CURRENTLY IN OPERATION?             | YES | <input type="radio"/>            | (CIRCLE ONE) |
| 5. WILL THERE BE ANY GAMING DEVICES IN USE?             | YES | <input type="radio"/>            | (CIRCLE ONE) |
| 6. ARE THERE ANY EXISTING SIDEWALKS?                    | YES | <input type="radio"/>            | (CIRCLE ONE) |
| 7. IS THIS A CHANGE OF USE OF THE BUILDING OR SITE? YES | YES | <input type="radio"/>            | (CIRCLE ONE) |

ALCOHOL consumption (CIRCLE ONE)

IF THIS IS A CHANGE OF USE, PROVIDE THE FOLLOWING INFORMATION:

\*CHANGE OF USE APPLICATIONS MAY REQUIRE ADDITIONAL PERMITS AND/OR SUBMITTAL OF CONSTRUCTION PLANS\*

WHAT WAS THE PREVIOUS USE? \_\_\_\_\_  
 WHAT IS THE TOTAL SQUARE FEET OF THE PROPOSED NEW USE? \_\_\_\_\_  
 HOW MANY EXISTING PARKING SPACES? \_\_\_\_\_ HOW MANY HANDICAP SPACES? \_\_\_\_\_  
 IS THE EXISTING PARKING AREA ASPHALT? \_\_\_\_\_ CONCRETE? \_\_\_\_\_ OTHER? \_\_\_\_\_  
 ARE YOU ADDING OR ALTERING ANY WALLS? \_\_\_\_\_ ADDING NEW ELECTRICAL? \_\_\_\_\_  
 ADDING NEW PLUMBING? \_\_\_\_\_ ADDING NEW MECHANICAL? \_\_\_\_\_ ADDING OTHER? \_\_\_\_\_

**REQUIRED PARKING BASED ON SQUARE FEET** \_\_\_\_\_

IF YOUR ANSWER IS YES TO QUESTIONS 1, 2, 3, OR 5, THEN ADDITIONAL INFORMATION, FORMS, APPLICATIONS, LICENSES AND/OR AFFIDAVITS MAY BE REQUIRED.

COMPLETE MAILING ADDRESS:

NAME: CLUB BABYLON  
 STREET: 3625 West Avenue  
 CITY: SAN ANTONIO, ZIP CODE: TX 78213  
 CONTACT PERSON'S NAME/TELEPHONE NUMBER: JOSE MATA (210) 396-9209  
 APPLICANT'S NAME (PRINT): HIS MAJESTY SAINT ADAMS  
 APPLICANT'S SIGNATURE: His Majesty USA  
 DATE: 6/06/07

PRO-RATED C OF O

USE: \_\_\_\_\_ OCCUPANT LOAD: \_\_\_\_\_ OCCUPANT GROUP: \_\_\_\_\_ FEES: \_\_\_\_\_

INSPECTIONS: 03 APPLICANT ID NO. \_\_\_\_\_ CSR: ACB0230

AN APPLICATION FOR A CERTIFICATE OF OCCUPANCY MUST BE MADE IN PERSON.  
 FAILURE TO SUBMIT ACCURATE INFORMATION MAY RESULT IN A PROCESSING DELAY.

REVISED 08/2003  
 COSA/DSD

**Attachment #5**

DATE: 08-05-08 SAN ANTONIO POLICE DEPARTMENT PAGE ONE  
TIME: 2304 OFFENSE/INCIDENT REPORT CASE: 80600616/01

OFFENSE DESCRIPTION LOCATION OF OFFENSE DATES OF OCCURRENCE  
VIOLATION OF CITY ORDINANCE 03625 WEST AV FROM: 08-05-08 2145  
TO:

REPORTING OFFICER TYPE PREMISE WEATHER: WARM / DRY  
2283 MISEK, PHILLIP W

COMPLAINANT TITLE RAC SEX ID? DATE-OF-BIRTH  
MISEK, P. #2283

ARRESTED PERSON(S) RAC SEX AGE DATE-OF-BIRTH  
WILLIAMS, RODNEY CRAIG W M / 10-21-75

ADDR: 08358 WINDWAY DR WINDCREST TX  
CAINE, DAWN W F / 04-03-80  
ADDR: 01638 JACKSON KELLER 114 SAN ANTONIO TX

DETAILED DESCRIPTION OF OFFENSE  
NOTIFIED OF PROVISIONS OF TEXAS CRIME VICTIM ACT: C. W1. AND W2 ARE ASSIGNED TO THE SAPD VICE UNIT. ON THE LISTED DATE AND TIME WE ARRIVED AT THE LOCATION CLUB BABYLON, TO CONDUCT A COMMERCIAL BUILDING INSPECTION. I CONTACTED THE API WHO WAS THE MANAGER/PERSON IN CHARGE AND EXPLAINED OUR REASON FOR BEING THERE. DURING THE INSPECTION, I FOUND THE SIDE EXIT DOOR LIGHT WAS INOPERATIVE. I ISSUED THE API MISDEMEANOR CITATION X1134834 FOR THE VIOLATION AND RELEASED HIM WITHOUT INCIDENT. IN ADDITION, W1 AND W2 OBSERVED THE 2 FEMALES DANCING ON THE STAGES DID NOT HAVE THE REQUIRED LATEX COVERINGS ON THE AREOLA AREA OF THE BREAST. BOTH FEMALES WERE CHECKED FOR WARRANTS. AP2 CAME BACK

WITH THE BELOW LISTED ACTIVE MUNICIPAL COURT WARRANTS AND 2 ACTIVE BEXAR COUNTY WARRANTS. THE AP2 WAS TRANSPORTED TO 401 S FRITO WHERE THE WARRANTS WERE CONFIRMED.

- API CHARGES - MISDEMEANOR CITATION X1134834 - FIRE EXIT LIGHT INOPERATIVE
- AP2 CHARGES - MUNICIPAL COURT WARRANTS N545990A, N545990B, N921763C
- BCSO WARRANT # 1241366 - ESCAPE FROM CORRECTION FACILITY
- BCSO WARRANT #1241799 - POSS CS PGI LESS THAN 1 GRAM

80 600606/01

Form # 11 Form Size 93x66 Data Page 85x66 Text Offset 6. 2. 10cPL6UP

**Attachment #6**

03-17-09 1915

PAGE 01 OF 03  
EXTRA COPY

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

CASE NO: 90 177893/01

\*\*\*\* REPORT FINALIZED \*\*\*\*

INVESTIGATIVE UNIT: SEX CRIMES

REPORTING OFFICER: 2283 MISEK, PHILLIP W

O F F E N S E I N F O R M A T I O N

OFFENSE: 360113 SEXUAL PERFORMANCE BY CHILD  
890926 VIOLATION OF CITY ORDINANCE

DATES OF OCCURRENCE  
TUE 03-10-09 2250

OFF. LOC : 03625 WEST AV  
DISTRICT : 7290

WEATHER: COOL / DRY  
TITLE R/S ID? DOB

COMP. NAME: CASIAS, P. #2300  
RES ADDR: 00000  
CITY/ST:  
BUS ADDR: SAPD-VICE  
CITY/ST: SAN ANTONIO TX

APT NO.:  
APT NO.:

AC/PHONE: / -  
AC/PHONE: 210 / 207-2370 B

CALL# DETECTIVES ASSIGNED BADGE CALL# DETECTIVES ASSIGNED BADGE

ARRESTED PERSON 01

CODE NAME  
AP01 ALVARADO, MANUEL  
ADDR: 08715 DATAPOINT  
SAN ANTONIO TX

1808  
CHARGES: SEXUAL PERFORMANCE BY A CHILD

NICKNAME/ALIAS

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L M / 11-10-72 / /230 BROWN BROWN

W I T N E S S E S A N D O T H E R S

CODE  
C NAME: CASIAS, P. #2300  
RES ADDR:  
CITY/ST:  
BUS ADDR: SAPD-VICE  
CITY/ST: SAN ANTONIO TX

APT NO.:  
APT NO.:

TITLE R S ID? DOB  
AC/PHONE: / -  
AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

CODE  
W01 NAME: MISEK, P. #2283  
RES ADDR:  
CITY/ST:  
BUS ADDR: SAPD-VICE  
CITY/ST: SAN ANTONIO TX

APT NO.:  
APT NO.:

AC/PHONE: / -  
AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

CODE  
W02 NAME: MARKS, A. #2136  
RES ADDR:  
CITY/ST:  
BUS ADDR: SAPD-VICE  
CITY/ST: SAN ANTONIO TX

APT NO.:  
APT NO.:

AC/PHONE: / -  
AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

CODE  
W03 NAME:  
RES ADDR:

W F [REDACTED]

*A. Ortiz #2349*

*D. Wilber #2217*

03-17-09 1915

PAGE 02 OF 03  
EXTRA COPY

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

CASE NO: 90 177893/01

\*\*\*\* REPORT FINALIZED \*\*\*\*

INVESTIGATIVE UNIT: SEX CRIMES

CITY/ST: SAN ANTONIO TX	APT NO.:	AC/PHONE: 210 / 595-3526 D
BUS ADDR:		
CITY/ST:		AC/PHONE: / -
CODE		TITLE R S ID? DOB
W04 NAME: PHILLIPS, R. #2421	APT NO.:	
RES ADDR:		
CITY/ST:		AC/PHONE: / -
BUS ADDR: NIGHT CID	APT NO.:	
CITY/ST: SAN ANTONIO TX		AC/PHONE: 210 / 207-7389 B
CODE		TITLE R S ID? DOB
W05 NAME: SWINDELL, W. #3263	APT NO.:	
RES ADDR:		
CITY/ST:		AC/PHONE: / -
BUS ADDR: SAPD-VICE	APT NO.:	
CITY/ST: SAN ANTONIO TX		AC/PHONE: 210 / 207-2370 B
CODE		TITLE R S ID? DOB
W06 NAME: GARIBAY, F. #2186	APT NO.:	
RES ADDR:		
CITY/ST:		AC/PHONE: / -
BUS ADDR: SAPD-VICE	APT NO.:	
CITY/ST: SAN ANTONIO TX		AC/PHONE: 210 / 207-2370 B

D E T A I L S

NOTIFIED OF PROVISIONS OF TEXAS CRIME VICTIM ACT: C, W1, AND W2 ARE ASSIGNED TO THE SAPD VICE UNIT. W3 WAS EMPLOYED BY CLUB BABYLON AS A ENTERTAINER/DANCER. ON THE LISTED DATE AND TIME, WE ENTERED THE LOCATION, CLUB BABYLON (NON-LICENSED MEN'S CLUB), TO CHECK FOR CERTIFICATE OF OCCUPANCY VIOLATIONS AND UNDERAGE DRINKING. WHEN WE ENTERED THE CLUB FOYER, AP1 WAS AT THE FRONT DESK TAKING COVER CHARGE AND CHECKING IDENTIFICATION. WE ENTERED THE FLOOR AREA AND OBSERVED THE W3 ON STAGE DANCING. W3 WAS WEARING A G-STRING AND SMALL BIKINI TOP. AS W3 WAS DANCING, SHE MOVED DOWN TO THE FLOOR OF THE STAGE AND LAID ON HER BACK. WHILE ON HER BACK, W3 EXPOSED HER BREASTS WITH THE AREOLA EXPOSED. BOTH C, AND W1 SAW THE EXPOSED BREASTS. C APPROACHED W3 AND ASKED HER TO COME TO THE FRONT OFFICE WITH THE INTENTION OF IDENTIFIING HER AND WRITING THE AP1 WHO WAS THE MANAGER/PERSON IN CHARGE A MISDEMEANOR CITATION FOR VIOLATION OF CERTIFICATE OF OCCUPANCY. W3 GAVE THE LISTED ALIAS NAME AND DOB IN THE PRESENCE OF AP1. W3 STATED SHE HAD A TEXAS IDENTIFICATION CARD BUT DID NOT HAVE IT ON HER PERSON. C ASKED AP1 FOR W3'S EMPLOYMENT APPLICATION WHICH NORMALLY HAS A COPY OF THE PERSONS IDENTIFICATION. AP1 PRODUCED A FOLDER WITH NUMEROUS APPLICATIONS AND BEGAN LEAFING THROUGH THE APPLICATIONS. W3 WAS SITTING NEXT TO AP1 AND COULD SEE THE APPLICATIONS AS HE WAS LEAFING THROUGH THEM. WHEN HE GOT TO THE APPLICATION WITH THE ALIAS NAME, W3 STATED AP1 HIT HER ON THE KNEE THEN PASSED OVER THE APPLICATION. AP1 THEN STATED TO C THAT HE COULDN'T FIND THE APPLICATION. AP1 LAID SEVERAL APPLICATIONS TO THE SIDE AS WE CONTINUED TO TRY AND FIND OUT WHO W3 REALLY WAS. C PICKED UP THE APPLICATIONS AND SAW

THE TOP APPLICATION MATCHED THE ALIAS NAME THAT W3 WAS PROVIDING, HOWEVER, THE PICTURE ON THE TEXAS DRIVERS LICENSE DID NOT MATCH W3. AT THIS POINT, W3 PROVIDED HER REAL NAME AND DATE OF BIRTH TO C. WE DETAINED W3 AND INFORMED AP1 HE WAS EMPLOYING A MINOR. AP1 WAS ISSUED MISDEMEANOR CITATIONS FOR VIOLATION OF CERTIFICATE OF OCCUPANCY AND NO STATE TAX STAMP FOR COIN-OPERTAED DART MACHINE AND RELEASED WITHOUT INCIDENT. WE TRANSPORTED W3

03-17-09 1915

PAGE 03 OF 03  
EXTRA COPY

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

CASE NO: 90 177893/01

\*\*\*\* REPORT FINALIZED \*\*\*\*

INVESTIGATIVE UNIT: SEX CRIMES

TO 214 W. NUEVA/YOUTH SERVICES. DURING TRANSPORT, W3 SAID AP1 WAS THE PERSON WHO PROVIDED THE IDENTIFICATION AND ASKED HER TO DANCE AT THE CLUB KNOWING W3 WAS UNDERAGE. WHILE AT YOUTH SERVICES, W3 GAVE A VOLUNTARY STATEMENT TO W4. AFTER W3 GAVE HER STATEMENT, W5 AND W6 CONTACTED AP1 AT CLUB BABYLON AND PLACED AP1 UNDER ARREST FOR SEXUAL PERFORMANCE OF A CHILD. AP1 EMPLOYED W3 KNOWING W3 WAS 16 YEARS OF AGE. W3 WAS EMPLOYED AS A DANCER/ENTERTAINER WHICH REQUIRED HER TO PERFORM ON-STAGE EXPOSING HER BREASTS. AP1 WAS TRANSPORTED TO 214 W. NUEVA WHERE HE GAVE A VOLUNTARY STATEMENT TO W6. AP1 WAS THEN TRANSPORTED TO 401 S. FRIO AND BOOKED FOR PC 43.25. W3 WILL BE FILED ON AT-LARGE FOR FAILURE TO IDENTIFY AT A LATER DATE. W3 USED THE ALIAS NAME [REDACTED]

AP1 CHARGES - SEXUAL PERFORMANCE OF A CHILD

- MISDEMEANOR CITATION #X1156594 - NO STATE TAX STAMP COIN-OP

MACHINE

- MISDEMEANOR CITATION #X1156595 - VIOLATION OF CERTIFICATE OF OCCUPANCY (FEMALE BARE BREASTED)

- MISDEMEANOR CITATION #X1157050 - NO STATE TAX STAMP COIN-OP

DART MACHINE

- COMMERCIAL BUILDING INSPECTION

P R O P E R T Y D E S C R I P T I O N

CODE PROPERTY

EST VALUE NCIC

E1 CLUB BABYLON EMPLOYMENT APPLICATION IN THE NAME OF [REDACTED]

E2 CITY OF SAN ANTONIO CERTIFICATE OF OCCUPANCY FOR CLUB BABYLON

D I S P A T C H I N G I N F O R M A T I O N

DISPATCH CODE: 55 VICE

REQUEST FOR SERVICE

DISPATCH TO: 03625 WEST AV

RECEIVED: 03-11-09 0041

DISTRICT 7290

DISPATCH: 03-11-09 0041

REPORT UNIT: RMC

ARRIVED: - -

CLEARED: 03-11-09 0041

REPORTED BY:

ADDRESS:

APT:

PHONE: 0000000

OFFICERS DISPATCHED

BADGE

OFFICERS DISPATCHED

BADGE

MISEK, PHILLIP W  
GONZALES, ROBERT J

2283-R  
0744

REPORT ENTERED BY: 99

APPROVING: 0000

REPORT ENTERED BY: 0000 MISEK, PHILLIP WAYNE

COPIES OF REPORT TO: SEX CRIMES

03-11-09 0041

SUPERVISOR: 3263 SWINDELL, WAYNE E

03-17-09 1915

**Attachment #7**

01-26-08 0234

PAGE 01

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

RECORDS BUREAU  
CASE NO: 80 062693/01

REPORT FINALIZED

INVESTIGATIVE UNIT: VICE

REPORTING OFFICER: 2403 OBERHEU, MYRON L

OFFENSE INFORMATION

OFFENSE: 410503 MINOR CONSUMING ALC BEV  
410504 MINOR POSS ALC BEV  
890926 VIOLATION OF CITY ORDINANCE

DATES OF OCCURRENCE  
SAT 01-26-08 0010

OFF. LOC: 03625 WEST AV  
DISTRICT: 7290

WEATHER: COOL / DRY  
R/S ID? DOB  
TITLE  
DET

COMP. NAME: OBERHEU, M.L. #2403  
RES ADDR:  
CITY/ST:

APT NO.:

AC/PHONE: / -

BUS ADDR: SAPD-VICE  
CITY/ST: SAN ANTONIO TX

APT NO.:

AC/PHONE: 210 / 207-2370 B

CALL# DETECTIVES ASSIGNED BADGE CALL# DETECTIVES ASSIGNED BADGE

ARRESTED PERSON 01

DESCRIPTION RELIABILITY:  
CODE NAME  
AP01 REYES, MONIQUE DENISE  
ADDR: 09310 RANCHERO  
SAN ANTONIO TX

NICKNAME/ALIAS  
TXDL- [REDACTED]

CHARGES: MINOR IN POSS/ MINOR CONSUMING A/B

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L F / 12-04-87 502/ 115/ BROWN BROWN

ARRESTED PERSON 02

DESCRIPTION RELIABILITY:  
CODE NAME  
AP02 MINES, TRICIA MICHELLE  
ADDR: 14080 THIOE  
CONVERSE TX

NICKNAME/ALIAS  
TXDL- [REDACTED]

CHARGES: MINOR IN POSS/ MINOR CONSUMING A/B

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
W F / 02-02-88 505/ 115/ BROWN BLUE

ARRESTED PERSON 03

DESCRIPTION RELIABILITY:  
CODE NAME  
AP03 MARTINEZ, DIEGO  
ADDR: 00410 WESTMINSTER  
SAN ANTONIO TX

NICKNAME/ALIAS  
TXDL- [REDACTED]

CHARGES: MINOR IN POSS/ MINOR CONSUMING A/B

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L M / 02-19-88 509/ 155/ BROWN BROWN

80 062693/01

01-26-08 0234

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

PAGE 02  
RECORDS BUREAU  
CASE NO: 80 062693/01

REPORT FINALIZED

INVESTIGATIVE UNIT: VICE

ARRESTED PERSON 04

CODE NAME  
AP04 MARTINEZ, NICHOLAS DAVID  
ADDR: 01316 CIRCLE OAK DR  
SCHERTZ TX

NICKNAME/ALIAS  
TXDL-

CHARGES: MINOR IN POSS/MINOR CONSUMING A/B

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L M / 09-22-87 510/ 205/ BLACK BROWN

DESCRIPTION RELIABILITY: ARRESTED PERSON 05

CODE NAME  
AP05 SALAZAR, ANDREW RIVERS  
ADDR: 00222 ROSWELL CANYON  
SAN ANTONIO TX

NICKNAME/ALIAS  
TXDL-

CHARGES: MINOR IN POSS/ MINOR CONSUMING A/B

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L M / 08-04-88 511/ 150/ BLACK BROWN

DESCRIPTION RELIABILITY: ARRESTED PERSON 06

CODE NAME  
AP06 CARLILE, DUSTIN  
ADDR: 00420 E DEWEY PL  
SAN ANTONIO TX

NICKNAME/ALIAS

209  
CHARGES: CITY ORD VIOLATION

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
W M / 02-22-78 511/ 180/ BLACK BROWN

WITNESSES AND OTHERS

CODE NAME: OBERHEU, M.L. #2403  
C RES ADDR: APT NO.:  
CITY/ST: APT NO.:  
BUS ADDR: SAPD-VICE APT NO.:  
CITY/ST: SAN ANTONIO TX

TITLE R S ID? DOB  
DET -

AC/PHONE: / -  
AC/PHONE: 210 / 207-2370 B

CODE NAME: MARKS, A. #2136  
W01 RES ADDR: APT NO.:  
CITY/ST: APT NO.:  
BUS ADDR: SAPD-VICE APT NO.:  
CITY/ST: SAN ANTONIO TX

TITLE R S ID? DOB  
DET -

AC/PHONE: / -  
AC/PHONE: 210 / 207-2370 B

01-26-08 0234

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT  
REPORT FINALIZED

PAGE 03  
RECORDS BUREAU  
CASE NO: 80 062693/01

INVESTIGATIVE UNIT: VICE

W02 NAME: MAREK, T. #2397

DET

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / 207-2370 B

BUS ADDR:

SAPD-VICE

TITLE R S ID? DOB

CITY/ST: SAN ANTONIO TX

DET

CODE

W03 NAME: FAULKNER, G. #2106

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / 207-2370 B

BUS ADDR:

SAPD-VICE

TITLE R S ID? DOB

CITY/ST: SAN ANTONIO TX

DET

CODE

W04 NAME: MISEK, P. #2283

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / 207-2370 B

BUS ADDR:

SAPD-VICE

TITLE R S ID? DOB

CITY/ST: SAN ANTONIO TX

DET

CODE

W05 NAME: SAENZ, J. #2405

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / 207-2370

BUS ADDR:

SAPD-VICE

TITLE R S ID? DOB

CITY/ST: SAN ANTONIO TX

DET

CODE

W06 NAME: DAVIS, K. #3062

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / 207-2370 B

BUS ADDR:

SAPD-VICE

TITLE R S ID? DOB

CITY/ST: SAN ANTONIO TX

SGT

CODE

W07 NAME: SWINDELL, W. #3263

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / 207-2370 B

BUS ADDR:

SAPD-VICE

TITLE R S ID? DOB

CITY/ST: SAN ANTONIO TX

AGENT

CODE

W08 NAME: CANTRELL, M. #256

RES ADDR:

APT NO.:

AC/PHONE: / -

CITY/ST:

APT NO.:

AC/PHONE: 210 / - B

BUS ADDR:

TABC

CITY/ST: SAN ANTONIO TX

DETAILS

NOTIFIED OF PROVISIONS OF TEXAS CRIME VICTIM ACT:  
(W1)-(W7) AND I ARE ASSIGNED TO THE SAPD VICE UNIT. (W8) IS AN AGENT  
WITH THE TABC. ON THE ABOVE DATE (W4) AND (W5) WENT INTO THE CLUB BABYLON  
AT THE ABOVE LOCATION TO MONITOR FOR ILLEGAL ACTIVITY. (W4) AND (W5) ADVISED  
US THAT THEY OBSERVED SEVERAL PEOPLE IN THE LOCATION THAT APPEARED TO BE  
UNDER THE LEGAL DRINKING AGE OF 21 WHO WERE DRINKING ALCOHOLIC BEVERAGES. AT  
THE ABOVE LISTED TIME (W1)-(W8), FOUR TRU UNIFORM OFFICERS AND MYSELF WENT  
INTO THE "CLUB BABYLON" TO INVESTIGATE THE MINORS DRINKING. (W4) AND (W5)

80 062693/01

01-26-08 0234

PAGE 04

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

RECORDS BUREAU  
CASE NO: 80 062693/01

REPORT FINALIZED

INVESTIGATIVE UNIT: VICE

(AP1) AND (AP2) SAW THE UNIFORM OFFICERS ENTER THE LOCATION THEY THREW THE BOTTLES OF BEER ON THE FLOOR. I CONTACTED (AP1) AND (AP2) BOTH HAD AN ODOR OF BEER ON THEIR BREATH. (AP1) WAS FOUND TO BE 20 YEARS OLD. (AP2) WAS FOUND TO BE 19 YEARS OLD. (AP1) AND (AP2) WERE ISSUED THE BELOW MISDEMEANOR CITATIONS. NEITHER WERE INTOXICATED SO THEY WERE ESCORTED OUT OF THE CLUB. (W6) SAW (AP3) DRINKING FROM A 12OZ BOTTLE OF BUDWEISER BEER. (W1) CONTACTED (AP3). (AP3) WAS FOUND TO BE 19 YEARS OLD. (W1) ISSUED (AP3) THE BELOW LISTED MISDEMEANOR CITATIONS. (AP3) WAS NOT INTOXICATED. (AP3) WAS ESCORTED FROM THE CLUB. (W3) SAW (AP4) DRINKING FROM A PLASTIC CUP. (W3) CONTACTED (AP4). (AP4) STATED THAT THE PLASTIC CUP HE WAS DRINKING FROM CONTAINED VODKA. (AP4) WAS FOUND TO BE 20 YEARS OLD. (W8) SAW (AP5) DRINKING FROM A 12OZ BOTTLE OF BUDWEISER BEER. (W8) CONTACTED (AP5). (AP5) WAS FOUND TO BE 19 YEARS OLD. (W8) ISSUED (AP5) THE BELOW CITATIONS. (AP5) WAS ESCORTED OUT OF THE CLUB.

WHEN WE ARRIVED AT THE LOCATION (W2) CONTACTED (AP6), WHO WAS THE MANAGER/PERSON IN-CHARGE. (W2) IDENTIFIED HIMSELF AND EXPLAINED WHY WE WERE THERE. CLUB BABYLON HAS 7 BILLIARDS TABLES, NONE OF WHICH ARE COIN OPERATED. DUE TO A COVER BEING CHARGED TO ENTER THE LOCATION THE CLUB IS REQUIRED TO HAVE A BILLIARDS HALL TAX PERMIT FOR THE BILLIARDS TABLES. THEY DID NOT HAVE THE NECESSARY TAX PERMIT WHICH IS A VIOLATION OF CITY ORDINANCE #16-17. (W2) ISSUED (AP6) THE BELOW LISTED MISDEMEANOR CITATION.  
(AP1) CHARGES - MISDEMEANOR CITATION #X1122206 FOR MINOR IN POSS. A/B  
#X1122031 FOR MINOR CONSUMING A/B

(AP2) CHARGES - MISDEMEANOR CITATION #X1122204 FOR MINOR IN POSS A/B

#X1122205 FOR MINOR CONSUMING A/B

(AP3) CHARGES - MISDEMEANOR CITATION #X1084774 FOR MINOR IN POSS A/B

#X1084775 FOR MINOR CONSUMING A/B

(AP4) CHARGES - MISDEMEANOR CITATION #X1122029 FOR MINOR IN POSS. A/B

#X1122030 FOR MINOR CONSUMING A/B

(AP5) CHARGES - TABC CITATION #774632(A) FOR MINOR IN POSS. A/B

#774632(B) FOR MINOR CONSUMING A/B

(AP6) CHARGES - MISDEMEANOR CITATION #X1122301 FOR NO BILLIARDS HALL TAX PERMIT

DISPATCHING INFORMATION

DISPATCH CODE: 55 VICE

REQUEST FOR SERVICE

DISPATCH TO: 03625 WEST AV  
DISTRICT 7290

RECEIVED: 01-26-08 0132

DISPATCH: - -

ARRIVED: - -

REPORT UNIT: RMC

CLEARED: - -

REPORTED BY:

ADDRESS:

APT:

PHONE:

OFFICERS DISPATCHED  
OBERHEU, MYRON L

BADGE  
2403-R

OFFICERS DISPATCHED

BADGE

REPORT ENTERED BY: /9  
APPROVING: 3062 DAVIS, KENNETH P

SUPERVISOR: 01-26-08 0132  
3062 DAVIS, KENNETH P

80 062693/01

**Attachment #8**

03-08-08 2318

PAGE 01

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

RECORDS BUREAU  
CASE NO: 80 175522/01

REPORT FINALIZED

INVESTIGATIVE UNIT: VICE

REPORTING OFFICER: 2283 MISEK, PHILLIP W

OFFENSE INFORMATION

OFFENSE: 410504 MINOR POSS ALC BEV

DATES OF OCCURRENCE  
SAT 03-08-08 2200

OFF. LOC : 03625 WEST AV  
DISTRICT : 7290

WEATHER: COOL / DRY  
TITLE R/S ID? DOB

COMP. NAME: MISEK, P. #2283  
RES ADDR:  
CITY/ST:

APT NO.:

AC/PHONE: / -

BUS ADDR: SAPD-VICE  
CITY/ST: SAN ANTONIO TX

APT NO.:

AC/PHONE: 210 / 207-2370 B

CALL# DETECTIVES ASSIGNED BADGE CALL# DETECTIVES ASSIGNED BADGE

ARRESTED PERSON 01

CODE NAME  
AP01 SANCHEZ, EDGAR

NICKNAME/ALIAS

ADDR: 00326 EDGEBROOK  
SAN ANTONIO TX

CHARGES: MINOR IN POSSESSION

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L M / 04-26-87 / / BLACK BROWN

DESCRIPTION RELIABILITY: ARRESTED PERSON 02

CODE NAME  
AP02 CADENA, DAVID

NICKNAME/ALIAS

ADDR: 00236 WESTMINSTER  
SAN ANTONIO TX

CHARGES:

RAC SEX AGE DOB HEIGHT WEIGHT HAIR COLOR EYE COLOR  
L M / 11-16-89 / / BLACK BROWN

WITNESSES AND OTHERS

CODE NAME: MISEK, P. #2283  
C RES ADDR:

TITLE R/S ID? DOB

CITY/ST: APT NO.:

AC/PHONE: / -

BUS ADDR: SAPD-VICE APT NO.:

AC/PHONE: 210 / 207-2370 B

CITY/ST: SAN ANTONIO TX

CODE NAME: DAVIS, K. #3062  
W01 RES ADDR:

TITLE R/S ID? DOB

APT NO.:

80 175522/01

03-08-08 2318

PAGE 02

SAN ANTONIO POLICE DEPARTMENT  
PRELIMINARY INVESTIGATION REPORT

RECORDS BUREAU  
CASE NO: 80 175522/01

REPORT FINALIZED

INVESTIGATIVE UNIT: VICE

AC/PHONE: / -

AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

AC/PHONE: / -

AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

AC/PHONE: / -

AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

AC/PHONE: / -

AC/PHONE: 210 / 207-2370 B  
TITLE R S ID? DOB

AC/PHONE: / -

AC/PHONE: 210 / 207-2370 B

DETAILS

NOTIFIED OF PROVISIONS OF TEXAS CRIME VICTIM ACT: C, W1, W2, W3, W4, AND W5 ARE ASSIGNED TO THE SAPD VICE UNIT. ON THE LISTED DATE AND TIME, WE ARRIVED AT THE LOCATION TO CHECK FOR VICE RELATED OFFENSES. WHILE WALKING IN THE FRONT DOOR, I SAW THE AP'S STANDING AT THE WINDOW WHERE THE CLUB TAKES THE COVER CHARGE. ONE OF THE DOORMEN TOLD ONE OF THE OTHER CLUB EMPLOYEES THAT SAPD WAS HERE AND THE AP'S IMMEDIATELY TURNED AND WALKED QUICKLY OUT OF THE DOOR. I FOLLOWED BOTH OF THEM OUT OF THE DOOR AND DETAINED THEM BECAUSE THEY LOOKED UNDER THE LEGAL DRINKING AGE. I ASKED AP1 FOR HIS IDENTIFICATION BECAUSE HE WAS CARRYING A 12 PACK OF BUDWEISER LIGHT. AP1 STATED HE DIDN'T HAVE ANY IDENTIFICATION BECAUSE HE HAD LOST IT. AP2 PRODUCED A TEXAS ID WHEN ASKED. AS I QUESTIONED BOTH AP'S, I FOUND OUT THAT AP2 WAS USING AP1'S TEXAS IDENTIFICATION CARD TO ENTER THE CLUB (CLUB BABYLON). BOTH AP'S WERE UNDER THE LEGAL DRINKING AGE AND WERE BOOKED FOR MINOR IN POSSESSION. AP2 GAVE THE LISTED NAME AND DOB, HOWEVER HE COULD NOT BE FOUND IN ANY COMPUTER FILES. AP2 WAS TRANSPORTED TO CITY ID FOR FURTHER IDENTIFICATION. BOTH AP'S WERE TRANSPORTED TO 401 S FRIO AND BOOKED FOR MINOR IN POSSESSION.

DISPATCHING INFORMATION

DISPATCH CODE: 55 VICE

REQUEST FOR SERVICE

DISPATCH TO: 03625 WEST AV  
DISTRICT 7290

RECEIVED: 03-08-08 2247  
DISPATCH: - -  
ARRIVED: - -

80 175522/01

**Notice of Hearing to Permit Holder**

**\*required per UDC Section 406(c)**



**CITY OF SAN ANTONIO**  
**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

P. O. BOX 839966  
SAN ANTONIO TEXAS 78283-3966

May 7, 2009

His Majesty Saint Adams  
Club Babylon  
3625 West Avenue  
San Antonio, Texas 78213

**RE: Revocation of Certificate of Occupancy No. 1378431**

This official correspondence is to inform you that the Director of the City of San Antonio's Planning and Development Services Department has initiated procedures to revoke your Certificate of Occupancy (No. 1378431) for a Night Club with Live Entertainment – Alcohol Will Be Consumed But Not Sold, which is dated June 28, 2007, for the business known as Club Babylon. It has been brought to this department's attention that this business has failed to comply with the aforementioned Certificate of Occupancy and has been operating as a Sexually Oriented Business, in violation of the requirements as described in the City's Unified Development Code (Chapter 35).

The necessary procedures for the revocation of a Certificate of Occupancy are outlined in the Unified Development Code, Section 406, and read as follows:

Sec. 35-406. Revocation of Permit or Approval.

(a) **Initiation.** The department of code compliance shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the director of development services who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. Should the director of development services determine that a termination or suspension of a permit is appropriate, a recommendation, including the reason(s) for the his determination, shall be made to the board of adjustment who shall conduct a public hearing on the matter.

The Board of Adjustment will consider this case at a public meeting on **May 26, 2009** in the Board Room of the Cliff Morton Development and Business Services Center, located at **1901 South Alamo Street** to begin at **2:00 p.m.** This is a public hearing and your attendance is recommended. You will have the opportunity to present testimony and/or other evidence to the Board for their consideration.

Should you have any questions, you may contact Rudy Niño, Jr., Senior Planner at 210-207-8389.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roderick J. Sanchez'.

Roderick J. Sanchez, AICP, CBO  
Director, Planning and Development Services Department