

Joel Garcia

From: Joel Garcia [joel@esi-a.com]
Sent: Monday, December 08, 2008 9:17 AM
To: 'Diane G. Cibrian'
Cc: 'Michael Shackelford'; 'phardberger@sanantonio.gov'; 'Roderick Sanchez'; 'Christopher Looney'; 'Anna T Galimore'; 'Micah Diaz'; 'Chuck Saxer'; Betty Rische (hrische@satx.rr.com); Bill & Patricia Miller (bmillerdart2003@yahoo.com); Carl Saks (carlburtsaks@aol.com); Carol & Monroe Lane (camalane@earthlink.net); Faye R Fox (fayerfox@satx.rr.com); Hank & Flo Tripp (hankflo@aol.com); Herb & Doris Guzman (guzmanhm@gvtc.com); Jack MaGuire (jackmaguire5@cs.com); Jason & Crystal Dady (crystal@bin555.com); Joyce White (wjoycew@satx.rr.com); Leslie & Sally Gentry (skoggus@hotmail.com); Michael Makowski (mmakowski@satx.rr.com); Oscar Galvan (landogalvan@satx.rr.com); Otto Migl (omigl@aol.com); Richard Higbie (richard@boudros.com); Robert Haynes (customcoachworks@grandecom.net); Sylvia Garcia (sylvia@esi-a.com); Yolanda Rodriguez (rodriguez2@uthscsa.edu); Ann DeLeon (rcudesign@satx.rr.com); Cindy Champion (JCHAMPION2@satx.rr.com); Herbert G. Brown (Herbert.G.Brown@us.army.mil); Homer & Irma Bain (hbain@satx.rr.com); Katherine Leger (littlefootredkitty6@yahoo.com); Neill B. Walsdorf (barbara.keelan@missionpharmacal.com); Pamela Foster (pamelafoster@satx.rr.com); Rosalind Leger (rwleger@sbcglobal.net); Rudy Cantu (RCantu3225@aol.com); Secilie Piekos (Sandj13@satx.rr.com); Andrea Stella (italianstar@earthlink.net); Arthur Stier (ivyivy520@hotmail.com); David Baird (bairds_bd@sbcglobal.net); David Sund (dsund@insuranceconcepts-sa.com); Diane Crawford (crawford_d@att.net); Ginny Cohen (morado@texas.net); Howard Alwais (halwais@gmail.com); Jeanne Paulk (worebel2@swbell.net); Jennifer Johnson (jen4j@satx.rr.com); Kara Reynolds (karareynolds123@yahoo.com); Lisa A Abramson (lisaabramson@satx.rr.com); Norma Sackett (NSackett@msn.com); Peter Nettelield (jpnettel@yahoo.com)

Subject: RE: Zoning Case Number Z2008193

Dear Councilwoman Diane Cibrian:

You had asked that I let you know if I found any discrepancies with the process at the Zoning Commission Hearing on December 2, 2008. The answer is, yes I did find discrepancies; but I have not written them down until now because quite frankly I was so applaud and angry that I thought it best that I sleep on it to organize my thoughts. As it turned out I need to sleep on it for several nights.

At the entrance to the Board Room on the first floor of the Cliff Morton Development and Business Service Center, there was a table to sign in if you wanted time to speak to the commission; on this same table was a handout to the public with information on the Zoning Commission and how its business is conducted with very specific rules of how a case is to be presented and how public comment will be heard. The public hearing started precisely as stated in the handout. There were four (4) zoning cases that were head first and they were clustered together because they were rather cut and dry and had no opposition and each were approved by separate vote. Next on the agenda were the individual cases that were less cut and dry or the commission wanted to hear from the applicant and any proponents and/or opponents to the case. Zoning Case number Z2008193 was scheduled as the third item of the individual cases to be heard. The first two cases were presented in a manner exactly described in the handout. It was not until the Ted Lee case was presented that there was a departure from the Zoning Commission's stated rules.

The case was presented by Micah Diaz of the zoning staff in a clear, matter of fact fashion, in accordance to the rules. Next the rules stated that the applicant would make a presentation that would be limited to five (5) minutes. In this case the applicant is Mr. Patrick W. Christensen from the law firm of Brown & Ortiz, P.C.; Mr. Christensen did make his presentation but was not limited to the stated five (5) minutes; he was allow to go over his allotted time. Next the Chairman of the Zoning Commission, Mr. Don Gadberry, invited speakers from the floor and asked them to state their full name and address for the record. Those who were in favor of the zoning case were called first; Mr. Ted D. Lee got up and spoke and was allowed to speak at length until he was finished, which was well over the stated three (3) minute allotment per speaker. The next was a woman who stated her name but not her address that said that she was speaking on behalf of a couple in the neighborhood but would not give their names citing fear of reprisal as the reason; she did not speak to land use issues but recounted hearsay of misinformation that was said to be told to the persons that she was speaking for. Mr. Gadberry then asked if there were any others how in favor of the case; Ted Lee's wife, Jereleen W. Lee, raised her hand but did not wish to speak.

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Mr. Gadberry then called on those who were in opposition to the case to come forward. I stepped up to the podium and stated my name and address, thanked the commissioners for my opportunity to speak and that they be as generous with respect of time with the opponents as they were with the proponents. I then began to speak to the issue and was called on time, at which point my mother stated her name and address and ceded her time to me. I did not use all of the time given to me. My final statement was to Mr. Jody Sherrill; I told him "I understand that you have put your hat into the ring; that you are running for City Council in District 8, I just want you to know that my neighbors and I are watching this case very closely." At that point Mr. Gadberry admonished me for making such a comment. When I was finished a few of the commissioners asked questions of me. Most of the questions asked of me were very good and to the point of land use issues, however there was one commissioner, Mr. James Grey, along with the Chairman who's questioning was more confrontational with the aim of discrediting my testimony. There were several more opponents that spoke and all that got to three (3) minutes were called on time; a few used additional time that was ceded to them. After the last opponent spoke, Mr. Gadberry asked if there were any other opponents who wished to speak because this was their last time to have a say; there were no other in opposition who wanted to speak. Then Mr. Gadberry asked all those who were in opposition to stand so as to be seen by the commission; there were more than I could count at that time.

Next on the handout rules was a rebuttal from the applicant, which is to be limited to one (1) speaker and a three (3) minute time limit. Mr. Christensen once again spoke at length until he was finished, exceeding his allotted time. Then a second speaker was allowed for the rebuttal; Mr. Lee once again spoke without being called on time.

The next event was the most egregious display that I have ever witnessed from a public official. Before passing this case on to the commissioner for District 8, Mr. Ramiro Valadez, III, the Chairman, Mr. Don Gadberry, stated for the benefit of his colleagues, that he has known Mr. Lee for a very long time and that Mr. Lee is a "very good church going Christian man", with the implication that those of the opposition are less than that, in fact heathens. After he realized what he said, he then stated that he was sure that all involved here were good people. My neighbors and I maintained an appropriate level of respect and decorum fitting a governmental hearing and we contained our outrage.

After being so blindsided by the bias displayed in favor of the applicant it was hard to focus on the remainder of the hearing. Up until this point I have been very impressed with the extremely high level of professionalism, courteousness, and responsiveness displayed by you, your staff, Mr. Roderick Sanchez, and all of his staff at the Planning and Development Services Department. Up until the Zoning Commission Hearing on December 2nd I had never been more proud to be a citizen of San Antonio, a truly world class city! Well that sentiment has been greatly eroded; I just could not believe that in this day and age that we would have a public servant that was so openly offensive and prejudiced.

Respectfully,

Joel Garcia
2603 Whisper Dove St
San Antonio, Texas 78230-3706
(210) 492-4084

-----Original Message-----

From: Diane G. Cibrian [mailto:Diane.Cibrian@sanantonio.gov]
Sent: Wednesday, November 26, 2008 8:00 AM
To: joel@esi-a.com
Subject: Re: Zoning Case Number Z2008193

Dear Joel,
Please let me know if you find discrepancies with this process
Many thanks,
Diane

-----Original Message-----

From: Joel Garcia <joel@esi-a.com>
To: Roderick Sanchez
CC: Diane G. Cibrian; Michael Shackelford; Christopher Looney; Anna T Galimore; Micah Diaz; 'Chuck Saxer' <csaxer@satx.rr.com>; Betty Rische <hrische@satx.rr.com>; Bill & Patricia Miller <bmillerdart2003@yahoo.com>; Carl Saks <carlburtsaks@aol.com>; Carol & Monroe Lane

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Sent: Wed Nov 26 07:52:01 2008
Subject: Zoning Case Number Z2008193

Dear Mr. Sanchez:

Please see the attached file, which is an additional letter of opposition from the Whispering Oaks Homeowners Association (WOHA) signed by the president of WOHA. The previous opposition letter from WOHA, dated August 28, 2008, was indefinite by the inclusion of the phrase "at the current time". The purpose of this new letter of opposition is to state definitively WOHA's opposition to zoning case Z2008193. The original of the attached document is being sent via certified mail through the United States Postal Service, which due to the extended holiday should arrive in your office on Monday, December 1, 2008.

I would like to thank you in advance for your attention to this matter; and I hope that you and your family have a wonderful Thanksgiving holiday!

Respectfully,

Joel Garcia

2603 Whisper Dove St

San Antonio, Texas 78230-3706

(210) 492-4084

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