

From: [REDACTED]
Sent: Thursday, May 14, 2026 10:42 PM
To: 'Sarah Hensley'; 'City of Keller Open Records'; 'Kelly Ballard'
Cc: 'SLowry'; arector@cityofkeller.com
Subject: R000283-050326 - Additional Production Received / May 14 Completeness Challenge Remains Pending / Missing Categories Not Cured

Flag Status: Flagged

VIA EMAIL - RESPONSE TO MAY 14, 2026 SUPPLEMENTARY DATA FOR R000283-050326 / NOT A NEW PIA REQUEST

Date: May 14, 2026

To: City of Keller Open Records / City Secretary's Office
Cc: Sarah Hensley, Director of Development Services; Aaron Rector, City Manager; L. Stanton Lowry, City Attorney;

Subject: R000283-050326 - Additional Production Received / May 14 Completeness Challenge Remains Pending / Missing Categories Not Cured

Dear Ms. Ballard, City of Keller Open Records:

I acknowledge receipt of the City's additional production under **R000283-050326**, consisting of enforcement letters which I already hold and a series of inspection photo sets dating back to 2025 that were not previously included when requested.

This correspondence is submitted as a response to the additional production under the existing request. It is not intended to create a new public-information request. If the City contends any portion of this correspondence is outside the scope of **R000283-050326** or must be treated as a separate request, please identify that position in writing, identify the portion at issue, and provide the City's proposed handling before assigning a new request number.

The **additional production does not resolve the missing categories identified in my May 14, 2026 rebuttal and completeness challenge**. The City still has not provided category-by-category no-responsive-record statements, withheld-record identification, Attorney General ruling status, search methodology, or responsive records for the core missing categories.

The fact that Code Enforcement has now located additional enforcement letters and inspection-photo sets confirms that the May 13 production was incomplete. Please identify:

- (a) which portion of **R000283-050326** Code Enforcement misunderstood;
- (b) why these existing Code Enforcement records were not produced in the initial May 13 production, or before, where applicable;
- (c) which categories the additional production is intended to satisfy; and

(d) whether the City now contends the production is complete.

The City's second production included photographs and enforcement letters dating back to August 2025. Those records existed at the time of my May 3, 2026 request and previous PIA requests, yet the City did not produce them until May 14, 2026 after claiming a "misunderstanding." The City did not request an Attorney General ruling to withhold them, nor did it provide a Section 552.221(f) no-responsive-record statement for any of these categories.

This delayed and incomplete production will be treated as part of the continuing Chapter 552 compliance issue. If the City withheld responsive records without requesting an Attorney General decision, I preserve my position that the records are presumed public under Texas Government Code Section 552.302, and that continued noncompliance may be referred under applicable enforcement provisions, including Sections 552.321, 552.3215, 552.328, and 552.353.

If the City contends any photograph supports the **April 21, 2026 Final Notice**, the **nuisance classification**, continued enforcement **while the statutory stay under Texas Local Government Code Section 211.010(c) remains in effect**, any claim that the condition remains unabated, or any alleged material, construction, or permit-scope nonconformity, please **identify the specific** photograph, date, factual condition shown, ordinance provision relied upon, staff determination, and record supporting that determination.

To the extent the additional production includes photographs taken after my **May 4 record supplement**, those photographs appear relevant to the interim mitigation / non-operational configuration issue. The City still has not stated whether the April 21 Final Notice is satisfied, whether Code Case #2508-0551 is abated or resolved, who has authority to make that determination, or whether enforcement remains stayed **pending ZBA-2510-0008**.

The City's additional production also appears to include more than twelve inspection-photo sets spanning approximately September 2025 through May 2026. If the City contends this level of repeated photo monitoring reflects ordinary and uniform enforcement practice, please produce or identify comparator records showing the number of inspection photographs taken, the dates of those photographs, and the enforcement status for similar residential drive-gate, fence, front-yard fence, access-gate, permit, inspection, enforcement, variance, ZBA, or code-compliance matters along Bancroft Road, Bourland Road, Johnson Road, Mt. Gilead Road, Ottinger Road, and similar collector/thoroughfare corridors.

The City is also on **notice that maintaining the property in an impaired or non-operational gate condition creates foreseeable risks** involving property security, animal containment, intrusion, loss of use, and related damages. My prior correspondence placed the City on notice that **any interim mitigation was taken under protest, under enforcement pressure, and without waiver**.

The property-access issue is not based on the photographs alone. It arises from the May 12, 2026 Gutierrez/Reyes statement asserting that Carlos Gutierrez and Johnny Reyes measured with a 50-foot tape from the drive gate to the "edge of the road" and recorded 28'7". Because the gate is inside the property line, the City must identify whether that measurement required non-public entry, where each employee stood, the route of access used, whether any gate, fence, latch, or panel was opened, touched, or manipulated, and what consent, warrant, court order, ordinance authority, administrative inspection authority, code-enforcement authority, or other legal authority was relied upon.

If the City contends the measurement was taken entirely from a lawful public right-of-way without entering private property and without manipulating any improvement, please state that expressly and identify the records showing the vantage point, method, endpoint, measurement path, and datum.

The City still has not provided the following categories from my May 14 letter:

1. **Abatement and Code Case Status:** Whether the current fixed-rail / side-panel / non-operational gate condition is considered compliant, abated, resolved, open, citation-ready, stayed, or otherwise pending; who has authority to determine abatement; and the current status of **Code Case #2508-0551**.
2. **Stay and Imminent Peril:** Whether the April 21, 2026 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced; any written imminent-peril certification under Texas Local Government Code Section 211.010(c); and any records discussing whether enforcement is stayed while **ZBA-2510-0008** remains pending.
3. **Measurement Date and Contemporaneous Records:** The exact date and time of the Gutierrez/Reyes 28'7" measurement; whether it was taken before or after the April 21 Final Notice; concurrent field notes, complaint record, inspection assignment, or system entries.
4. **Original Field Records:** Original notes, photographs with metadata, work orders, logs, complaint records, inspection assignments, or system entries documenting the 28'7" measurement.
5. **Legal Authority for Entry / Measurement Access:** Where Gutierrez and Reyes stood; route of access; whether they entered private property; whether any gate, fence, latch, or panel was touched or manipulated; and any consent, warrant, ordinance authority, administrative inspection authority, code-enforcement authority, or other legal authority relied upon for the measurement.
6. **Measurement Datum and Method: Measurement Datum and Method:** Provide the **City's official records** defining or interpreting "edge of road," including whether that phrase means edge of pavement, curb, right-of-way line, property line, traveled way, shoulder, driveway edge, road centerline, or another datum. Provide records identifying the measurement endpoint for "drive gate," including whether the City measures to the gate face, gate post, gate centerline, hinge post, latch point, nearest moving component, fence line, or another point. Provide records identifying the measurement path, including whether the City measures perpendicular to Bancroft Road, along the driveway centerline, along the driveway travel path, along the vehicle path, or by another method. This includes any policies, procedures, staff instructions, plan-review standards, engineering criteria, training records, or internal interpretations used by the City to apply those terms to fence or drive-gate setback measurements.
7. **Reconciliation With Survey and Thoroughfare Plan:** Provide all records explaining, supporting, or reflecting why the City relies on the 28'7" measurement instead of the Survey with Easements / site-plan measurement context of approximately 39'4-1/4", including any records reconciling, rejecting, superseding, or distinguishing those two measurement contexts. Also provide all records explaining, supporting, or reflecting why the City applies the 50-foot setback to Bancroft Road when the City's Comprehensive Thoroughfare Plan materials identify Bancroft Road as a 2 Lane Collector (C2U) and the **Comprehensive Thoroughfare Plan** legend distinguishes collector classifications, including C2U, C3U, and C4U, from arterial classifications. If the City contends that collector-classified roads shown on the Thoroughfare Plan are treated as "thoroughfares" for purposes of the 50-foot drive-gate setback, identify the specific ordinance, UDC provision, map, legend, staff interpretation, legal interpretation, training record, written policy, or prior

administrative practice supporting that position. If the City contends another map, version, designation, or interpretation controls, identify the specific controlling record by title, date, page, legend, color code, roadway segment, and adoption authority.

Also provide all records explaining, supporting, or reflecting why the City applies the 50-foot setback to Bancroft Road when the **City's Comprehensive Thoroughfare Plan** materials identify Bancroft Road as a **2 Lane Collector (C2U)** and its legend distinguishes collector classifications, including C2U, C3U, and C4U, from arterial classifications.

If the City contends that collector-classified roads shown on the Thoroughfare Plan are treated as "thoroughfares" for purposes of the 50-foot drive-gate setback, identify the specific ordinance, UDC provision, map, legend, staff interpretation, legal interpretation, training record, written policy, or prior administrative practice supporting that position.

If the City contends the attached Comprehensive Thoroughfare Plan materials do not show Bancroft Road as collector-classified, or contends that another map, version, designation, or interpretation controls, identify the specific controlling record by title, date, page, legend, color code, roadway segment, and adoption authority.

8. **Road Classification and Curb / Pavement / Uncurbed-Frontage Definition:** Provide all records defining or interpreting "curb," "edge of curb," "edge of pavement," "edge of road," "right-of-way line," "traveled way," "shoulder," or any similar datum for purposes of fence or drive-gate setback measurements on an uncurbed frontage. This includes any City standard details, engineering drawings, construction standards, measurement procedures, staff instructions, training materials, or written interpretations used to determine the applicable measurement datum where no curb exists. If the City contends "edge of road" is equivalent to "edge of pavement," "edge of curb," right-of-way line, property line, traveled way, or shoulder on Bancroft Road, provide the written record supporting that interpretation
9. **ZBA Record Placement:** Provide all records showing whether my **May 4 supplements**, measurement exhibits, portal screenshots, procedural objections, correspondence, **April 21 Final Notice objections**, and related materials were placed into the official **ZBA-2510-0008** record or transmitted to Board members, ZBA staff, the City Attorney, the City Manager, Code Compliance, Development Services, Building Services, Public Works, or any person responsible for preparing the staff report or Board packet. Returning my own submissions through the FENCE permit file does not answer whether those materials were placed into the ZBA record or Board packet.
10. **Driveway Dimensions / Functional Impact Records:** Provide all records between Jorge Reyes, Linda Mumtaz, Angel Sanchez, Vertical Arts, Building Services, Development Services, Public Works, Code Compliance, or any City staff concerning driveway dimensions, driveway square footage, site-plan dimensions, gate relocation impact, vehicle stacking, emergency-vehicle access, driveway geometry, traffic flow, sight distance, turning movement, functional driveway depth, or how the City evaluated the functional effect of pushing the gate deeper into the property.

This includes previously excluded **RREM-2407-0023** records and **related 2024 permit-desk records**. **Existing RREM** correspondence shows Linda Mumtaz requested that driveway square footage be added to the site plan, and Angel Sanchez responded that the site plan with the missing information had been submitted. Those records predate the **FENCE-2509-0188** workflow and are material to driveway-dimension and functional-impact issues.

If these records were omitted because the City limited the release to post-FENCE, post-Code Case, Code Enforcement-only, or **FENCE-2509-0188**-only records, identify that limitation in writing and explain why earlier related records were excluded. If the City contends those earlier **RREM** / permit-desk / driveway-dimension records are outside **R000283-050326**, state that position in writing and do not treat that position as a waiver of my right to submit a separate targeted Public Information Act request.

The City should also identify whether it searched RREM-2407-0023, Building Services, Development Services, permit-desk records, Tyler/EPL/EnerGov modules, City email accounts, and any official-capacity communications involving the above custodians.

If these records were omitted, withheld, or excluded without production, an exact public URL, a category-by-category no-responsive-record statement, or a timely Attorney General ruling request, I will treat that omission as part of the continuing **Chapter 552** compliance issue under Texas Government Code Sections **552.221, 552.301, and 552.302**.

11. Split Review, Safety Review, and Nuisance Basis: Provide records explaining why Building Services required resubmittal while Public Works approved **Permit FENCE-2509-0188**; any fire/access/traffic/sight-distance/drainage/right-of-way/driveway-geometry review; and the **factual** basis for the **nuisance classification in the April 21 Final Notice while linked to and awaiting for a scheduled ZBA; to present**. If the City contends any inspection photograph supports nuisance classification, continued enforcement, or any claim that the condition remains unabated, identify the specific photograph, date, factual condition shown, ordinance provision relied upon, staff determination, and record supporting that determination.

12. Comparator Records: Provide all comparator records for similar residential drive-gate, fence, front-yard fence, access-gate, permit, inspection, enforcement, variance, ZBA, or code-compliance matters along Bancroft Road, Bourland Road, Johnson Road, Mt. Gilead Road, Ottinger Road, and similar collector/thoroughfare corridors from January 1, 2019 to present.

This includes permit files, inspection notes, plan-review records, enforcement logs, variance records, ZBA records, photographs, inspection-photo logs, number of photographs taken, dates of photographs, staff comments, code-compliance records, and records concerning any properties the City considered, discussed, relied upon, approved, denied, modified, administratively closed, grandfathered, or distinguished from 536 Bancroft Road.

This request includes, but is not limited to, records for 132 Mt. Gilead Road, 357 College Street, and any other fence/gate/front-yard-fence/drive-gate matters where the City granted, modified, continued, reconsidered, approved, denied, or administratively closed relief.

The Comprehensive Thoroughfare Plan legend distinguishes collector classifications, including C2U, C3U, and C4U, from arterial classifications. If the City has applied or enforced the 50-foot drive-gate standard against any C2U collector property, produce those enforcement records. If the City has treated C3U, C4U, arterial, or other higher-capacity roadway classifications differently from C2U collector properties, produce the records explaining that distinction.

If the City contends 132 Mt. Gilead Road, 357 College Street, or any other known comparator property is not similarly situated to 536 Bancroft Road, produce the records explaining the distinction, including any records addressing road classification, traffic classification, fence/gate type, setback requirement, safety issue, sight-distance issue, hardship basis, variance basis, enforcement status, inspection history, staff recommendation, ZBA action, or administrative closure reason.

13. **System Logs and Search Methodology:** Provide Tyler/EPL, EnerGov, customer portal, workflow, audit-log, status-change, upload, deletion, hide/unhide, link/unlink records; search terms; custodians; systems/modules searched; date ranges; and training records concerning private-property entry, inspection authority, setback measurement, and field-measurement documentation. This includes records explaining which portion of **R000283-050326** Code Enforcement misunderstood and why enforcement letters and inspection-photo sets dating back to 2025 were not produced in the initial May 13 production or earlier productions.
14. **2024 RREM-2407-0023 Communications:** Provide emails, notes, portal messages, permit-desk records, or other records involving **Linda Mumtaz**, Angel Sanchez, Jorge Reyes, Vertical Arts, Building Services, Development Services, Public Works, Code Compliance, or any City permit staff concerning **RREM-2407-0023**, 536 Bancroft Road, project sequencing, contractor registration, driveway square footage, site-plan dimensions, portal transition, Enterprise Permitting & Licensing, inspection scheduling, permit-desk guidance, and related 2024 permit activity.

If the City contends any of the above categories have been satisfied by the additional production, please identify the specific file name, page, photograph date, record location, or portal entry where each category is satisfied. If the City has no responsive records for any category, please provide a written no-responsive-record statement by category under Texas Government Code Section 552.221(f). If records are being withheld or redacted, please identify them and confirm whether the City requested or will request an Attorney General decision under Texas Government Code Section 552.301.

The May 20, 2026 response deadline stated in my May 14 rebuttal letter remains preserved. However, if the City intends to rely on any record, photograph, inspection note, measurement, enforcement letter, or staff determination before that date for continued enforcement, abatement, citation, nuisance classification, ZBA staff report, Board packet, agenda materials, or any position that the condition remains unabated, the City must identify the specific record relied upon and provide the responsive record, no-responsive-record statement, or withholding / Attorney General ruling status before that reliance or action occurs. The May 20 deadline should not be treated as permission to use an incomplete or unexplained record before that date.

Any failure to cure, provide category-by-category no-record statements, identify withheld records, identify the records relied upon before any further action, or correspond regarding any portion the City contends is outside the existing request will be included in a supplemental complaint to the Texas Attorney General under OR26020650, any appropriate new or supplemental referral to the Tarrant County District Attorney's Office, and my June 1, 2026 ZBA record objections, including the argument that the City cannot prove its nuisance classification, measurement basis, abatement status, comparator treatment, or compliance with the statutory stay on the current incomplete record.

Nothing in this correspondence waives any rights, objections, claims, remedies, PIA remedies, OAG complaint rights, ZBA appeal rights, enforcement-stay objections, measurement objections, property-entry objections, due-process objections, comparator-treatment objections, or rights to challenge the completeness of the City's production.

Respectfully,

Carlos Velez Conty

536 Bancroft Road
Keller, Texas 76248

R000283-050326

ZBA-2510-0008 / FENCE-2509-0188 / Code Case #2508-0551

OAG Tracking ID OR26020650

From: [REDACTED]

Sent: Thursday, May 14, 2026 2:34 AM

To: 'Sarah Hensley' <shensley@cityofkeller.com>; 'City of Keller Open Records' <cityofkellertx@govqa.us>; 'Kelly Ballard' <kballard@cityofkeller.com>

Cc: 'SLOWRY' <slowry@Boyle-Lowry.com>; arector@cityofkeller.com

Subject: RE: City Open Records Request :: R000283-050326

VIA EMAIL - RESPONSE TO MAY 13, 2026 PRODUCTION FOR R000283-050326 / NOT A NEW PIA REQUEST

Date: May 14, 2026

To: City of Keller Open Records / City Secretary's Office

Cc: Sarah Hensley, Director of Development Services; Aaron Rector, City Manager; L. Stanton Lowry, City Attorney;

Subject: R000283-050326 - Production Not Accepted as Complete / Missing Category Responses, Measurement Records, Access-Authority Records, Stay and Abatement Records, ZBA Record Placement, Comparator Records, Collector Classification, and Curb/Pavement Datum Issues

Dear City Secretary's Office:

I received the City's May 13, 2026 production for **Open Records Request R000283-050326**.

This correspondence is submitted as a completeness challenge, clarification request, and objection to the City's May 13 production under existing Public Information Request **R000283-050326**. It is not intended to create a new public-information request. If the City contends any portion of this correspondence seeks records outside the scope of R000283-050326, please identify that position in writing and do not treat this correspondence as a new request unless I expressly authorize that treatment.

Receipt of the production does not waive any objection, Public Information Act remedy, ZBA objection, enforcement-stay objection, measurement-origin objection, property-entry objection, record-completeness objection, challenge to charges, or right to challenge incomplete production, withheld records, redactions, missing category responses, missing no-responsive-information statements, or failure to request an Attorney General decision.

The May 13 production is **not accepted as complete**.

I. The Production Appears Limited, Duplicative in Part, and Not Category-Complete

With the exception of the Gutierrez/Reyes staff statement discussed below, the production appears to consist largely of records already in the City's possession, portal, permit file, prior productions, or records I created and submitted myself. These include prior permit attachments, the redlined site plan, before photos, my own May 4 record supplements, the Statement of Compliance, permit materials, signature material, and the Survey with Easements.

I do not dispute that the **CITY OF KELLER PERMIT HISTORY REPORT (FENCE-2509-0188)** is a meaningful system record. It is useful because it shows internal permit history for **FENCE-2509-0188**. However, the two versions produced appear identical. Producing the same system history twice does not provide additional responsive information.

In addition, the Permit History Report appears limited to the **FENCE-2509-0188** workflow beginning September 5, 2025. It does not account for earlier 2024 communications and permitting activity involving **RREM-2407-0023**, Linda Mumtaz, Angel Sanchez, Jorge Reyes / Vertical Arts, driveway square footage, contractor registration, project-status follow-ups, the City's permitting-system transition, project sequencing, backlog-related issues, or in-person / field contacts with the permit office.

That omission matters. The 2024 communications are part of the factual history leading to the fence permitting and later enforcement dispute. Records I possess show communications involving Linda Mumtaz, Angel Sanchez, and Jorge Reyes / Vertical Arts regarding 536 Bancroft Road before the September 2025 FENCE permit history begins. Those communications include requests for driveway square footage, project-status follow-ups, contractor-registration issues, and the City's transition to the new permitting system. The City's May 13 production does not show those communications or explain why they were excluded.

The production therefore appears to be a limited **FENCE-2509-0188 permit-file export**, not a complete response to **R000283-050326**.

Returning records already in the City's permit file, or returning documents I created and submitted myself, does not answer the categories requested. It also does not satisfy the City's obligation to produce responsive records, identify exact public URLs, identify withheld records, request an Attorney General decision where required, or provide category-by-category no-responsive-information statements.

The production includes my own May 4 record-submission materials. Returning my own submissions does not answer whether those submissions were placed into the official **ZBA-2510-0008** administrative record, transmitted to staff or Board members, included in the Board packet, or cross-filed with **Code Case #2508-0551**.

II. The Production Does Not Answer the Abatement, Code-Case Status, Final Notice, or Stay Categories

R000283-050326 specifically sought records concerning the current fixed rail / side-panel / drive-gate configuration, whether the condition is considered compliant, abated, resolved, open, citation-ready, stayed, or otherwise pending; the person or department with authority to determine abatement or case closure; and the current status of **Code Case #2508-0551**.

The May 13 production does not provide a category-by-category response to those requests.

The City has not identified the person, official, department, division, or position with authority to determine whether the cited condition has been abated, resolved, remains open, or is citation-ready. The City also has not identified whether **Code Case #2508-0551** is active, on hold, **stayed**, closed, resolved, citation-ready, referred, or pending further enforcement.

The production does not provide records confirming whether the April 21, 2026 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced. Nor does it provide any written imminent-peril certification under Texas Local Government Code Section 211.010(c), any transmittal of such certification to the ZBA, or records discussing whether enforcement is stayed while **ZBA-2510-0008** remains pending.

These are not peripheral issues. The April 21, 2026 Final Notice, the alleged abatement status, the identity of the decision-maker, the stay status, and the existence or nonexistence of any imminent-peril certification go directly to whether the City may continue enforcement while the ZBA appeal remains pending.

III. The Gutierrez/Reyes Statement Is Not the Underlying Field Record

The only apparently new substantive record is the May 12, 2026 statement from Carlos Gutierrez, which states:

“This is the only thing I can add to the request below. The measurement was completed after Code Compliance received a complaint of a fence built without a permit. Johnny Reyes and I measured with a 50' Long measuring Tape. Distance from drive gate to the edge of the road was measured at 28'7".”

That statement is not the underlying field record. It is a post-request staff explanation that raises additional responsive-record issues.

The statement does not identify the date of the measurement, time of the measurement, complaint record, inspection assignment, work order, field notes, photographs, measurement endpoint, measurement path, datum used for “edge of the road,” where each employee stood, whether any City employee entered a non-public portion of my property, whether any gate/fence/latch/panel was opened or manipulated, or the legal authority relied upon for any non-public entry, inspection, or measurement.

The measurement date is material and creates several threshold record issues the City must resolve.

If the 28'7" measurement was taken **before** the April 21, 2026 Final Notice, then the City must produce the contemporaneous field, inspection, code-case, permit, photograph, workflow, complaint, or

measurement records that existed at that time and were used or available to support the Final Notice, nuisance classification, abatement demand, or continued enforcement position. If no contemporaneous records existed before the April 21 Final Notice, state that expressly in writing.

If the 28'7" measurement was taken **after** the April 21, 2026 Final Notice, then that measurement could not have been the factual basis for the Final Notice. In that event, the City must identify and produce the actual record, measurement, inspection note, photograph, field note, complaint record, staff note, code-case record, permit record, or factual basis relied upon when the April 21 Final Notice was issued.

If the 28'7" measurement was taken **before** my May 4 and subsequent May 11 / May 12 correspondence preserving objection to non-public, warrantless, or intrusive inspection, the City must still produce the date, time, complaint record, inspection assignment, field notes, photographs, measurement authority, measurement method, measurement path, endpoint, datum, and records showing how the 28'7" figure was obtained, documented, transmitted, and used.

If the 28'7" measurement was taken **after** my May 4 and subsequent May 11 / May 12 correspondence, the City must also identify the authority, consent, warrant, court order, ordinance authority, administrative inspection authority, or other specific legal basis relied upon for any non-public entry, inspection, measurement, or access to the property.

If the May 12, 2026 Gutierrez/Reyes statement was created after R000283-050326 to explain the measurement, that post-request statement does not substitute for the original responsive field, inspection, code-case, permit, workflow, photograph, measurement, access-authority, or complaint records. If no original record existed before the May 12 statement was created, printed, entered, or transmitted, the City must state that expressly in writing.

The statement also fails to reconcile the 28'7" tape measurement with the Survey with Easements / site-plan measurement context that the City also produced but did not explain. Producing the Survey with Easements without explaining the discrepancy does not answer the request.

IV. Curb, Pavement, “Edge of Road,” and Measurement Datum Remain Undefined

The September 10 Gutierrez email/note does not cure the defect. It states that drive gates adjacent to public streets must be inset 25 feet from the edge of curb or pavement, while drive gates adjacent to thoroughfares must be inset 50 feet from the edge of curb or pavement. That statement raises the controlling issue rather than resolving it.

The City has not produced the adopted Thoroughfare Plan excerpt, road-classification record, written interpretation, measurement policy, or datum record establishing why the 50-foot standard applies to this specific Bancroft frontage instead of the 25-foot public-street / collector condition.

The City also has not explained how “edge of curb or pavement” applies where there is no curb. “Curb” is not a generic word for “edge.” **Keller’s own standard curb details depict** curb as a constructed curb/gutter improvement with defined physical geometry, not as a generic synonym for “edge of road.” If there is no curb at this frontage, the City must identify whether it used edge of pavement, edge of traveled way, shoulder, right-of-way line, property line, road centerline, or another defined datum.

The **City's own code and engineering terminology distinguish between curbed and uncurbed conditions**. The City cannot treat the curb/no-curb distinction as irrelevant while relying on a measurement phrase that references a curb or pavement edge.

If the City intends to apply a 50-foot setback measured from "edge of pavement" because no curb exists, the City must define that term. "Edge of pavement" is not self-defining on an unimproved or uncurbed frontage. It could mean the edge of asphalt, the edge of the traveled portion, the edge of a shoulder, or some other line. Without a written definition or measurement protocol, the 28'7" or 39 4 ½ measurement remains unsupported and arbitrary.

V. Bancroft Road Classification Remains a Material Missing Record Issue

Records I possess identify Bancroft Road as a collector-classified segment in the City's thoroughfare planning materials, not as a major arterial thoroughfare. The functional distinction between a collector and a thoroughfare is not semantic; it determines traffic function, design assumptions, and the City's claimed setback standard.

The City's position appears to be that because Bancroft appears on a Thoroughfare Plan, the 50-foot drive-gate standard automatically applies. That is not enough. A thoroughfare plan is a planning map containing multiple roadway classifications. Being shown on that plan does not automatically make every listed road a "thoroughfare" for purposes of the 50-foot gate rule.

If the City contends that collector-classified roads shown on the Thoroughfare Plan are treated as "thoroughfares" for purposes of the 50-foot drive-gate setback, the City must produce the ordinance, written interpretation, staff policy, legal opinion, training material, or other record supporting that interpretation.

If the City disputes the collector classification or contends that the 50-foot standard nevertheless applies to this Bancroft frontage, the City must produce the official adopted map, ordinance, staff interpretation, or written policy that overrides or explains the classification.

VI. ZBA Record Placement and Transmission Remain Unanswered

R000283-050326 specifically requested all records showing whether the April 21, 2026 Final Notice, any May 4, 2026 portal supplement, applicant supplemental materials, measurement exhibits, portal screenshots, and procedural objections have been placed into the official **ZBA-2510-0008** record or transmitted to the ZBA, staff, Board members, City Attorney, City Manager, Code Compliance, or Development Services.

The May 13 production does not answer that category. It returns some of my own submissions, but it does not provide records proving those submissions were placed into the official ZBA administrative record, transmitted to Board members, included in the Board packet, or cross-filed with the related code and permit records.

Returning my own May 4 materials through the FENCE permit record is not the same as producing records showing ZBA record placement or Board/staff packet transmission.

VII. Comparator Records Remain Missing

R000283-050326 specifically requested comparator records for residential drive-gate, fence, front-yard fence, access-gate, or similar permit, inspection, enforcement, variance, ZBA, or code-compliance matters along Bancroft Road, Bourland Road, Johnson Road, Mt. Gilead Road, and similar collector/thoroughfare corridors from January 1, 2019 to present.

That request included permit files, inspection notes, plan-review records, enforcement logs, variance records, photographs, staff comments, and records concerning any properties the City considered, discussed, relied upon, or distinguished from 536 Bancroft Road.

The May 13 production does not appear to provide those comparator records, nor does it provide a category-by-category no-responsive-information statement for that category.

Comparator records are material because the City's enforcement position depends on the application of the same setback, measurement, access, and classification standards to similarly situated properties. If the City has no comparator records, it should state that in writing. If the City has comparator records but is withholding or limiting them, it should identify the withheld records and follow the Attorney General ruling process.

VIII. Category-by-Category Completion Demand

The categories below are grouped to avoid unnecessary repetition. They do not narrow, waive, withdraw, or replace the specific record categories previously requested in R000283-050326, R000479-102825, my May 4 final demand, or subsequent correspondence. Each category includes all related emails, notes, Tyler/EPL/EnerGov entries, workflow records, audit logs, photographs, inspection notes, staff comments, internal communications, attachments, and official-capacity records.

Please confirm whether the May 13 production is intended to be the City's complete production for all categories in **R000283-050326**.

If the City contends the production is complete, identify where in the production the following responsive record categories appear, or state in writing by category that no responsive records exist:

1. **Current condition / abatement / code-case status:** records showing whether the current fixed rail / side-panel / drive-gate configuration is considered compliant, abated, resolved, open, citation-ready, stayed, or otherwise pending; records identifying the person, official, department, or position with authority to determine abatement or case status; and records reflecting whether **Code Case #2508-0551** is active, on hold, stayed, closed, resolved, citation-ready, referred, or pending further enforcement.
2. **Final Notice / stay / imminent peril:** records showing whether the April 21, 2026 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced; any written imminent-peril certification under Texas Local Government Code Section 211.010(c); any transmittal of such certification to the ZBA; and any records discussing whether enforcement is stayed while **ZBA-2510-0008** remains pending.
3. **Gutierrez/Reyes timing and contemporaneous basis:** records showing the exact date and time of the 28'7" measurement and whether it occurred before or after: the September 9 / September

10, 2025 permit-review comments; the April 21, 2026 Final Notice; the May 3, 2026 PIA request R000283-050326; my May 4, 2026 record-preservation / no-entry notice; my May 11 / May 12 follow-up correspondence; and the May 12, 2026 Gutierrez/Reyes statement. If the measurement was taken before the April 21 Final Notice, produce the contemporaneous records that existed then and supported or were available to support the Final Notice. If the measurement was taken after the Final Notice, identify the actual records or facts relied upon when the Final Notice was issued. If the Gutierrez/Reyes statement was created after the PIA request to explain the measurement, identify the original records on which the statement was based or state that none existed.

4. **Original field and measurement records:** the complaint record, complaint source, code-case assignment, inspection assignment, work order, field notes, photographs, video, GPS/location data, Code Compliance notes, Building Services notes, Tyler/EPL entries, EnerGov entries, or other system records documenting the 28'7" measurement.
5. **Access authority and property-entry records:** records showing where Carlos Gutierrez and Johnny Reyes stood, the route of access used, whether either employee entered any non-public portion of 536 Bancroft Road, whether any gate/fence/panel/latch/fixture was opened, moved, touched, or manipulated, and any owner consent, written authorization, inspection notice, warrant, court order, ordinance authority, administrative inspection authority, code-enforcement authority, or other legal authority relied upon.
6. **Measurement datum and method:** records identifying the exact origin used for "edge of the road," including whether that means edge of pavement, edge of curb, right-of-way line, property line, road centerline, driveway edge, traveled way, shoulder, or another datum; the exact endpoint used for "drive gate"; and whether the measurement was taken perpendicular to Bancroft Road, along the driveway path, along the vehicle travel path, along a centerline, or by another method.
7. **Measurement reconciliation:** records explaining why the City relied on the 28'7" tape measurement instead of the Survey with Easements / site-plan measurement context; records reconciling the 28'7" measurement with the approximately 39'4-1/4" Survey with Easements / site-plan measurement context; and records showing whether the 28'7" measurement was used to support the Final Notice, nuisance classification, abatement demand, or continued enforcement position.
8. **Road classification / curb / pavement standard:** records identifying the Thoroughfare Plan classification, road classification, adopted map, ordinance, interpretation, or written policy used to apply the 50-foot standard to this specific Bancroft frontage; records explaining whether collector-classified roads on the Thoroughfare Plan are treated as thoroughfares for the 50-foot drive-gate setback; and records defining or interpreting "curb," "edge of pavement," "edge of road," "right-of-way line," "traveled way," or "shoulder" for fence/gate setback measurements.
9. **ZBA record placement / transmission:** records showing whether the April 21, 2026 Final Notice, any May 4, 2026 portal supplement, applicant supplemental materials, measurement exhibits, portal screenshots, procedural objections, or related correspondence have been placed into the official ZBA record for **ZBA-2510-0008** or transmitted to the ZBA, staff, Board members, City Attorney, City Manager, Code Compliance, Development Services, or Public Works.
10. **Public Works / Building Services / safety review:** records explaining why Building Services required resubmittal while Public Works approved **FENCE-2509-0188**; records of any Fire Marshal, Fire Department, emergency-access, sight-distance, traffic, driveway-geometry, drainage, right-of-way, access-management, engineering, Public Works, or other safety review for the gate/fence condition; and records supporting or explaining the nuisance classification in the April 21 Final Notice.

11. **Comparator records:** all comparator records for residential drive-gate, fence, front-yard fence, access-gate, or similar permit, inspection, enforcement, variance, ZBA, or code-compliance matters along Bancroft Road, Bourland Road, Johnson Road, Mt. Gilead Road, Ottinger Road, and similar collector/thoroughfare corridors from January 1, 2019 to present, including permit files, inspection notes, plan-review records, enforcement logs, variance records, photographs, staff comments, and records concerning any properties the City considered, discussed, relied upon, or distinguished from 536 Bancroft Road.
12. **System logs / search methodology / training records:** Tyler/EPL, EnerGov, customer portal, workflow, status-change, task-completion, upload, deletion, hide/unhide, link/unlink, audit-log, or system-log records for **FENCE-2509-0188**, **ZBA-2510-0008**, or **Code Case #2508-0551**; records identifying custodians, departments, systems/modules, repositories, date ranges, and search terms used to respond to R000283-050326; and training, policy, procedure, inspection, legal-guidance, or staff-instruction records concerning private-property entry, owner consent, administrative inspection authority, warrant requirements, trespass, curtilage, setback measurement, field-measurement documentation, and code-enforcement inspections.
13. **Earlier 2024 permit / RREM records:** records from **RREM-2407-0023** concerning 536 Bancroft Road, including communications involving Linda Mumtaz, Angel Sanchez, Jorge Reyes, Vertical Arts, Building Services, and permit-desk personnel regarding driveway square footage, project-status follow-ups, contractor registration, inspection scheduling, project sequencing, portal transition, backlog, or related permit issues. If the City contends these records are outside the scope of R000283-050326, state that position in writing and do not treat that position as a waiver of my right to submit a separate targeted PIA request.

IX. Withheld Records, No-Record Statements, and Attorney General Ruling Status

If the City contends records responsive to any category above were withheld or redacted, identify the withheld or redacted records, state the specific exception asserted, and confirm whether the City requested or will request an Attorney General decision under Texas Government Code Section 552.301.

If the City has withheld responsive records without requesting an Attorney General decision and no valid previous determination applies, I will treat the records as presumed public under Texas Government Code Section 552.302 and preserve all remedies.

If the City contends the May 13 production is complete despite the missing categories identified above, state that position in writing. I will treat that position as the City's representation that no additional responsive records exist or that responsive records are being withheld without adequate identification.

X. Requested Response and Notice of Next Steps

Please respond in writing by **5:00 p.m. Central on May 20, 2026**. Your response should either:

1. state whether the May 13 production is intended to be complete;
2. identify where each responsive record appears;
3. provide category-by-category no-responsive-record statements;
4. identify withheld or redacted records and confirm the Attorney General ruling procedure; and

5. provide the City's administrative position on current abatement status, authority to determine abatement, Code Case #2508-0551 status, measurement date, access authority, curb/pavement datum, collector classification, stay status, nuisance basis, and imminent-peril certification.

If the City fails to respond, claims completeness without addressing the missing categories, or does not provide category-by-category no-record statements, I will preserve and pursue all available remedies, including filing a supplemental complaint with the Texas Attorney General under **OR26020650**, referring the matter to the Tarrant County Criminal District Attorney's Office – Open Government Division for review of potential Chapter 552 violations if supported by the record, filing a law-enforcement report if the City's records or response establish unauthorized entry, and using the City's incomplete production and unanswered questions at the June 1, 2026 ZBA hearing to challenge the legality, completeness, and reliability of the City's enforcement record.

XI. Reservation of Rights

Nothing in this correspondence waives any rights, objections, claims, remedies, defenses, PIA remedies, OAG complaint rights, ZBA appeal rights, enforcement-stay objections, measurement objections, property-entry objections, due-process objections, rights to challenge charges, rights to challenge withholding or redaction, or any right to file a supplemental complaint with the Texas Attorney General Open Records Division, the Tarrant County Criminal District Attorney's Office Open Government Division, law enforcement, or any court with jurisdiction.

Respectfully,

Carlos Velez Conty

536 Bancroft Road
Keller, Texas 76248

[REDACTED]
(831) 710-7577

ZBA-2510-0008
FENCE-2509-0188
Code Case #2508-0551
PIA Request R000283-050326
PIA Request R000479-102825
OAG Tracking ID OR26020650
Texas.gov Request ID 66404214

From: City of Keller Open Records <cityofkellertx@govqa.us>

Sent: Wednesday, May 13, 2026 12:17 PM

To: [REDACTED]

Subject: City Open Records Request :: R000283-050326

--- Please respond above this line ---



RE: City Open Records Request of May 03, 2026, Reference # R000283-050326

Dear Carlos Velez Conty,

The City of Keller received a public information request from you on May 03, 2026. Your request mentioned:

Public Information Act Request - Existing Records Only

Property: 536 Bancroft Road, Keller, Texas

Permit: FENCE-2509-0188

ZBA Case: ZBA-2510-0008

Code Case: #2508-0551

Prior PIA / OAG Reference: PIA Request R000479-102825; OAG Tracking ID OR26020650; Texas.gov Request ID 66404214

I request copies of all existing public records, in any format, including but not limited to emails, letters, notes, memoranda, Tyler/EPL entries, portal messages, workflow logs, audit logs, task records, status-change records, inspection notes, photographs, internal messages, Teams messages, attachments, plan-review notes, staff comments, and records maintained on any City system or official-capacity account/device, concerning 536 Bancroft Road, Keller, Texas; FENCE-2509-0188; ZBA-2510-0008; and Code Case #2508-0551.

For Items 1 through 8, the requested date range is April 21, 2026 through the date this request is received. If the City elects to search through the date of production, please include any additional responsive records created or received during processing.

For Item 9, the requested date range is January 1, 2019 through the date this request is received.

This request seeks only records already in existence. I am not requesting creation of new information, legal research, or answers to questions.

Requested records include:

1. All records concerning the current fixed rail / side-panel / drive-gate configuration at 536 Bancroft Road, including inspections, photographs, determinations, notes, internal comments, communications, and records reflecting whether the City considers the condition compliant with the April 21, 2026 Final Notice, abated, resolved, open, citation-ready, stayed, or otherwise pending.
2. All records identifying or reflecting the person, official, department, division, or position with authority to determine whether the cited condition in Code Case #2508-0551 has been abated, resolved, remains open, or is citation-ready.
3. All records reflecting the current status of Code Case #2508-0551, including any status as active, on hold, stayed, closed, resolved, citation-ready, referred, or pending further enforcement.
4. All records concerning the measurement origin, datum line, measuring point, measurement method, field measurement, plan measurement, survey measurement, redline measurement, or staff interpretation used for the 50-foot drive-gate requirement at 536 Bancroft Road, including records reflecting whether the measurement is taken from edge of pavement, edge of curb, edge of road, right-of-way line, property line, driveway edge, gate face, gate centerline, perpendicular to Bancroft Road, or along the driveway path.

5. All records concerning, comparing, addressing, or relying upon the 28'7" redline measurement and the approximately 39'4¼" survey/easement measurement, including any records explaining which measurement the City relies on, who made each measurement, when each measurement was made, what document or field condition was used, and whether either measurement was field-verified.

6. All records concerning why Building Services required resubmittal while Public Works approved Permit FENCE-2509-0188, including the Permit Corrections Report, reviewer notes, internal comments, routing history, plan-review notes, workflow entries, task assignments, and communications involving Carlos Gutierrez, Michael Fletcher, Building Services, Public Works, Planning, Engineering, Code Compliance, or Development Services.

7. All records concerning any site-specific fire/access, emergency-access, sight-distance, right-of-way, drainage, traffic, access-management, engineering, or Public Works review for the current or prior gate/fence condition at 536 Bancroft Road.

8. All records showing whether the April 21, 2026 Final Notice, any May 4, 2026 portal supplement, any applicant supplemental materials, any measurement exhibits, any portal screenshots, and any procedural objections have been placed into the official ZBA record for ZBA-2510-0008 or transmitted to the ZBA, staff, Board members, City Attorney, City Manager, Code Compliance, or Development Services.

9. Any written "imminent peril" certification under Texas Local Government Code § 211.010(c), including any record certifying that a stay of enforcement would cause imminent peril to life or property, any transmittal of that certification to the ZBA, and any records discussing whether enforcement in Code Case #2508-0551 is stayed while ZBA-2510-0008 remains pending.

10. All comparator records for residential drive-gate, fence, front-yard fence, access-gate, or similar permit, inspection, enforcement, variance, ZBA, or code-compliance matters along Bancroft Road, Bourland Road, Johnson Road, Mt. Gilead Road, and similar collector/thoroughfare corridors from January 1, 2019 to present, including permit files, inspection notes, plan-review records, enforcement logs, variance records, photographs, staff comments, and records concerning any properties the City considered, discussed, relied upon, or distinguished from 536 Bancroft Road.

11. All Tyler/EPL, customer portal, EnerGov, permitting-system, code-case-system, workflow, visibility, document-access, task-completion, status-change, upload, deletion, hide/unhide, link/unlink, audit, or system-log records showing when documents or records were created, uploaded, made visible, hidden, linked, unlinked, reviewed, approved, denied, marked incomplete, marked complete, or transmitted for FENCE-2509-0188, ZBA-2510-0008, or Code Case #2508-0551.

Please produce responsive records electronically through the portal or by email.

If no responsive records exist for any category, please provide written notice under Texas Government Code § 552.221(f).

If responsive records cannot be produced within ten business days, please certify that fact in writing and set a date and hour when the records will be available under Texas Government Code § 552.221(d).

If the City claims any exception to disclosure, please identify the records withheld or redacted, state the specific exception asserted, provide the required notice to me, and request an Attorney General ruling within the time required by Texas Government Code § 552.301 unless a valid previous determination applies.

This request does not ask the City to create new information, perform legal research, or answer questions. It requests only existing records.

I do not agree to redaction of information under discretionary or mandatory exceptions. If the City

withholds or redacts any responsive information, please identify the records withheld or redacted, state the specific exception or confidentiality provision claimed, provide all required notice, and request an Attorney General ruling unless a valid previous determination or statute expressly authorizes withholding without a ruling. This request does not waive my right to challenge any withholding or redaction.

The City of Keller has reviewed its files and has located the record(s) responsive to your request. Please log in to the Open Records Request Portal via the following link to retrieve the record(s) requested.

[City Open Records Request - R000283-050326](#)

Sincerely,

Kelly Ballard
City Secretary

To monitor the progress or update this request please log into the [Open Records Request Portal](#)

