

From: [REDACTED]
Sent: Thursday, May 21, 2026 10:25 AM
To: 'Aaron Rector'; 'SLOWRY'
Subject: RE: Request for Executive and Legal Corrective Action: ZBA-2510-0008 / Procedural Defects, Record Access Failures, Stay Status, ADA: ZBA-2510-0008
Attachments: ATTACHMENT A_Detailed_Management_Legal Letter Regarding ZBA-2510-0008.pdf; ATTACHMENT B Record of Actions Procedural Timeline for ZBA-2510-0008.pdf
Importance: High

VIA EMAIL

To: Aaron Rector, City Manager; L. Stanton Lowry, City Attorney

Date: May 21, 2026

Subject: ZBA-2510-0008; Emergency Request to Hold May 21 Submission Deadline in Abeyance / Attachments A-B Incorporated / Certified Submission Protocol Required

Dear Mr. Rector and Mr. Lowry,

I respectfully submit this letter as an emergency hold request for the May 21, 2026 applicant submission deadline in abeyance pending a written management/legal response, a written ADA / language-access accommodation decision, and a certified electronic submission protocol for **ZBA-2510-0008**.

I am directing this request to both, the City Manager and City Attorney for the issues currently standing require management, and legal authority consideration. Staff-level statements regarding email submission, file size, and file sharing do not resolve the City-controlled procedural defects, nor do they provide the certification, record-management assurances, ADA/language-access decision, stay confirmation, or hearing-scope clarification required before the City uses the May 21 deadline or June 1 hearing schedule against me.

Attached I am including two documents that describe the following:

- **Attachment A — Detailed Management/Legal Letter Regarding ZBA-2510-0008**
This attachment identifies the unresolved City-controlled procedural defects affecting notice, portal access, record submission, record transmission, hearing scope, stay status, Final Notice status, ADA accommodation, language access, and administrative-record integrity.
- **Attachment B — Record of Actions / Procedural Timeline for ZBA-2510-0008**
This attachment documents my diligence, prior requests, City responses and nonresponses, portal issues, notice defects, PIA/OAG overlap, ADA/language-access request, and unresolved items requiring management/legal action.

These attachments, are not merely background documents. They support the relief requested below and identify the issues the City must cure before the May 21 submission deadline or June 1 hearing is used to

exclude materials, claim waiver, assert untimeliness, or proceed on an incomplete administrative record.

Also, this letter is not a new Public Information Act request. It is a ZBA procedural, ADA accommodation, language-access, record-transmission, due-notice, and submission-protocol request.

Ms. Hensley has stated that I may email attachments if I am unable to upload documents, that the City's incoming email size limit is 100 MB, and that file sharing may be used if there are attachment issues. That does not solve the problem. My outgoing email limit is approximately **15 MB**, which means my ZBA materials may need to be divided into multiple batches or transmitted through another reliable method. The City has not provided a certified, indexed, traceable, non-waiver submission process.

The City controls the portal, agenda, staff report, Board packet, record transmission, file-routing process, ADA accommodation process, hearing notice, and enforcement file. The City should not enforce a submission deadline, exclude materials, claim waiver, or assert applicant noncompliance while those City-controlled processes remain unresolved.

Based on the attached record and unresolved City-controlled defects, I request that the City take the following action immediately:

1. **Hold the May 21, 2026 applicant submission deadline in abeyance** until the City provides a certified electronic submission protocol, written ADA/language-access accommodation decision, staff report, Board packet, corrected notice, direct applicant notice confirmation, stay status, and Final Notice status.
2. **Provide a certified electronic submission protocol** confirming file-size limits, accepted formats, batch procedure, authorized custodian, timestamped receipt, indexing, cross-filing, staff-report inclusion, Board-packet inclusion, excluded-item procedure, technical-failure procedure, and non-waiver / non-admission treatment.
3. **Confirm that email or file-sharing submission is not a permit resubmittal, plan revision, new application, waiver, admission, concession, variance-only election, or acceptance that the record is complete.**
4. **Confirm that submitted materials will be placed into the official ZBA-2510-0008 record, staff report, and Board packet**, and that relevant materials will be cross-filed into **FENCE-2509-0188** and **Code Case #2508-0551**.
5. **Confirm the hearing posture**, including whether ZBA-2510-0008 will be presented as an administrative appeal of the April 21, 2026 Final Notice, with alternative variance relief preserved only in the alternative and without waiver.
6. **Confirm stay status under Texas Local Government Code § 211.010(c)**, including whether any written imminent-peril certification has been transmitted to the ZBA.
7. **Confirm the April 21, 2026 Final Notice status**, including whether it remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced.
8. **Identify the records the City intends to rely on at the hearing**, including ordinances, measurements, photographs, staff determinations, comparator materials, enforcement records, and staff interpretations.
9. **Provide a written ADA and language-access accommodation decision**, or identify the decision-maker, requested additional information, deadline, and proposed alternative accommodation.

10. Continue the June 1 hearing if the City cannot provide the certified submission protocol, staff report, Board packet, ADA/language-access decision, corrected notice, official administrative record, and hearing-scope confirmation in time for meaningful preparation.

This request is grounded in due process, record integrity, ADA access, language access, and Texas Local Government Code Chapter 211. The City's process must allow a meaningful administrative appeal, not merely a last-minute opportunity to email documents into an uncertain record.

Texas Local Government Code § 211.010 requires the appealed record to be transmitted to the Board, stays enforcement proceedings absent written imminent-peril certification to the Board, and requires public notice and due notice to parties in interest. The City has not confirmed the complete transmitted record, stay status, imminent-peril certification status, Final Notice status, staff report, Board packet, direct applicant notice, or record-placement process.

The ADA / language-access issue is also active. I have requested reasonable accommodation for disability-related processing, organization, review, and presentation needs in a complex administrative appeal. I have also requested language support because I am a native Spanish speaker and the matter involves legal, zoning, enforcement, measurement, engineering, and procedural terminology. A reliable submission process, timely packet access, written presentation procedure, sufficient preparation time, and qualified language assistance are part of meaningful participation.

The timing of this request is directly tied to the City's own process failures. If the City had timely provided a clear hearing date, direct applicant notice, a functioning submission method, the staff report, Board packet, hearing scope, presentation rules, and a point of contact for accommodation processing, I would have had a meaningful opportunity to raise and finalize these accommodation and language-access needs earlier. Instead, the process has remained uncertain through the failed May 4 setting, conflicting June notice, lack of visible upload access, last-minute email/file-sharing workaround, and still-unanswered record and hearing-scope questions. This request should not be treated as untimely.

The City's informal email/file-sharing workaround does not cure the issue unless it is certified, indexed, traceable, and protected against mischaracterization. Without those safeguards, the workaround shifts City-created procedural risk onto the applicant.

Unless the City provides the requested certification and management/legal response, the May 21 deadline should not be used to:

1. exclude materials;
2. claim waiver;
3. assert untimeliness;
4. claim applicant noncompliance;
5. characterize the submission as a permit resubmittal;
6. characterize the submission as a variance-only election;
7. claim admission of violation;
8. treat the record as complete; or
9. proceed with a hearing on an incomplete, inconsistent, or uncertified administrative record.

If the City denies this request, please provide the denial in writing, identify the decision-maker, state the legal and procedural basis for denial, and identify the alternative process the City contends will provide

meaningful participation, reliable record submission, ADA-compliant access, language access, and a complete administrative record.

This letter is not also a refusal to participate. It is an emergency request for reasonable modification, language access, certified record-submission protocol, and deadline protection before the City uses a defective process to exclude materials or claim waiver.

Nothing in this letter waives any rights, objections, ADA accommodation rights, language-access rights, Public Information Act issues, Open Meetings Act issues, enforcement-stay objections, Final Notice objections, measurement objections, notice objections, administrative-record objections, due-process objections, objections to exclusion of materials, any request for continuance, any right to seek judicial review, or any other available remedy.

Respectfully,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248

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

Attachments:

Attachment A — Detailed Management/Legal Letter Regarding ZBA-2510-0008

Attachment B — Record of Actions / Procedural Timeline for ZBA-2510-0008

From: [REDACTED] >

Sent: Tuesday, May 19, 2026 10:31 PM

To: 'Aaron Rector' <arector@cityofkeller.com>; 'SLowry' <slowry@Boyle-Lowry.com>

Cc: 'Sarah Hensley' <shensley@cityofkeller.com>; 'Kelly Ballard' <kballard@cityofkeller.com>

Subject: Request for Executive and Legal Corrective Action: ZBA-2510-0008 / Procedural Defects, Record Access Failures, Stay Status, ADA: ZBA-2510-0008

VIA EMAIL

Subject: Request for Executive and Legal Corrective Action: ZBA-2510-0008 / Procedural Defects, Record Access Failures, Stay Status, ADA: ZBA-2510-0008

To: Aaron Rector, City Manager; L. Stanton Lowry, City Attorney

Cc: Sarah Hensley, Director of Development Services; Kelly Ballard, City Secretary

Date: May 19, 2026

Dear Mr. Rector and Mr. Lowry,

I am addressing this email to both, the City Manager and City Attorney as the ZBA **ZBA-2510-0008** submission process is still unresolved, this matter is no longer a routine staff clarification issue.

The unresolved defects now involve City-controlled notice, portal access, record submission, record integrity, stay status, Final Notice status, ADA accommodation, and hearing logistics. These issues require a written City position and corrective action before the City continues to move towards the June 1, 2026 ZBA hearing.

I am also copying Sarah Hensley, and Kelly Ballard for their Development Services and City Secretary's Office role on the implementation of the ZBA notices, portal access, record placement, packet preparation, and hearing logistics. To this end, I am asking for the City's confirmation on how it intends to cure, correct, or formally address the issues below.

The issue is no longer a simple portal setting. The record now reflects a series of City-controlled procedural failures: **(1)** a prior represented May 4 hearing that did not occur; **(2)** a May 14 public hearing notice containing an internally inconsistent date, stating "Monday, June 6, 2026," when June 6, 2026 is not a Monday; **(3)** no direct applicant notice received by me as of prior correspondence, despite a neighbor receiving notice; **(4)** the ZBA portal still displaying the case as "**ZBA Variance**" despite my written election of an administrative appeal; **(5)** incomplete workflow items; **(6)** no visible applicant upload function for **ZBA-2510-0008** despite staff stating the portal was set to allow uploads; **(7)** a two-business-day upload deadline imposed without a visible functioning ZBA submission system or written alternative method; and **(8)** months of missing records, missing no-record statements, and unanswered record-placement questions.

I also reviewed **ZBA-2510-0008** portal, preserving the screenshots of relevant tabs. The portal is still showing the initial attachments I uploaded, but it does not show a visible upload area, button, document-submission link, or available applicant action. This is the same issue I previously raised when I asked how supplemental materials should be submitted if the ZBA portal did not allow uploads. The current portal display does not match the City's statement that the portal is set to allow applicant uploads.

These are not minor administrative issues. They directly affect my ability to communicate, receive and respond to notices, access the record, prepare for the hearing, preserve due-process objections, obtain ADA accommodation review, and present a complete administrative appeal. A process that requires the applicant to correct the City's notice errors, chase missing records, verify portal functionality, resolve an inconsistent case classification, and guess the submission method is not a meaningful appeal process.

I am not asking for special treatment. I am asking the City to provide the basic process it controls: correct notice, correct case classification, a functioning submission method, disclosure of the City's staff materials, confirmation of the official record, confirmation of stay status, and a meaningful opportunity to respond before the hearing.

Please provide written City Manager and City Attorney confirmation on the following by **5:00 p.m. Central on May 20, 2026**, or before any agenda, staff report, agenda packet, Board packet, corrected notice, or applicant submission deadline is issued or enforced, whichever occurs first. If the City needs additional time on any item, please identify the item, the reason additional time is needed, the proposed response date, and how the City will prevent that delay from affecting the May 21 submission deadline or June 1 hearing.

1. Whether the June 1, 2026 ZBA hearing date remains operative for **ZBA-2510-0008**.
2. Whether the May 14 notice containing “Monday, June 6, 2026” has been withdrawn, corrected, supplemented, or replaced.
3. Whether direct notice has been provided to me as applicant, appellant, and property owner, including the date, method, address/email used, and proof of mailing or transmission.
4. Whether **ZBA-2510-0008** will be docketed, noticed, presented, and heard as an administrative appeal of the April 21, 2026 Final Notice, not as a variance-only matter.
5. Whether the portal case label “ZBA Variance” will be corrected, or whether the City contends that label does not control the legal posture of the case.
6. The functioning method for submitting applicant materials into the official ZBA record, staff report, agenda packet, and Board packet.
7. If the City contends the ZBA portal is available for upload, the exact location, tab, link, workflow step, file-size limits, accepted formats, and upload instructions.
8. Whether the May 21, 2026 at 5:00 p.m. upload deadline is a staff deadline, Board-packet deadline, agenda-packet deadline, ordinance deadline, or legal deadline.
9. Whether the May 21 deadline will be extended, or not enforced against me, if the City does not provide a functioning ZBA upload method and written instructions with enough time for meaningful submission.
10. Which of my prior submissions are already included in the official ZBA record, staff report, agenda packet, and Board packet.
11. When the City’s staff report, agenda packet, Board packet, staff evidence, photographs, measurements, Code Case #2508-0551 records, Final Notice materials, nuisance-basis materials, and City exhibits will be available for my review.
12. Whether I will be given a meaningful opportunity to review and respond to City staff materials, measurements, photographs, nuisance-basis records, and enforcement materials before the hearing.
13. Whether Code Case #2508-0551 and all proceedings in furtherance of the April 21, 2026 Final Notice remain stayed pending the ZBA hearing and decision under Texas Local Government Code § 211.010(c), absent any written imminent-peril certification transmitted to the ZBA.
14. Whether any written imminent-peril certification has been transmitted to the ZBA, and if so, where it appears in the official ZBA record, staff report, and Board packet.
15. Whether the April 21, 2026 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced.
16. Whether the ZBA members will be informed in writing of the notice-date error, portal-access issue, administrative-appeal classification issue, stay-status issue, Final Notice status, and my objection to exclusion of materials caused by a late, unclear, unavailable, or nonfunctional submission process.
17. Who is responsible for processing my ADA accommodation request and when I will receive a written decision or proposed alternative accommodation.
18. Whether the City will designate a point of contact for **ZBA-2510-0008** logistics and record-submission issues before the June 1 hearing.

If the City proceeds while these issues remain unresolved, the record will show that I made a good-faith effort to communicate with the responsible City officials, including the City Manager and City Attorney, before the City continued forward. That will be material to additional ZBA objections, Open Meetings Act complaints or objections, Public Information Act supplements, ADA accommodation issues, due-process objections, any request for continuance, and later judicial review.

I am limiting this email to the City officials responsible for the ZBA record, notice, legal review, ADA accommodation processing, hearing logistics, and record integrity. If these issues remain unresolved, I preserve the right to provide a separate procedural notice to the Mayor and City Council for oversight purposes only, without requesting deliberation, discussion, vote, or action on the merits of the pending ZBA appeal.

Nothing in this email waives any rights, objections, claims, defenses, ADA accommodation rights, enforcement-stay objections, notice objections, due-process objections, measurement objections, comparator objections, Public Information Act issues, Open Meetings Act issues, administrative-record objections, or objections to the City's incomplete administrative record.

Respectfully,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248

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: Sarah Hensley <shensley@cityofkeller.com>

Sent: Tuesday, May 19, 2026 9:21 AM

To: [REDACTED]; 'City of Keller Open Records' <cityofkellertx@govqa.us>; Kelly Ballard <kballard@cityofkeller.com>

Cc: 'SLOWRY' <slowry@Boyle-Lowry.com>; Aaron Rector <arector@cityofkeller.com>; Justin Wilkins <jwilkins@cityofkeller.com>

Subject: RE: Urgent Correction Needed, Conflicting Public Hearing Notice / Applicant Due Notice / ZBA-2510-0008 / Administrative Appeal / Record, Stay, and ADA Issues – Response Required by 5:00 p.m. May 19, 2026

Mr. Conty

You are correct, we made an error on the meeting date. Because we are still more than ten days out from the public hearing, we will be sending corrected notices out today. We will be happy to let the ZBA members know of the notice issue and how it was corrected by city staff.

We will include any documents you have uploaded into the portal by 5 p.m. this Thursday, May 21, 2026 in the agenda packet for ZBA. The portal is currently set to allow uploads by the applicant.

Sarah Hensley | Director of Development Services

P: 817-743-4127

City of Keller, Texas

www.cityofkeller.com

From: [REDACTED] >

Sent: Monday, May 18, 2026 9:25 PM

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>; Aaron Rector <arector@cityofkeller.com>; Justin Wilkins

<jwilkins@cityofkeller.com>

Subject: Urgent Correction Needed, Conflicting Public Hearing Notice / Applicant Due Notice / ZBA-2510-0008 / Administrative Appeal / Record, Stay, and ADA Issues – Response Required by 5:00 p.m. May 19, 2026

VIA EMAIL

Date: May 18, 2026

To: Sarah Hensley, Director of Development Services; Kelly Ballard, City Secretary

Cc: Aaron Rector, City Manager; L. Stanton Lowry, City Attorney; Justin Wilkins, Building Official

Subject: Urgent Correction Needed, Conflicting Public Hearing Notice / Applicant Due Notice / ZBA-2510-0008 / Administrative Appeal / Record, Stay, and ADA Issues – Response Required by 5:00 p.m. May 19, 2026

Date: May 18, 2026

Dear Ms. Hensley and Ms. Ballard:

I obtained from a neighboring property owner a copy of the City's written **Notice of Public Hearing** for **ZBA-2510-0008**, dated May 14, 2026, and signed by Building Official Justin Wilkins.

As of this correction notice however, I have not received direct notice of that public hearing from the City by mail, email, portal notice, or other delivery method. If the City contends it has provided direct notice to me as the applicant, appellant, and property owner, please identify the date sent, method of delivery, address or email used, sender, and proof of mailing or transmission.

The notice provided to my neighbor states that the Zoning Board of Adjustment will hold a public hearing at **5:30 p.m. on Monday, June 6, 2026**. That conflicts with the City's prior written confirmation from Ms. Hensley on May 12, 2026 that **ZBA-2510-0008 has been scheduled for the June 1, 2026 ZBA meeting**. The notice is also internally inconsistent because **June 6, 2026 is not a Monday**.

This is a material notice issue. The City cannot fairly require the applicant, nearby property owners, the public, or the ZBA to proceed under conflicting hearing-date information. This is especially concerning given the prior March 13 representation that the matter had been moved to May 4, followed by the City's later confirmation that no ZBA meeting was scheduled for May 4.

The City's Legistar calendar currently shows a ZBA meeting on June 1, 2026, but the agenda is not available. The ZBA portal continues to list ZBA-2510-0008 as "**ZBA Variance**," despite my May 11 response selecting **Option 1: appeal of a decision of an administrative official**. The portal workflow also shows "**Link To Code Case**" as started but not completed, and "**Send Letter to Applicant**" as not completed.

Please confirm the following in writing by **5:00 p.m. Central on May 20, 2026**, or before any corrected notice, agenda, staff report, Board packet, or public posting is issued, whichever occurs first:

1. the actual hearing date and time for **ZBA-2510-0008**;
2. whether the June 1, 2026 date remains the scheduled hearing date;
3. whether the May 14, 2026 Notice of Public Hearing contains a date error;
4. whether the City provided direct notice to me as the applicant, appellant, and property owner, and if so, the date, method, address/email used, and proof of mailing or transmission;
5. whether corrected public notices will be issued to all required recipients, including me and surrounding property owners within the required notice area;
6. whether the May 14, 2026 notice will be withdrawn, corrected, supplemented, or replaced;
7. whether the City has already mailed or otherwise distributed the May 14 notice to surrounding property owners;
8. if the May 14 notice was distributed, the date it was mailed, the recipients or mailing list used, and whether those same recipients will receive corrected notice;
9. whether the Legistar agenda, ZBA portal, staff report, Board packet, mailed notice, and any public posting will be corrected to reflect the actual hearing date;
10. whether the City contends the existing May 14 notice is legally sufficient despite the date conflict and apparent lack of direct applicant notice, and if so, the legal basis for that contention;
11. whether the applicant submission deadline, staff report release date, Board packet release date, ADA accommodation processing, public-comment deadline, or applicant response deadline are affected by the notice-date conflict; and
12. whether this notice issue will be placed into the official administrative record for **ZBA-2510-0008**.

The notice does correctly describe the matter as a request to **appeal a decision made by an administrative official** related to the drive gate at 536 Bancroft Road. Please confirm that **ZBA-2510-0008** will be docketed, noticed, presented, and heard as an **administrative appeal** of the April 21, 2026 Final Notice in **Code Case #2508-0551**, with any alternative variance relief preserved only in the alternative and without waiver.

This correspondence also incorporates my May 18, 2026 request for confirmation regarding the administrative-appeal classification, record-submission method, Board-packet deadline, upload access, stay status, Final Notice status, and ADA accommodation request. The City has not yet provided written confirmation on those issues.

In particular, the City still has not confirmed:

1. whether **ZBA-2510-0008** will be heard as an administrative appeal rather than variance-only;
2. the deadline and accepted method for submitting supplemental materials into the official ZBA record and Board packet;
3. whether the ZBA portal's lack of applicant upload access will be addressed or whether email submission will be accepted;
4. whether my prior correspondence and exhibits have been placed into the official ZBA administrative record;
5. whether the April 21, 2026 Final Notice, permit records, code-case records, measurement records, PIA/OAG correspondence, and applicant objections are included in the ZBA record;
6. whether **Code Case #2508-0551** remains stayed pending the ZBA hearing and decision under Texas Local Government Code § 211.010(c);
7. whether any written imminent-peril certification has been transmitted to the ZBA;
8. whether the April 21, 2026 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced;

9. what records support the City's nuisance classification in the April 21, 2026 Final Notice;
10. whether the ZBA record has been updated to include the April 21 Final Notice, current enforcement status, stay issue, lack or existence of any imminent-peril certification, and my written objections; and
11. who is responsible for processing my ADA accommodation request before the June 1 hearing.

If the City intends to proceed with the June 1 hearing, the City must ensure that the public notice, applicant due notice, agenda, ZBA portal, staff report, Board packet, enforcement status, stay status, and administrative record are internally consistent and legally sufficient. If the City contends it can proceed despite the conflicting May 14 notice, the absence of direct notice to me as of this correspondence, the unresolved portal classification, incomplete workflow, and unanswered stay / Final Notice / nuisance-basis issues, please identify the specific legal basis for that position.

The City should not rely on an incomplete or internally inconsistent record to present the matter to the ZBA, support the April 21 Final Notice, claim continued nuisance status, assert non-abatement, or proceed with enforcement while the statutory stay issue remains unresolved and no written imminent-peril certification has been produced.

This correspondence is not a new Public Information Act request. It is a ZBA notice, due-process, applicant-notice, record, logistics, stay-status, Final Notice, nuisance-basis, and hearing-date correction request. If the City contends any portion of this correspondence must be treated as a public-information request, please identify that portion in writing before assigning a new request number.

If the City proceeds without correcting or explaining the conflicting notice, without confirming direct applicant notice, without confirming the administrative-appeal posture, without confirming the official record and Board packet, or without addressing the stay / Final Notice / nuisance-basis issues, I will preserve all notice objections, due-process objections, Open Meetings Act issues, Public Information Act issues, ADA accommodation issues, enforcement-stay objections, administrative-record objections, and all available administrative or judicial remedies.

Nothing in this correspondence waives any rights, objections, claims, defenses, Open Meetings Act issues, Public Information Act issues, ADA accommodation rights, enforcement-stay objections, notice objections, applicant due-notice objections, administrative-record objections, due-process objections, objections to the City's nuisance classification, or objections to the City proceeding on an inaccurate, inconsistent, incomplete, or improperly served hearing notice.

Respectfully,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248

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: [REDACTED]
Sent: Thursday, May 14, 2026 10:42 PM

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

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 it’s 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@govga.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](#)



■ Apply Online! www.cityofkeller.com/css Effective June 17, 2024, the City of Keller has transitioned to a new permitting and inspections software system, Enterprise Permitting & Licensing. As part of our commitment to providing you with the best possible service and streamlining our processes, the transition eliminates paper applications in favor of a fully digitized process for permitting and plan review, contractor registrations, payments, and code case reporting.