

**MINUTES OF THE REGULAR MEETING  
SUBSTANDARD BUILDING BOARD  
OF THE CITY OF NORTH RICHLAND HILLS, TEXAS,  
HELD AT THE COUNCIL WORKROOM, 4301 CITY POINT DRIVE  
FEBRUARY 20, 2024**

The Substandard Building Board of the City of North Richland Hills, Texas met on the 20<sup>th</sup> day of February 2024 at 6:00 p.m. in the Council Workroom.

Present:	Daniel Caulkins	Place 1
	Bill Wait	Place 2
	John Cope	Place 3
	Michael Gist	Place 4
	Paul Eupperley	Place 5
	Brian Crowson	Place 6, Chairman
Absent:	Robert McCary	Place 7
Staff Members:	Stefanie Martinez	Director of Neighborhood Services
	Thomas McMillian	Assistant City Attorney
	Dave Pendley	Chief Building Official
	Audrey Cappallo	Executive Secretary
	Rayneice Horne	Lead Code Compliance Officer

**A. CALL TO ORDER**

Chairman Crowson called the meeting to order at 6:01 p.m.

**B. PUBLIC COMMENTS - AN OPPORTUNITY FOR CITIZENS TO ADDRESS THE SUBSTANDARD BUILDING BOARD ON MATTERS WHICH ARE SCHEDULED ON THIS AGENDA FOR CONSIDERATION BY THE BOARD, BUT NOT SCHEDULED AS A PUBLIC HEARING. IN ORDER TO ADDRESS THE SUBSTANDARD BUILDING BOARD DURING PUBLIC COMMENTS, A PUBLIC MEETING APPEARANCE CARD MUST BE COMPLETED AND PRESENTED TO THE RECORDING SECRETARY PRIOR TO THE START OF THE SUBSTANDARD BUILDING BOARD MEETING.**

Chairman Crowson informed the Board that no one had signed up to speak during public comments.

**C.1 ELECTION OF CHAIR AND VICE CHAIR**

Chairman Crowson asked if there are any nominations for Vice Chair. In response, Mr. Caulkins recommended that the Board keep same Vice Chairman. Mr. Wait accepted the nomination.

**MR. DANIEL CAULKINS MOVED TO KEEP MR. BILL WAIT AS VICE CHAIRMAN. MR. MICHAEL GIST SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0.**

Chairman Crowson asked if there are any nominations for Chair. In response, Mr. John Cope recommended that the Board keep same Chairman. Chairman Crowson accepted the nomination.

**MR. JOHN COPE MOVED TO KEEP CHAIRMAN CROWSON AS CHAIRMAN. MR. MICHAEL GIST SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0.**

## **C.2 APPROVAL OF MINUTES OF THE JULY 18, 2023, SUBSTANDARD BUILDING BOARD MEETING.**

**MR. BILL WAIT MOVED TO APPROVE THE MINUTES OF THE JULY 18, 2023, SUBSTANDARD BUILDING BOARD MEETING. MR. JOHN COPE SECONDED THE MOTION**

**MOTION TO APPROVE CARRIED 6-0.**

Before proceeding forward, Chairman Crowson sworn in Stefanie Martinez, Dave Pendley and Rayneice Horne.

**C.3 SBB 2023-99 PUBLIC HEARING AND CONSIDERATION AS TO WHETHER THE COMMERCIAL STRUCTURES ON THE PROPERTY LOCATED AT 8015 GLENVIEW DRIVE AKA 8017 GLENVIEW DRIVE KNOWN AS BLOCK 1, LOT 2 OF THE TOWNE OAKS ADDITION IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS REMAIN SUBSTANDARD WITHIN THE MEANING OF THE CITY'S ORDINANCES AND ORDER REPAIR OR DEMOLITION OF THE STRUCTURES AND/OR ASSESS A CIVIL PENALTY FOR NON-COMPLIANCE WITH THE PREVIOUSLY ISSUED ORDER.**

### **APPROVED**

Chairman Crowson called on Stefanie Martinez, Director of Neighborhood Services, to present the substandard case.

Mrs. Martinez informed the Board that she met with the property owner last week and he stated he would be present at this meeting. She anticipates him showing up.

Mrs. Martinez presented an aerial map and zoning map of the property located at 8015 Glenview Drive aka 8017 Glenview Drive and property is zoned PD but is a commercial property.

Mrs. Martinez provided the Board with an overview of action taken to date for the structure located at 8015 Glenview Drive aka 8017 Glenview Drive.

- April 28, 2023 - Director Martinez, Code Officer Brian Thomas and Building Inspector Gary Taylor conducted an inspection following a complaint that someone was living inside one of the vacant units. The second story also with a Stop Work Order by Building Inspector Taylor. Storage and deterioration were observed.
- May 23, 2023 – Code Compliance was notified of a NRHPD call via email that Officers located 2 persons living inside one of the vacant suites.
- June 15, 2023 – A Notice and Order was posted to the property and mailed to the owner. Photos were taken.
- June 22, 2023– Director Martinez spoke with a representative from Bank of the West, the lienholder for this property. She asked about the conditions at the location and stated she may be visiting the location. She also explained this property was sold to the current owner as a “wrap-around” mortgage which Bank of the West was not aware of.
- June 28, 2023 – Code Officer Hall observed the property had trash, litter, and debris scattered about the property again. The dumpster and its enclosure were overfilled with indoor furniture and putrescible waste. The property also had grass and weeds over 10 inches in height.
- June 30, 2023 – Dir Stefanie Martinez, Building Official Dave Pendley, Code Compliance Officers Candice Simmons & Thomas Aguayo met with the property owner on site to walk the property and the vacant units. Substandard issues were also identified including holes in exterior walls, missing downspouts, damaged gutters, cracks in walls, and damaged exterior lights. Interior substandard issues included but were not limited to the following: damaged ceiling tiles (appears water is leaking inside), damaged flooring, damaged walls, damaged electrical outlets, damaged storefront windows (not secured), damaged doors leading to the exterior (gaps), and storage of combustible items inside vacant units.
- June 30, 2023 – Notice to Appear was issued by certified mail and posted at the property.
- July 3, 2023 – The city contracted out the mowing and cleaning of the property due to the continued conditions and putrescible waste on site.
- July 18, 2023 – The property was brought before the SBB and issued an order to repair the structure within 60 days. The final day to comply with the order of the SBB was September 17, 2023.

- September 27, 2023 – An inspection was conducted with Code Compliance, Building Inspections and the lienholder. Many items remained to be repaired. Several items had been repaired, however, no permits were applied for or inspected. Building Official Dave Pendley informed the owner that permits were required for the repairs which included plumbing repairs, the closure of walls as well as the creation of a new wall in one of the suites. Not all the suites were accessible at the time of the inspection as the owner did not have the keys and stated the suites were leased out yet appeared vacant.
- January 5, 2024 – Director Martinez spoke with Mr. Pokhrel after he visited city hall the day before. He was inquiring as to what permits were required to clear the property. He was informed that a plumbing permit as well as a building permit would be required.
- February 2, 2024 – Notice to Appear was issued to the property owners and lienholder. Notice was mailed certified and regular on February 2, 2024, and posted at the property on February 1, 2024
- February 5, 2024 – Director Martinez contacted Mr. Pokhrel requesting an inspection of the property including the interior of the suites.
- February 12, 2024 – Director Martinez, Consumer Health Supervisor Stephanie East and Building Inspector Michael Carranza met with the property owner and inspected the suites were accessible. Mr. Pokhrel informed staff that he did not have the keys to the suites which were leased although it appeared several of those suites were vacant. During the inspection it was determined that while some improvement had been noted some items remained in violation. It was again stated to the owner that permits were required to be applied for due to the type of work performed. A building permit for the closure of the wall as well a plumbing permit for the repaired items in addition to the recently identified plumbing issue are required. Violations previously identified by Consumer Health remained unrepaired. The owner confirmed he would be at the Substandard Building Board hearing on Tuesday, February 20, 2024.

Mrs. Martinez informed the Board that as of that afternoon a plumbing permit had been pulled for Suite A, which is the convenience store. During last week's inspection, it was determined that the water heater was not functioning correctly and needed to be replaced. This is what the permit that was pulled earlier in the day was for. All the other items still have not been inspected or permitted.

Mrs. Martinez presented several photos of the property. Photos included:

- Photo of the original Notice and Order posted on the property from June 15, 2023.
- Photo of the Notice of Hearing posted on the property from July of last year.
- Photo of the Notice of Hearing posted on the property on February 1, 2024.

- Photo taken of the property with a view from the street and photo taken of the back of the property. The one store with the convenient store is 8015 Glenview Drive and the 2-story building is 8017 Glenview Drive.

Property Owner, Mr. Pokhrel walked into the meeting at 6:13 p.m.

Mrs. Martinez continued to present photos of the property taken July of 2023. Photos included:

- Photo taken of one of the suites upstairs, on the second floor, Photo taken on April 28, 2023
- Photo taken of the back door of the of the back building of the main building which would be behind suite E showing the gap in the door frame. Photo taken on June 30, 2023.
- Photo taken of a vacant unit showing cracks. Photo taken on June 30, 2023.
- Photo taken showing additional cracks, showing the gutter and a missing downspout. Also, showing mildew and water damage. Photo taken on June 30, 2023.
- Photos taken in one of the interior suites on the back building. Mrs. Martinez pointed out an opening in the photo. She will show later that it has now been enclosed without a permit and still hasn't been inspected. Photo taken June 30, 2023.

Mrs. Martinez commented that the photo in the suite was originally being occupied and the Police Department contacted code that people were living in this vacant unit.

- Photo taken of the same interior suite which is to believe be a shower area or an area that they created to be a shower. Photo taken on June 30, 2023
- Photo taken of ceiling damage. Photo taken on June 30, 2023.
- Photos of an interior suite where a water heater was kept, and one of the restrooms and then this was a back unit. This was where there was a water closet, this grate was open and it opened to the back of the building so vagrants or even animals could crawl through that. Photo taken June 30, 2023.
- Photo taken of the other side of the wall from the exterior where you can see it open. Photo taken June 30, 2023.
- Photo taken showing missing plumbing in suite. Photo taken on June 30, 2023.

Mrs. Martinez commented that this unit used to be a Barber shop that had been vacated and they were unable to enter this unit again because the owner stated the unit had been leased. It has been noted that an applicant had applied for a Certificate of Occupancy that is hold because of the fact of all the repairs have not been done on this entire property. There have been some repairs done to this unit, however none of those were permitted or inspected.

- Photo taken of another damaged restroom. Photo taken on June 30, 2023.

- Photo taken of the same gutter and downspout that I pointed out earlier. This is a close up. Photo taken June 30, 2023.
- Photo taken back of one of the buildings, the dumpster enclosure is here to the left and light fixture was broken. The light bulb itself was broken. Photo taken June 30, 2023.
- Photo taken of an open clean out near the convenience store. Photo taken June 30, 2023.
- Photo taken of a hole in the wall at the convenience store facing Glenview. Photo taken on June 30, 2023.
- Photo taken of the back door of the convenience store where a tree had grown there blocking the door. Our concern was if this was an exit door, they would not be able to open or get out of that door. Photo taken June 30, 2023. The tree has now been removed.
- Photo taken of some electrical concerns at the convenience store on June 30, 2023. This has been repaired.
- Photos taken of the of the first-floor roof of the secondary building taken on June 30, 2023.
- Photos taken of damage around the electrical panels and boxes on the backside of the 8017 building damaged. Photo taken on June 30, 2023.
- Photo taken of a broken wall. Photo taken on June 30, 2023.
- Photo taken of an unusable toilet. Photo taken on June 30, 2023.
- Photo taken of more accumulation on that very first suite where someone was living in it again. Photo taken June 30, 2023.
- Photo taken of the same suite showing propane gas cook top which was the concern that they had that somebody was living in this vacant unit. Photo taken June 30, 2023.
- Photos taken of more ceiling damage. Photo taken June 30, 2023.
- Photo taken of a close-up of the light damage. Photo taken September 27, 2023. Mrs. Martinez informed the Board that these photos were actually taken in September. The case was first brought to the Board in July 2023. The property owner was in July 2023 to get it corrected and when we went back out in September 2023 it was still damaged.
- Photos taken of some damaged electrical outlets. Photo taken September 27, 2023.
- Photo taken of a bathroom in one of the units. It is completely disconnected so nothing could really work here. The photo also shows where there's a hole back behind the toilet. Photo taken on September 27, 2023.

- Photo taken showing the same shower enclosure earlier. The photo was taken on September 27, 2023. Mrs. Martinez informed the Board this was taken after the 60 days that the Board gave the property owner to make all the repairs.
- Photo taken showing more damage behind a toilet and mildew. Photo taken on September 27, 2023.
- Photo taken showing the new wall that was enclosed and where in the beginning of the presentation I asked you to remember the opening. It has been completely closed in now. There is a new wall that was not there before and again this was not permitted and has not been inspected. Photo taken September 27, 2023.
- Photos taken showing the two different buildings. The 8017 Glenview building is a two-story. The 8015 Glenview is just one story and then this is the convenience store on this end with several different units. Photo taken November 1, 2023.
- Photo taken showing the Barber shop. Photo taken November 1, 2023.
- Photo taken showing the front of the mortgage company. This was the same unit that people were living in. We have confirmed this window here is now secured. Before you could lean on it and it would open and you could reach your hand in where the molding was just gone. Photo taken November 1, 2023.
- Photos taken of the outside the second story unit of the building. Mrs. Martinez informed the Board we have not been able to get into this second story unit as the property owner has told us that it is occupied, and someone does have a lease. We have never seen anyone there and he doesn't have keys to allow us into that unit. These are photos through the window of that unit. She didn't get the impression that there is someone using this space. The debris on the ground is the exact same debris that was on the ground back in June 2023 and in the photos I produced earlier. Photos taken November 1, 2023.
- Photos taken of the suite downstairs with brand new wall and it has been completely cleaned out. The ceiling tiles have been corrected. There has been some improvement. Photos taken February 12, 2024.
- Photo taken of the back of the building where there was a missing downspout that has been replaced and the wall has been painted. Photo taken February 12, 2024.
- Photo taken of the broken light fixture and same broken light bulb from November that still remains damage. Photo taken February 12, 2024.
- Photo taken of the wall that has been closed and you can see where the frame was but this is a brand new wall. Photo taken February 12, 2024.
- Photo taken of a bathroom that was originally was a shower enclosure and has been semi cleaned but it is still unusable. The trim, the baseboard and flowing are not there. Photo taken February 12, 2024.

- Photo taken of another bathroom in the same suite. It is not connected. You can see some repair around the flooring but still not in a condition to be used. Photo taken February 12, 2024
- Photos taken of a separate suite. This unit actually was a convenience store that was being used a few months after it opened the owner told us it was closed. It was forcibly closed. Mrs. Martinez informed the Board that to her knowledge this unit can be reused. There are no issues in there that they have seen. The bathroom has been completely renovated and is now ADA compliant. Photo taken February 12, 2024.
- Photo taken of another suite. This was not noted in the previous inspections as on this recent inspection water was on the ground. There is nothing in that unit that would be using water so we don't know exactly where this water was coming from but the water was standing on the ground where the water heater would have been and then also in the bathroom area. Photo taken February 12, 2024.
- Photo taken of a unit that was recently vacated from the last time we inspected the property. It used to be a beauty shop and a boutique. When they left, they took everything. All the cabinetry is gone. This is where the sink and toilet was. This is where the water heater is. There is a lot of just accumulation that shouldn't be around water heater. This is the connection to that water heater. Mrs. Martinez stated to her knowledge none of this was inspected. Photos taken February 12, 2024.
- Additional photos taken of the same suite. Some items were taken and some items were left. This is of the backdoor where you can see it's barred a crossed. Photos taken February 12, 2024
- Photo taken of the back of the building. It has been cleaned up but you can see there's still some debris where people are still accessing these areas. Photo taken February 12, 2024
- Photos taken of some now vacant units. This was a cleaners. They are not using the cleaners anymore. There is a sign on the door saying closed and to call a number to pick up any items that were left there. This was that Barber shop that had a certificate of occupancy application. You can tell the paint job has been changed and there's been some clean up in there but again no repairs, no inspections or permits have been pulled for this suite. The property owner did not have keys to either of these suites. Photos taken February 12, 2024.
- Photos taken of a separate unit. When we first inspected this there wasn't a lot going on in this unit. There was some animal feces on the floor in there and the bathroom needed to be repaired. There were some repairs done but again no permits were pulled for the plumbing or for the wall being closed up. Photos taken February 12, 2024.
- Photos taken of the convenience store. Since November 2023 to now our Consumer Health Inspectors had done the routine inspection, they did find some items that needed to be corrected. The occupant, the convenience store owner, was informed of those items. The water heater had been recently inspected and

permitted. That was done today. These are some of the items that were identified in September 2023 and still haven't been corrected. These are the photos. Mrs. Martinez stated it was her understanding that the convenience store owner does not want to replace the ceiling tiles because the roof leaks. The property owner told her that the roof leaks have been corrected. We have told the convenience store owner that this still needs to be corrected so that the ceiling tiles, insulation can't be hanging and tiles stained. This is behind insulation and cables hanging behind the counter and above the drink stand. There is a bunch of clutter by the soda dispenser. Photos taken

- Photo of the door at the convenience store is the only entrance and exit to the facility and there is no exit sign. Photo taken February 12, 2024
- Additional photos of the convenience store. They don't know where it came from but the toilet seat is housed in the office. The restroom still has damage on the floor that needs to be corrected. Photos taken February 12, 2024.

Mrs. Martinez asked the Board if they had any questions.

Chairman Crowson asked Mrs. Martinez how much permits would cost for the whole project. Mrs. Martinez replied she would have to defer that question to Mr. Pendley. Mr. Pendley replied for the permits, about \$250.

Chairman Crowson asked if the convenience store owner is responsible for the damages in the store. Mrs. Martinez replied that would be a civil matter between the occupant and the owner. The way the city looks at it when it gets to this point, it is ultimately the owners' responsibility to have all these items repaired.

Chairman Crowson asked Mrs. Martinez so does the city work with the electric company with no certificate occupancy. Mrs. Martinez replied she would have to defer that question to Mr. Pendley. Mr. Pendley replied they have what they call a temporary electric letter which would allow someone to get power on before their C/O is issued which allows them to clean it up and make repairs.

Chairman Crowson asked Mr. Pendley if they have electricity on at this location. Mr. Pendley replied they have electricity to multiple units but several of them are dark.

Chairman Crowson asked the Board if they had any questions for the city.

Mr. Caulkins asked Mr. Pendley how many of the suites at the property have a valid certificate of occupancy. Mr. Pendley replied he doesn't know but he can look it up. He knows the convenience store has a certificate of occupancy but would have to look up if there are any others.

Mr. Caulkins asked without a certificate of occupancy those other units can not be occupied. Mr. Pendley replied that is correct. And as Mrs. Martinez mentioned this property is zoned PD so none of these units are made to be lived in.

Mrs. Martinez will defer staff recommendation so that Mr. Pokhrel can address the Board first.

Chairman Crowson sworn in Mr. Pokhrel.

Chairman Crowson asked Mr. Pokhrel why the actions items ordered by the Board weren't done from the last meeting. Mr. Pokhrel replied that he did lots of them done. Anytime he called the contractors, they would come up to the city and would try to find out what all needs to be done and they couldn't get a proper answer. They would come back to him and the city is on you and we can't work with you. He had about four or five contractors that he sent and all of them said the same thing. He has spoken to Mrs. Martinez many times and needs to get things done before the 60 days. He had a contractor to get the things done on the outside. He understands that are a few more items that needs to be fixed but that came after he had the outside was fix. There might be some items on the inside but usually on commercial property when someone applies for a certificate of occupancy the city will go over there and tells them what needs to be fixed. Right now, he only has three active tenants at the property. It's the convenience store, the nail salon and the tax place. Those three units are the only units that have electricity and water. All the other vacant units do not have electricity or water. He has tried to fix everything. The c/o wasn't approved because when he sends the contractor to the city, they don't know what to permit to pull. He is now talking to a plumber. When he met with Mrs. Martinez and an inspector last week at the property, the plumbing is not connected and so no water can go through there so water will need to be turned on water before it can connect. No active or electricity on any of the vacant units. There are a few new things that came up that haven't been fix but old stuff he has already fixed.

Chairman Crowson asked Mr. Pokhrel why permits weren't pulled. Mr. Pokhrel said when he sent contractors there to the city, they would say they didn't know what permits needed to be pulled. They tried talking to multiple people at the city. The work being done is basic maintenance and it doesn't require a permit. Three of the contractors said the same thing because it is basic maintenance, and we are not doing anything new and it doesn't have an active tenant in it. They would have to pull a permit when they have an active tenant in a unit.

Chairman Crowson commented that he isn't on the same page as Mr. Pokhrel as the city has told you what needs to be done and what permits needs to be pulled to have these things done. It sounds like you are making up excuses. Mr. Pokhrel replied that he is not making any excuses.

Chairman Crowson asked Mr. Pokhrel didn't he meet with the city and didn't they tell you what permits needed to be pulled. Mr. Pokhrel replied his contractor went to the city and didn't tell him what kind of permits he needed. He went to the city a couple of times with the contractor and that side of the building was closed so we had to call on the phone to talk to them. Chairman Crowson asked if it was after hours. Mr. Pokhrel replied no, it was during business hours.

Chairman Crowson asked Mr. Pokhrel what his plan of action to get all the things done before well tell me what your plan of action is to get these done before the Board decides on their action. Mr. Pokhrel replied the outside is already cleared. Chairman Crowson commented that the Board has already given you 8 months roughly. Mr. Pokhrel replied that he has already fix everything that he can. He knows he has to get the permit and get it inspected and that's all he has to do. The rest of the things, whenever there is a new tenant coming into one of those vacant units, depending upon

what they require they will make the changes accordingly. Chairman Crowson replied he doesn't think he is understanding correctly. The city doesn't care whether you occupy it or not whether you have a contract on that particular suite, if that suite is substandard, they want it fixed whether you've got a contract or not. You are making it sound like you're not going to do it till you get a new contract before you fix these issues.

Mr. Pokhrel replied no. He fixed all of them that were initially there and there were a few that came later. You can ask Mrs. Martinez, he fix everything. He does have to get a plumbing permit and the drywall. He does have to get a permit for that. He spoke to a contractor last week about getting that pulled and will most probably get that done this week. The contractor last week stated he was too busy to get it pulled last week. He said he spoke to the contractor today and he said he would get the permit this week.

Chairman Crowson asked Mr. Pokhrel why he isn't allowing the city in some of the suites. Mr. Pokhrel replied stating he doesn't have the keys to the suites. Chairman Crowson replied that he finds it hard to believe as a landlord that you don't have keys to your property. As a landlord you have the right to enter that property. Mr. Pokhrel replied when a tenant applies and we have a contract, he gives the tenant the keys and he doesn't have access to the unit. He has to ask the tenant permission to access the property. The tenant applies for the c/o, and the city can give them the temporary c/o and he can go with them to look at the unit. He said you can ask any commercial person once they rent out a unit, they don't have keys to that unit because that is a liability for us. Chairman Crowson commented that it is poor management on his part because he doesn't know if a tenant is tearing up your property and you have the right to inspect your units. Mr. Pokhrel replied his tenants are not tearing up his units. Chairman Crowson replied he could understand if one of the tenants were a financial institution.

Mr. Caulkins commented that he will be entering a suite tomorrow using the landlord keys. The tenant was informed that he will be gaining access to the suite to do some repairs by the landlord. This is a commercial property out in Coppell. This is his typical experience. The landlord has keys for maintenance and for emergency. He needs to work with the tenants on getting copies of the keys so that if the city needs access, you can get permission from the tenant and you can let the city in. Mr. Pokhrel replied ok.

Mr. Caulkins also commented that he is also concerned about seeing these pictures and that he is focused on the things not getting stuff done until a tenant moves in. This is a life safety issue. Toilets have been removed. There can be sewer gas issues. There is a mess of piping. He can't determine if the water heaters are gas or not. If it is fueled gas it will need to be capped and shut off properly. There is a lot of work on the interior that needs to be cleaned up. He is sure if the plumbing is properly capped and valved off the city be prepared to accept that if the permits are properly pulled. Those things need to be inspected. There is a lot of work even though it is on the inside. It is a life safety issue as they can affect other tenants. Like on the demising wall, permits and inspections are required. To wrap this up, you talk about blaming the city. This team does an exceptional job at being there to support you and answer your questions. Ultimately, the city does not bear responsibility to help you understand where to be efficient. There is a code, a book and the contractors helping you understand what the codes are what's required to bring the building into compliance. What the city is doing to assist you is really over and beyond what they're required to do so I really take exception when

talking about what the city is and isn't doing. You're responsible for keeping the buildings and code compliance and so far, you have not and this is our second visit and still haven't. Mr. Pokhrel replied that was a new unit and when they vacated, he didn't know they took everything. They had the door covered so he didn't know. He will get it fixed quickly.

Chairman Crowson asked Mr. Pokhrel how long he will need to get all the repairs done. Mr. Pokhrel replied within 2 weeks. Chairman Crowson replied you had 8 months to get it done and now you are saying you can get it done in 2 weeks. Mr. Pokhrel said he has tried his best to get everything done. He has gotten all the old stuff done. All the new stuff might take a month to get done. He is serious about it. What you are seeing in the pictures is mostly new. The old stuff has been taken care might not have had the permits. Chairman Crowson replied I don't think you have fixed all the old issues the city has asked of you. Mr. Pokhrel replied that he has already spent \$30,000 on repairs. He will fix what needs to be fixed quickly.

Chairman Crowson called Mrs. Martinez back up.

Mrs. Martinez informed the Board that she would like to rebuttal on some of the things Mr. Pokhrel said. Mr. Pokhrel stated that he only has three tenants but then why weren't we able to access the other units when the appointment was made a week ahead of time and he was aware we needed to get into those units. She wanted to point out when she and the inspector, Michael Carranza, were out there on Monday, the inspector told Mr. Pokhrel as a property owner, he could pull a permit for that wall but he would need to have a registered plumber to pull the plumbing permit. He was told that last Monday. The convenience store was able to get a registered plumber to fix the water heater and got that done correctly in a week. Mr. Pokhrel also talked about coming to the city and not being able to apply for permits. In her testimony, she stated back on January 5, 2024, she called him after he had visited city hall and she wasn't in the office that day. She did tell him at that point that he needed a building permit and he needed a plumbing permit. She thought from that conversation he knew that. Even when they did the inspection back in September on the final day following the order, he was told the same thing. There have been at least three times since the first meeting that he has been informed of what permits needed to be pulled and tried to explain to Mr. Pokhrel on the things that needed to be done.

It is the opinion of staff that this property remains in violation of each portion of the NRH Code of Ordinances referenced in this presentation and is substandard.

Staff recommends that the Substandard Building Board find the property to have substandard structures and order that:

- A civil penalty be assessed against the property for failure to repair the structures within the allowed time frame in accordance with Chapter 98, Sec 98-470. The penalty may be assessed at \$1,000.00 per day that the property remained in violation of the Ordinances of the City of North Richland Hills since the Notice and Order was issued on July 18, 2023. Staff further recommends that the Board issue a civil penalty in the amount of \$1,000.00 per day from the final day to comply of September 17, 2023, until today, February 20, 2024 which is 155 days for a total penalty of \$155,000.00.

Mrs. Martinez informed the Board this is the maximum the city can ask for. We have gone above and beyond to work with this property owner, but we are leaving this up to the Board to consider everything, the testimony. The lienholders are here today but she doesn't expect for them to speak today. This is a wrap around mortgage. The person the lienholder lent the money to is not Mr. Pokhrel. It is Mr. Patel. Mr. Patel actually has a lien with the mortgage company. Mr. Pokhrel purchased the property from Mr. Patel. Mrs. Martinez doesn't know if the information will have any influence on their decision.

Chairman Crowson asked what you are saying if we ordered a civil penalty it would go against the property for Mr. Patel and not Mr. Pokhrel. Mrs. Martinez replied the penalty would go against the property and she doesn't know how the financing portion would work out but it goes on the property whether Mr. Pokhrel or if Mr. Patel tried to sell the property or if the lienholder takes possession of the property, this will affect them.

Chairman Crowson closed the public hearing.

The Board discussed different options and civil penalty amounts.

**MR. BILL WAIT MOVED TO ENTER THE FOLLOWING ORDER FOR SBB 2023-99 DETERMINING THE PROPERTY LOCATED AT 8015 GLENVIEW DRIVE AKA 8017 GLENVIEW DRIVE LEGALLY DESCRIBED AS LOT 2, BLOCK 1, TOWNE OAKS ADDITION IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS THE COMMERCIAL STRUCTURES ARE HEREBY FOUND TO BE NON-COMPLIANT WITH THE PREVIOUSLY ISSUED SUBSTANDARD BUILDING BOARD ORDER ISSUED ON JULY 18, 2023. A CIVIL PENALTY BE ASSESSED AGAINST THE PROPERTY FOR FAILURE TO REPAIR THE STRUCTURES AS PREVIOUSLY ORDERED. THE PROPERTY OWNER IS ISSUED A CIVIL PENALTY IN ACCORDANCE WITH CHAPTER 98, SEC 98-470 IN THE AMOUNT OF \$155,000.00 WHICH IS \$1,000.00 PER DAY THAT THE PROPERTY REMAINED IN VIOLATION OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS, TEXAS SINCE SEPTEMBER 17, 2023, THE DEADLINE TO COMPLY WITH THE JULY 18, 2023 SUBSTANDARD BUILDING BOARD ORDER. MR. DANIEL CAULKINS SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0.**

#### **C.4 2023 SUBSTANDARD BUILDING BOARD ANNUAL TRAINING**

Thomas McMillian, Assistant City Attorney, presented his 2023 Substandard Building Board Annual Training presentation.

Mr. McMillian informed the Board they would be trained on the following:

- Boards and Commissions
  - Rules applying generally and specific to SBB
- Local Government Code Chapter 54, as it relates to Quasi Judicial Enforcement.
- Rules of Procedure
- Public Information Act

Mr. McMillian provided an overview on the composition, terms of office, qualification for membership, attendance, meetings, removal of member process, organization and types of Boards.

Mr. McMillian informed the Board that they are not allowed to be on any other board or commission in North Richland Hills. Chairman Crowson commented that is he is on the North Richland Hills Police Foundation. Mr. McMillian replied that is a separate organization from the city.

Mr. McMillian informed the Board that Chapter 54 Texas Local Government Code allows a Municipality to enact if they want to have a Substandard Building Board. Not every Municipality has a Substandard Building Board. This allows a municipality to create the Board and enact provisions into your city code to form the Board and the Board to carry out that function.

Chairman Crowson asked Mr. McMillian based on the case we heard tonight; he could only appeal to the District Court. Mr. McMillian replied that is correct.

Chairman Crowson asked Mr. McMillian if they can appeal based on the penalty amount. Mr. Millian replied they can appeal it whether it is monetary penalty assessed or whether you order repair or demolition. They can appeal to the District Court.

Chairman Crowson asked Mr. McMillian if an appeal is filed, will the Board have to appear in court. Mr. McMillian replied no, it is substantial evidence hearing. The court will simply look at the record of the proceedings.

Mr. McMillian presented all the case types that the Board could be presented to the Board and the possible outcomes including civil penalties and different types of orders that can be issued by the Board. Zoning issues sometimes come up when dealing with substandard structures, but the Substandard Building Board does not have authority over zoning.

Chairman Crowson asked Mr. Millian based on the previous case, does the city have the authority to evict the tenants due to the property not being in compliance. Mrs. Martinez replied yes, we can take the order the Board issued and take it to a higher power, to a Judge. We would typically take it to a Judge because it has so much writing on it and ask that it be enforceable. We would then remove those people. We, as the City, would have to relocate them and pay for their relocation for a certain amount of time that they stay there and then take whatever action necessary whether it is to repair or demolish the property.

Mr. McMillian went over the Rules of Procedures which included what the quorum is, types of action the Board can take, procedures on the hearing process, questions that come across the Board, what is required in the notices that go out and if a Board member is disqualified from voting on a matter.

Mr. McMillian informed the Board that Public Information are written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body and for a governmental body owns the information and has a right to access to the information. box. Public information can be a book, paper, letter, document, e-mail, Internet posting, text

message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

Mr. McMillian advised the Board to be careful conducting business on personal devices as those emails/texts become city property and if requested are subject to Public Information.

Mr. McMillian went over how public information is requested and the penalties for violation of the Public Act.

#### **D. ADJOURNMENT**

Chairman Crowson adjourned the meeting at 7:31 p.m.

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Brian Crowson, Chairman

ATTEST:

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Audrey Cappallo, Executive Secretary