



**Office of the Mayor
Gatesville, Texas**

Proclamation HEB Appreciation

Honoring H-E-B for Its Outstanding Contributions and Community Support to the City of Gatesville.

WHEREAS, H-E-B has consistently demonstrated a deep commitment to the well-being and growth of the City of Gatesville through generous financial contributions, in-kind donations, and unwavering support of City initiatives, projects, and events; and

WHEREAS, over the past two years, H-E-B has donated more than \$50,000 toward literacy and education efforts, including the generous support of local Books programs; and

WHEREAS, H-E-B has actively supported public safety and community engagement through contributions such as \$500 for the Police Department BBQ, \$7,000 toward the City's Fireworks celebrations, and the donation of hot dogs and buns for National Night Out (NNO), promoting unity between residents and first responders; and

WHEREAS, H-E-B has provided countless individual donations of food, water, sports drinks, and other support items for City crews, public events, emergency responses, and community projects—demonstrating a heartfelt commitment to serving those who serve the community; and

WHEREAS, the City of Gatesville recognizes that such consistent and meaningful generosity not only enhances the quality of life for our residents but also exemplifies the true spirit of partnership, service, and civic pride;

NOW, THEREFORE, I, Gary Chumley, Mayor of the City of Gatesville, Texas, do hereby proclaim July 8, 2025, as **"H-E-B Appreciation Day"** in the City of Gatesville,

and encourage all citizens to join in expressing heartfelt gratitude to H-E-B for its continued dedication, generosity, and outstanding support of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Gatesville to be affixed this the **8th of July 2025**.

Mayor Gary Chumley

Attest:

Holly Owens, City Secretary

**CITY COUNCIL MEETING
JUNE 24, 2025
5:30 P.M.
COUNCIL CHAMBERS, 110 NORTH 8TH STREET,
GATESVILLE, TEXAS 76528**

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

- 1) **CALL TO ORDER** THE REGULAR CITY COUNCIL MEETING AT **5:31 P.M.** THIS **24th DAY OF JUNE 2025.**

- 2) **QUORUM CHECK/COUNCIL PRESENT:** Mayor Gary Chumley, Mayor Pro-Tem Greg Casey, Councilmembers Kalinda Westbrook, Jon Salter, Meredith Rainer, Aaron Smith, and Joe Patterson.

CITY STAFF PRESENT: City Manager Brad Hunt, City Secretary Holly Owens, Deputy City Manager/Finance Director Mike Halsema, Shea Harp, Chad Newman, Zeb Veazey, Patrice Gilbert and Chief Jeff Clark.

OTHERS: Gatesville Messenger Staff Writer Alex Meelbusch, Leo Corona, Travis VanBibber, Dana Barnett, Kandi Luensmann, Paul Harrell, Wendall Jones, Crystal Cowen, Yvonne Williams, Kim Hill, and Matt McGowen.

- 3) **INVOCATION:** Mayor Pro Tem Casey and **PLEDGE OF ALLEGIANCE:** Led by Mayor Chumley.

CITIZENS/PUBLIC COMMENTS FORUM: INDIVIDUALS WISHING TO ADDRESS THE GATESVILLE CITY COUNCIL MAY DO SO DURING THIS SEGMENT. IF YOU INTEND TO COMMENT ON A SPECIFIC AGENDA ITEM, PLEASE INDICATE THE ITEM(S) ON THE SIGN IN SHEET BEFORE THE MEETING. EACH SPEAKER IS ALLOTTED A MAXIMUM OF 3 MINUTES FOR THEIR REMARKS, AND SPEAKERS ARE EXPECTED TO CONDUCT THEMSELVES IN A RESPECTFUL MANNER. IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, THE CITY OF GATESVILLE CITY COUNCIL CANNOT DELIBERATE OR ACT ON ITEMS NOT LISTED ON THE MEETING AGENDA.

Kandi Luensmann, 116 Inwood Drive, came forward to address Council regarding the sale of city owned property. Ms. Luensmann expressed that she was disappointed there was no bidding for qualified services to be given the opportunity to work with the City of Gatesville to sell unused city property.

PROCLAMATION:

- 4) **HEB Contributions to the City of Gatesville.**
This item was moved to the July 8th City Council Meeting.

RECOGNITION:

- 5) Commendation Award to Chris Barr
- 6) Award of Excellence – City Secretary’s Office

CONSENT:

- 7) All consent agenda items are considered routine by the City Council and will be enacted by a single motion. There will be no separate discussion of these items unless a Councilmember requests an item to be removed and considered separately.
 - a. **Resolution 2025-053:** Discussion and possible action regarding approval of minutes from Regular City Council Meeting held on May 27, 2025.
 - b. **Resolution 2025-054:** Discussion and possible action regarding approval of minutes from the Budget Retreat held on May 30, 2025.
 - c. **Resolution 2025-055:** Discussion and possible action regarding the April 2025 Financials.
 - d. **Resolution 2025-056:** Discussion and possible action regarding an updated Inter-Governmental Support Agreement between the United States and City of Gatesville, Texas (IGSA-A60RF-23-DPW-004).

Councilwoman Rainer requested Item 7d be considered separately from Consent.

CONSENT AGENDA: Motion by Joe Patterson, seconded by Greg Casey to **APPROVE** the **CONSENT AGENDA**, Items 7a, 7b, and 7c. All six voting “Aye”, motion passed, 6-0-0.

Mr. Hunt stated this agreement is a format change initiated by Fort Hood with no rate change.

RESOLUTION 2025-056: Motion by Meredith Rainer, seconded by Kalinda Westbrook, to **APPROVE RESOLUTION 2025-056**, a revised agreement, “Interlocal Support Agreement” between the United States and the City of Gatesville, Texas (IGSA-A60RF-23-DPW-004), and authorizing the City Manager to sign for the City of Gatesville. All six voting “Aye”, motion passed, 6-0-0.

OTHER BUSINESS:

- 8) Update on proposed Police Department Building (*No action Item*).

Brad gave a brief update on the proposed Police Department building with different renderings and a breakdown of cost.

Mayor Chumley asked if option C with the hip roof would be more expensive and would the hip roof require less maintenance. Ms. Cowen, with MRB stated the cost and the maintenance would be relatively the same.

Councilwoman Westbrook asked about preventing leaks and addressing proper roof drainage. Ms. Cowen explained that even a flat roof has a ½” slope which allows for drainage to appropriately placed roof scuppers.

Councilwoman Rainer asked about the roads around the site. Mr. Hunt stated if this project moves forward, the roads would be upgraded to accommodate the project.

No action was taken.

9) Discussion and possible action regarding **Resolution 2025-057**, accepting the Parks Master Plan.

Seth Phillips and Patrice Gilbert gave a brief presentation explaining the Parks Master Plan.

RESOLUTION 2025-057: Motion by Meredith Rainer, seconded by Jon Salter, to **APPROVE RESOLUTION 2025-057**, adopting the Parks Master Plan as presented. All six voting “Aye”, motion passed, 6-0-0.

10) Discussion and possible action regarding **Resolution 2025-058**, accepting Change Order No. 1 for the airport fueling system replacement project.

RESOLUTION 2025-058: Motion by Jon Salter, seconded by Greg Casey, to **APPROVE RESOLUTION 2025-058**, accepting Change Order No. 1 for the airport fueling system replacement project. All six voting “Aye”, motion passed, 6-0-0.

11) Discussion and possible action regarding **Ordinance 2025-12**, annexing 1.16 acres and the north-adjacent 17.47 acres situated in A Wood Survey, Abstract No. 1062, Coryell County, Texas. (*3rd and Final Reading*)

ORDINANCE 2025-12: Motion by Kalinda Westbrook, seconded by Aaron Smith, to **APPROVE ORDINANCE 2025-12**, annexing 1.16 acres and north-adjacent 17.47 acres situated in A Wood Survey, Abstract No. 1062, Coryell County, Texas, third and final reading. All six voting “Aye”, motion passed, 6-0-0.

12) Discussion and possible action regarding **Ordinance 2025-11**, abandoning a portion of Mesquite Street. (*3rd and Final Reading*)

ORDINANCE 2025-11: Motion by Kalinda Westbrook, seconded by Aaron Smith, to **APPROVE ORDINANCE 2025-11**, abandoning a portion of Mesquite Street as shown on Exhibit “A”, third and final reading. All six voting “Aye”, motion passed, 6-0-0.

13) Recess Regular Meeting and call a Public Hearing.

Mayor Chumley opened the public hearing at 6:34 p.m.

OPEN PUBLIC HEARING

Hear comments on **Ordinance 2025-13**, amending the Comprehensive Zoning Ordinance, Zoning Map, and Comprehensive Plan of the City of Gatesville for property located on a portion of 911 Old Pidcoke Road from AG Suburban to Residential Multi-Family.

Matt McGowen with Trafalgar Homes of Texas, LLC came forward to address questions.

Councilman Patterson asked about where the concern for traffic came from. Ms. Owens stated the Planning & Zoning Commission expressed concern about the traffic.

Yvonne Williams, Planning and Zoning Commission Member came forward to state she is concerned with the drainage, and she is concerned about the width of Old Pidcoke Road.

Councilman Patterson stated he was excited when this property was annexed into the City of Gatesville with a prospect of AG suburban type homes being built. It was never imagined that a large multi-family apartment complex would be proposed.

Mr. McGowen stated a developer's goal is to find property that has utilities available and is developable which will allow for a profit. This property is Trafalgar's opportunity to invest a couple of million dollars in the Gatesville community.

Council Members expressed concern about the condition of the road and the traffic this development will create. Mayor Chumley requested staff to bring back traffic count for the area along with the current width of Old Pidcoke Road. Mayor Chumley would also like to know who owns Old Pidcoke Road.

Mayor Chumley closed the public hearing at 6:59 p.m.

CLOSE PUBLIC HEARING

- 14) Discussion and possible action regarding **Ordinance 2025-13**, amending the Comprehensive Zoning Ordinance, Zoning Map, and Comprehensive Plan of the City of Gatesville. (*1st Reading*)

ORDINANCE 2025-13: Motion by Joe Patterson, seconded by Greg Casey, to **PASS ORDINANCE 2025-13**, approving the zoning change of a portion of 911 Old Pidcoke Road located in the William Suggett Survey, Abstract 912 from AG Suburban to Residential Multi-family, **First Reading**, to the next meeting with information showing traffic count, traffic accidents, the width of Old Pidcoke Road, and who owns the road. All six voting "Aye", motion passed, 6-0-0

- 15) Discussion and possible action regarding **Ordinance 2025-14**, amending Chapter 32, adding Article IX. – Coin Operated Machines and Indoor Amusement Facilities. (*1st Reading*)

ORDINANCE 2025-14: Motion by Aaron Smith, seconded by Jon Salter, to **PASS ORDINANCE 2025-14**, amending Chapter 32, adding Article IX. – Coin-Operated Machines and Indoor Amusement Facilities, **First Reading**, to the next meeting. All six voting "Aye", motion passed, 6-0-0.

- 16) City Manager's Report

Brad Hunt gave a presentation updating the Council on City Departments.

17) Adjourn Meeting

City Council **adjourned at 8:03 p.m.**

Mayor Gary Chumley

ATTEST:

City Secretary, Holly Owens



Date 7/8/2025

Agenda Item 6

Resolution 2025-060

CITY COUNCIL MEMORANDUM FOR RESOLUTION

To: Mayor & Council

From: Mike Halsema, Deputy City Manager

Agenda Item: Discussion and possible action regarding award of a contract for Hughes EST exterior recoating and roof panel repair services

Information:

During an inspection August 6, 2024, an inspector with the Texas Commission on Environmental Quality (TCEQ) found three items that needed to be addressed. First, a clarifier at the Water production facility needed repairs and a leak was detected at Boster Pump Station 1. The clarifier repairs were already in progress during the inspection, and the leak was repaired days after the inspection. Both items were removed from the TCEQ list. The final item on the list was the exterior coating of the Hughes Elevated Storage Tank (EST) needed to be replaced. The City applied for a grant through Congressman Carter's office in 2023 to rehabilitate the Hughes unit EST, as we knew it needed attention. The project included recoating the exterior and other repairs and enhancements. The project was approved and placed in with other projects for the current federal budget. We received news from the congressman's office that the funding had been rescinded and to re-apply for the next budget cycle as the project was already cleared. We requested an extension from TCEQ for the Hughes EST pending the grant being funded. Staff is recommending that we move forward with the external recoating portion of the project to avoid further penalties from the TCEQ. Staff has worked with Congressman Carter's office to get the project back in next year's budget and to be reimbursed for this piece of the project. We advertised an RFP for tank coating and repairs. We received two bids, one from TMI Coatings for \$470,000 and one from Maguire for \$204,935. Staff recommends awarding the contract to Maguire. Maguire is a member of the TIPS purchasing Co-Op.

Financial Impact:

\$204,935

Staff Recommendation:

Staff recommends approving the resolution awarding a contract to Maguire for the Hughes EST exterior recoating and roof panel repair services not to exceed \$204,935 and authorizing the City Manager to execute the contract on behalf of the City.

Motion:

Motion to approve **Resolution 2025-060**, awarding a contract to Maguire for the Hughes EST exterior recoating and roof panel repair services not to exceed \$204,935 and authorizing the City Manager to execute the contract on behalf of the City.

Date 7/8/2025

Agenda Item 6

Resolution 2025-060

Attachments:

Submitted bids

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE:

That the above stated recommendation is hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Gatesville, Texas, this the ____ day of _____, _____, at which meeting a quorum was present, held in accordance with provisions of V.T.C.A, Government Code, § 551.001 *et seq.*

APPROVED

Gary Chumley, Mayor

ATTEST:

Holly Owens, City Secretary



CONTRACT FOR SERVICES

This contract made and entered into this 01 day of July, 2025, by and between Gatesville, TX - City of hereinafter called the "Owner" or "Customer" and Maguire Iron, Inc., a South Dakota Corporation with its principal office located in Sioux Falls, South Dakota, hereinafter called the "Contractor" or "Company" for and in consideration of the mutual covenants and promises hereinafter contained.

Gatesville-Hughes-Multi-Leg - 200MG

WITNESSETH:

Contractor agrees to make the following repairs and improvements on the Owner's water supply tank, and to furnish the necessary equipment, labor, material, as well as Workmen's Compensation Insurance and Contractor's Liability Insurance, and to do the work hereinafter stated in a good and workmanlike manner.

Exterior Renovation with Class 3A Containment

- Contractor will abrasive blast clean the complete exterior (100%) to an SSPC - SP No. 10 "Near White Metal". After abrasive blast cleaning, all surfaces shall be cleaned of any dust residue or foreign debris.
- Contractor will apply one (1) prime coat of zinc to the complete exterior (100%) shall be applied to manufacturer's recommended film thickness (2.5 - 3.5 mils DFT).
- Contractor will apply one (1) intermediate coat of epoxy to the complete exterior (100%) shall be applied to the manufacturer's recommendations (3.0 - 5.0 mils DFT).
- Contractor will apply one (1) finish coat of urethane to the complete exterior (100%) shall be applied to the manufacturer's recommendations (2.0 - 5.0 mils DFT).

Misc Steel Repair - Repair 6 holes in the roof

Contract Notes

- If awarded a performance bond will be issues.
- Maguire provides a 2-year warranty with all services

Owner will inspect the work as it progresses and upon completion and acceptance by Owner of the above work, the sum of \$ 204,935.00 plus applicable sales, excise, and/or use tax shall become due and payable in full. Contractor may issue a partial invoice for materials, mobilization, and labor for projects exceeding \$50,000.00 prior to the completion of the contracted work.





PROPOSAL

TMI Coatings, LLC

3291 Terminal Drive, St. Paul, Minnesota 55121-1610 Phone: 651-452-6100 Fax: 651-452-0598

Painting & Restoration Contractors

City of Gatesville
Attn: Holly Owens, City Secretary
803 E. Main Street
Gatesville, TX 78374
Phone 254-865-8951 x105
Email howens@gatesvilletx.com

NOTE: This proposal may be withdrawn by TMI if
not accepted within 30 days.

Date: June 30, 2025
Regarding: Elevated Storage Tank

Elevated Tank Exterior Coating Repair and Holes in Roof Plates

TMI Coatings, LLC (TMI) is a safety-conscious industrial painting and concrete coating contractor. We have been in business over 40 years, and we are certified by AMPP as both a QP1 and QP2 contractor. The QP1 and QP2 qualifications are provided to contractors with proven experience, knowledge, and equipment to produce high-quality work within safety guidelines and health and environmental standards. We hire, train and complete work with our own crews throughout the continental U.S.

TMI Coatings. Safety. Quality. On time. In that order.

We propose the following scope of work:

1. Prior to TMI beginning work, owner to vacate area so TMI has open access. Owner to relocate vehicles to minimize any overspray risk. Owner to identify any sensitive equipment that needs to be poly wrapped or covered to protect.
2. TMI to prepare surfaces as necessary for new coating adhesion. TMI abrasive blast the exterior of the tower to SSPC-SP10, near white metal blast. Bid is based on existing coatings not containing lead.
3. Prime with one full prime coat of Tnemec Series 91h2o zinc-rich primer.
4. Apply one full intermediate coat of Tnemec L140 Pota-pox Plus epoxy.
5. Apply one full topcoat of 1095 Endura-Shield urethane. This three-coat system TMI recommends has been used time and time again with very good success on potable water tanks, legs, distributors, spouts, bins, and various other steel structures. Owner to choose solid color.
6. Install new "hand hole" or Anode covers in roof of tank.

YOUR COST INCLUDING LABOR AND MATERIALS INSTALLED\$470,000

NOTES:

1. TMI is capable of completing all work by September 30, 2025.
2. Bid is based on one job mobilization/demobilization.
3. No lead testing was identified in the bid documents; however, a paint analysis will need to be done at an accredited laboratory to determine the percentage of lead and chromium in the existing paint. If either is present, there will be an additional cost.
4. Bid does not include logo or lettering.

TMI has considerable experience in the coating industry. Enclosed are references for your review.

(continued on page 2)

Thank you for the opportunity to submit this proposal to you. You can check out our company history and other coating services at our website at www.tmicoatings.com. Visit www.tmicoatings.com/project-profiles to learn about problems we have solved for customers like you or become a fan of TMI on Facebook. If you have any questions about our bid, please call me at 651-452-6100.

P:\Shared\Bid Package\JULY 2025\Gatesville, TX 7-1-25\02_TMI Docs\Gatesville, TX_Proposal.Docx

ACCEPTANCE

The undersigned hereby accepts TMI's proposal and authorizes TMI to furnish all materials and labor required to complete the work set forth in the proposal pursuant to the proposal terms and conditions set forth below, for which the undersigned agrees to pay TMI the amount set forth in the proposal. If the proposal terms and conditions set forth below were not provided with transmission of TMI's proposal by facsimile, mail or email, the undersigned agrees to request a copy of the proposal terms and conditions before signing below. The undersigned agrees to be bound by the proposal terms and conditions below regardless of whether the undersigned requested a copy or read them before signing below.

Accepted: _____ Date _____

Company Name (fill in)

By _____

Title _____

Respectfully,
TMI Coatings, LLC

By  _____

Title Stephen Bazant, Estimator/Project Manager

Customer: Sign and return the original; retain a copy for your files.



Date 7/8/2025

Agenda Item 7

Resolution 2025-061

CITY COUNCIL MEMORANDUM FOR RESOLUTION

To: Mayor & Council

From: Bradford Hunt, City Manager; Seth Phillips, Parks and Recreation Director

Agenda Item: Discussion and Possible Action Regarding a Resolution committing matching funds for the Texas Parks & Wildlife Local Park, Small Community Recreation Grant

Information:

In line with the recently-presented Parks Master Plan, City Manager Hunt and Parks & Recreation Director Phillips have concluded certain projects may be eligible for the Texas Parks & Wildlife Local Park, Small Community Recreation Grant. The Local Park Grant Program consists of 5 individual programs that assist local units of government with the acquisition and/or development of public recreation areas and facilities throughout the State of Texas. The Program provides 50% matching grants on a reimbursement basis to eligible applicants. Once funded, all grant assisted sites must be dedicated as parkland in perpetuity, properly maintained and open to the public. The deadline for grant application is August 1, 2025.

We have specifically identified a project that would allow for use of Hotel Occupancy (HOT) funds to meet the 50% matching funds requirement. This project will be Phase 2 (final phase) of Musco Lighting upgrades. Council approved Phase 1 of upgrading all ballfield lights to LED "Musco" lighting on August 22, 2023. The project was broken into phases due to costs associated with full construction. The Phase 1 lights were installed as approved at three athletic fields - Bob Arnold, James Box, Chuck Hyles.

Staff now recommends utilizing TPWD grant funding to offset the cost of completing the Musco installation at the remainder of the athletic fields, for an estimated cost of \$299,000 (\$150,000 match). These lights would be installed at Jaycee & HEB Fields, thus removing the remainder of the inefficient lights, removing all remaining antiquated control boxes and above-ground wires, and completing the goal to reduce glare and lower utility costs at the entire sports complex.

Financial Impact: potentially \$149,500 in grant funding, with another \$149,500 from HOT funds to support the total estimated project cost of \$299,000.

Staff Recommendation: Staff recommends adopting this resolution support application for the TPWD Local Parks Grant, and committing matching funds of up to \$150,000.

Date 7/8/2025

Agenda Item 7

Resolution 2025-061

Motion: Motion to approve **Resolution 2025-061**, supporting application for the TPWD Local Parks Grant, and committing matching funds of up to \$150,000.

Attachments: The Musco Lighting estimate.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE:

That the above stated recommendation is hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Gatesville, Texas, this the ____ day of _____, _____, at which meeting a quorum was present, held in accordance with provisions of V.T.C.A, Government Code, § 551.001 *et seq.*

APPROVED

Gary Chumley, Mayor

ATTEST:

Holly Owens, City Secretary

Budget Estimate

Gatesville Sports Complex Phase 2 – Gatesville, TX To: City of Gatesville – May 12, 2025

Budget Estimate – Materials Delivered to Job Site and Installation

Musco's Light-Structure System™ as described below, and delivered to the job site:

Jaycee & HEB Fields - \$290,000.00 +/-

Jaycee Field 150' x 150' x 150', HEB Field - 200' x 200' x 200'

Sales tax and bonding are not included.

Estimate provided for budgetary purposes only. Please contact Musco when a quote is needed.

Light-Structure System™ with Total Light Control – TLC for LED™ technology

System Description – Light-Structure System™ complete from foundation to poletop in 5 Easy Pieces™

Factory-built, wired, aimed, and tested lighting system includes:

- Pre-cast concrete bases
- Galvanized steel poles
- Factory-wired and tested remote electrical component enclosures
- Pole length factory-assembled wire harnesses
- Factory-aimed and assembled luminaires, including BallTracker® technology
- UL listed as a complete system
- Corrosion protection

On Field Performance – control to benefit players and fans

- Guaranteed light levels of 50fc / 30fc Outfield on HEB field
- BallTracker® technology – targeted aerial light optimizing visibility of the ball in play with no glare for players
- Control-Link® control and monitoring system to provide remote on/off and dimming (high/medium/low) control and performance monitoring with 24/7 customer support

Environmental Light Control – control for neighbors and the environment

- Reduction of spill light and glare by 50% or more.

Always Ready to Play – control assuring the results you expect

- Product assurance and warranty program that includes materials and onsite labor, eliminating 100% of your maintenance costs for 25 years.

Notes

Estimate is based on:

- Shipment of entire project together to one location.
- 480 Volt, 3 phase electrical system requirement.
- Structural code and wind speed = 2021 IBC, 110 mi/h, and exposure: C, Importance Factor 1.
- Owner is responsible for getting electrical power to the site, coordination with the utility, and any power company fees
- Standard soil conditions – rock, bottomless, wet, or unsuitable soil may require additional engineering, special installation methods and additional cost.
- Confirmation of pole or luminaire locations prior to production.

Thank you for considering our Team for your sports lighting needs. Please contact me with any questions.

Brant Troutman
Texas Sales Executive
Musco Sports Lighting, LLC
Phone: 512-914-9500
E-mail: brant.troutman@musco.com

Project # 233656





Date 7/08/2025

Agenda Item 8

Resolution 2025-062

CITY COUNCIL MEMORANDUM FOR RESOLUTION

To: Mayor & Council

From: Bradford Hunt, City Manager

**Agenda Item: General Summary of FEMA Process regarding April-May 2024 Weather Events;
Discussion and Possible Action Regarding Continued Pursuit of FEMA Funding to
Repair Faunt Le Roy Park**

Information:

City staff members Brad Hunt, Mike Halsema, Chad Newman, and Seth Phillips have been extensively involved in the FEMA/TDEM process for DR 4781TX (April-May 2024 Weather Events) over the past year. We have conducted repairs to the library, Faunt Le Roy Park, City Hall, Leon WWTP, and other areas.

We remain on track for all our pending projects, and are completing the steps as required. We have removed some of the projects listed in the original damage assessments, in consideration of lower costs and our ability to fund them outright, or because they were determined ineligible for FEMA funding. Our remaining projects are as follows:

- Category C (Roads and Culvert)
 - a. Project 796891 (Shady Ln)
- Category F (Stillhouse WWTP)
 - a. Project 796887
- Category F (Central Sewer/Manhole) - Project 796890 - at CRC (Phase 3)
- Category F (Leon WWTP)
 - a. Project 796888
- Category G (Brown Park)
 - a. Project 796880 i. EEI are complete, SIR – Yes; 406 SIR – No; EHP – Yes
 - Need Contract Estimate to fix asphalt / FA Labor-Materials-Equip
 - Mitigation of sewer line – Have Estimates – pending 406 Mitigation
- Category G (Raby Park)
 - a. Project 796882
 - iii. Contract Estimate for the repairs received, pending option of contract
- Category G (Faunt Le Roy Park)
 - a. Project 796881 Embankment issues; Pending further resolution

Discussion and Possible Action:

As we have progressed with the FEMA process for the lower portion of Faunt Le Roy Park (hereafter “FLR”), we now reach a decision point regarding its long-term usage. FEMA made it clear in our most recent meeting that any obligated funds must be spent within 30 months, or extensions must be requested. For example, if we agree to \$4M in funding, we are obligated to use it all and meet our \$1M match. We would not be permitted to agree to \$4M and decide in 2026 that we only want to use \$400,000 of it (\$100,00 match). Thus, we are seeking council’s input now, so we may notify FEMA of our intended scope of the project for FLR.

Several paths are available, based on council’s consideration of cost vs. need for continued park programming at FLR. Broken down to their simplest forms, the options are:

- a) keep FLR as-is, spending no additional resources or funds;
- b) take the remaining necessary measures to open FLR to vehicle traffic, re-establishing its 2018-2024 usage by allowing parking near the pavilion and some RV usage, but still no vehicle traffic on the full loop; and/or,
- c) take all remaining necessary measures to rehabilitate the river embankment and mitigate future erosion.

OPTION A (keep FLR as-is, spending no additional resources or funds):

- Cost: we have spent approximately \$119,014.15 thus far in City funding (excluding in-house labor and resources) to open FLR to pedestrian traffic in a safe manner.
- We can advertise more effectively that FLR is open for use, as we have not seen many folks opting to walk to that portion of the park.
- Future severe river flooding will continue to erode the embankments and eventually bring about a decision point on continuing to repair the bathroom or relocating it out of the loop portion, up to the north end on higher ground.
- The remaining structures (mostly antiquated playground equipment) would be phased out over time and likely not recommended for replacement, but they have otherwise proven able to withstand flooding events.

OPTION B (take the remaining necessary measures to open FLR to vehicle traffic, re-establishing its 2018-2024 usage by allowing parking near the pavilion and some RV usage, but still no vehicle traffic on the full loop):

- Cost: repairs to the roadway and culvert are now estimated at \$709,339. If approved by FEMA, our match would be \$177,335 for the full project as-proposed. Our match could decrease to \$124,134 without FNI’s contingency, and possibly less with in-house labor for asphalt repairs.

- More public use will occur, the pavilion will become more accessible, and RV use has been appreciated by some in the past.
- Future severe river flooding will continue to erode the embankments and eventually bring about a decision point on continuing to repair the bathroom or relocating it out of the loop portion, up to the north end on higher ground.
- The remaining structures (mostly antiquated playground equipment) would be phased out over time and possibly recommended for replacement via the Parks Master Plan, but they have otherwise proven able to withstand flooding events.
- FLR would become more of a nature and possible fishing location over time.

OPTION C (take all remaining necessary measures to rehabilitate the river embankment and mitigate future erosion):

- Cost: backfilling embankments and using rip-rap to mitigate future erosion are estimated to cost over \$5.3M. If approved by FEMA, our match would be over \$1.3M.
- More public use will occur, the pavilion will become more accessible, and RV use has been appreciated by some in the past. A new driving loop or walking loop could be established, with less concern about future erosion causing a reclosure.
- Future severe river flooding will not to erode the embankments where rip-rap is installed, though other areas may erode instead. There will still be the eventual decision point on continuing to repair the bathroom or relocating it out of the loop portion, up to the north end on higher ground.
- The remaining structures (mostly antiquated playground equipment) would be phased out over time and possibly recommended for replacement via the Parks Master Plan, but they have otherwise proven able to withstand flooding events.
- FLR would continue to be a public park with playground, picnic areas, and pavilion, but would eventually lack a bathroom facility.

Staff now recommends OPTION B. The cost of OPTION C makes its feasibility unlikely, especially considering that future erosion in other areas may still occur, and the bathroom issue will still persist in future flood events.

Financial Impact: OPTION B calls for a total cost of \$709,339. If approved by FEMA, our match would be \$177,33. Our match could decrease to \$124,134 without FNI's contingency, and could be lower with in-house labor for asphalt repairs.

Staff Recommendation: Staff recommends adopting this resolution of support to continue the pursuit of FEMA funding for repairs to Faunt Le Roy Park, in the amount of \$709,339.

Date 7/08/2025

Agenda Item 8

Resolution 2025-062

Motion: Motion to approve **Resolution 2025-062**, supporting continuation of the pursuit of FEMA funding for repairs to Faunt Le Roy Park, in the amount of \$709,339.

Attachments: Freese & Nichols damage repair estimate, edited to separate projects by CM Brad Hunt

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE:

That the above stated recommendation is hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Gatesville, Texas, this the ____ day of _____, _____, at which meeting a quorum was present, held in accordance with provisions of V.T.C.A, Government Code, § 551.001 *et seq.*

APPROVED

Gary Chumley, Mayor

ATTEST:

Holly Owens, City Secretary



OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	FEMA Pre Award Services	DATE	6/4/2025
CLIENT	City of Gatesville	GROUP	1149
Location	Faunt Le Roy Park - Category "G" Damages	PM	George Fowler

SUB-PROJECT A

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
GDF / CM Brad Hunt	N/A	GTV24733

CONSTRUCTION COSTS

FEMA Site	FNI Site Name	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
-----------	---------------	-------------	----------	------	------------	-------

Restoration Work	Site	Restoration Description ¹				
	1	Asphalt Seal Coat RD #1	10	CY	\$ 190	\$1,900
	2	Curved Stacked Stone Culvert ²	0	CY	\$ -	-
	3	Asphalt Seal Coat RD #2	8	CY	\$ 190	\$1,600
	4	Asphalt Seal Coat Parking Lot	49	CY	\$190	\$9,400
	9b	Asphalt Seal Coat RD #3	6	CY	\$ 190	\$1,200
	9c	Asphalt RD #3 Base Layer	12	CY	\$ 15	\$200
	9d	Galvanized Guard Rail #1	60	LF		
	10a	Restroom Fixtures ³	0	-	\$ -	\$ -
	10b	Hotwater Heater & Building Elec. ³	0	-	\$ -	\$ -
	10c	Sewage Grinder Pump & Elec. ³	0	-		
	10d	Fiber Glass Light Pole ³	0	-	\$ -	\$ -
	12b	Disc Golf Basket ³	0	-	\$ -	\$ -
	13a	Galvanized Guard Rail #2	160	LF	\$ 34	\$5,500
	13b	Asphalt Seal Coat RD #4	1	CY	\$ 190	\$200
	13c	Asphalt RD #4 Base Layer	2	CY	\$ 15	\$100
	14a	Asphalt Seal Coat RD #5a	11	CY	\$ 190	\$2,100
	14b	Asphalt Seal Coat RD #5b	1	CY	\$ 190	\$200
	14c	Asphalt RD #5 Base Layer	1	CY	\$ 15	\$100
	14d	Concrete Pinic Table and Bench ³	1	-	\$ -	\$ -
	15	Chain Link Fence (5' Height)	170	LF		

25% Match	\$124,134.25	\$177,335
	no contingency	full estimate



OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	FEMA Pre	DATE	6/4/2025
CLIENT	City of	GROUP	1149
Location	Faunt Le Roy	PM	George Fowler

SUB-PROJECT B

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
GDF / CM Brad Hunt	N/A	GTV24733

CONSTRUCTION COSTS

FEMA Site	FNI Site Name	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
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Restoration Work	Site	Restoration Description ¹				
	5	RV Site #5 Bank Erosion	270	CY	\$ 80	\$21,600
	6	RV Site #6 Bank Erosion	270	CY	\$ 80	\$21,600
	7	RV Site #7 Bank Erosion	270	CY	\$ 80	\$21,600
	8	RV Site #8 Bank Erosion	270	CY	\$ 80	\$21,600
	9a	Embankment #1 Erosion	6,670	CY	\$ 80	\$533,600
	11	Embankment #2 Erosion	3,960	CY	\$ 80	\$316,800
	12a	Embankment #3 Erosion	12,150	CY	\$ 80	\$972,000
	21	Embankment #4 Erosion	2,030	CY	\$ 80	\$162,400
	22	Embankment #5 Erosion	4,350	CY	\$ 80	\$348,000
			SUBTOTAL			\$2,419,200
			CONSTRUCTION MOBILIZATION		10%	\$241,920
			CONSTRUCTION EROSION AND		7%	\$169,344
			CONSTRUCTION PROFIT		10%	\$241,920
			CONSTRUCTION CONTINGENCY		30%	\$725,760
			TOTAL			\$3,798,144
			ENGINEERING, SURVEY AND		12%	\$455,777
			GRAND TOTAL			\$4,253,921

25% Match	\$1,063,480.32
------------------	-----------------------

Mitigati on Work	Site Mitigation					
	M1	Riprap D50 = 18" All embankment erosion sites	3,426	CY	\$ 350	\$ 1,199,100
						\$ -
			SUBTOTAL		\$ 1,199,100	
			GRAND TOTAL		\$1,199,100	
			25% Match		\$299,775.00	
			TOTAL EMBANKMENT WORK		\$5,453,021	
			25% Match		\$1,363,255.32	



Date 7/8/2025

Agenda Item 9

Resolution 2025-063

CITY COUNCIL MEMORANDUM FOR RESOLUTION

To: Mayor & Council

From: Bradford Hunt, City Manager; Seth Phillips, Parks and Recreation Director

Agenda Item: Discussion and Possible Action Regarding a Resolution Authorizing Emergency Culvert and Sewer Line Repairs

Information:

Lovers Lane is a major thoroughfare for south Gatesville and a detour around the area outlined below would be about 2.3 miles long. We discovered last week that the box culvert (orange box) is washing out, and the floor has already collapsed. The sewer line just to its west (red squiggle) is exposed and in danger of breaking the next time there is flow in the creek.



Attached is a quote from a local source that can do the repairs to both major issues, within days of authorization. Their method does not require a long-term road closure and addresses the

issues for the next several decades. While their total estimate is over \$50,000, there are some caveats:

1. Lines 5, 10 and 20 will come from the General Fund, Street Repairs, while lines 30 and 40 will come from the Enterprise Fund, Sewer Collection repairs.
2. Both the culvert and adjacent sewage line are creating a public health and safety risk as-is.
3. A street closure will not be required for this repair method, thus avoiding a major disruption to local traffic.

For these reasons, City Manager Hunt consulted with City Attorney Thomas about an emergency repair. Ms. Thomas agreed that the repairs qualify as an exemption to the required RFP process.

Financial Impact: \$59,175 total project cost. \$30,425 from General Fund and \$28,750 from Enterprise Fund.

Staff Recommendation: Staff recommends adopting the attached resolution authorizing emergency culvert and sewer line repairs.

Motion: I move to approve **Resolution 2025-063**, authorizing the city manager to negotiate and execute a contract with South Lovers Lane drainage ditch repairs in an amount not to exceed \$59,175.00, for emergency repair to a box culvert on Lovers Lane in the City of Gatesville; authorizing additional agreements and change orders as may be necessary relating to the repair; and providing an effective date.

Attachments: Resolution and quote



Date 7/8/2025

Agenda Item 10

Ordinance 2025-13

CITY COUNCIL MEMORANDUM FOR ORDINANCE

To: Mayor & Council

From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action regarding Ordinance 2025-13, amending the Comprehensive Zoning Ordinance, Zoning Map, and Comprehensive Plan of the City of Gatesville.

Information:

Trafalgar Homes of Texas, LLC went before the Planning and Zoning Commission on June 2, 2025, to request a preliminary plat for an 8-acre portion of 911 Old Pidcoke Road and rezone that same portion from Ag Suburban to Residential Multi-Family for a proposed 24-unit apartment complex with amenities. The PZC recommended approval of the preliminary plat and recommended the rezoning to move forward to City Council with a 5-0-0 unanimous vote.

This is the second reading for the zoning change. The first reading was passed to the second reading with Council requesting additional information regarding the road and traffic along Old Pidcoke Rd. If approved, the third and final reading will be heard on July 22nd along with the final plat.

Floor Plans:

- 606 sq. ft. – 626 sq. ft.
- 903 sq. ft. – 905 sq. ft.
- 1,051 sq. ft. – 1,134 sq. ft.

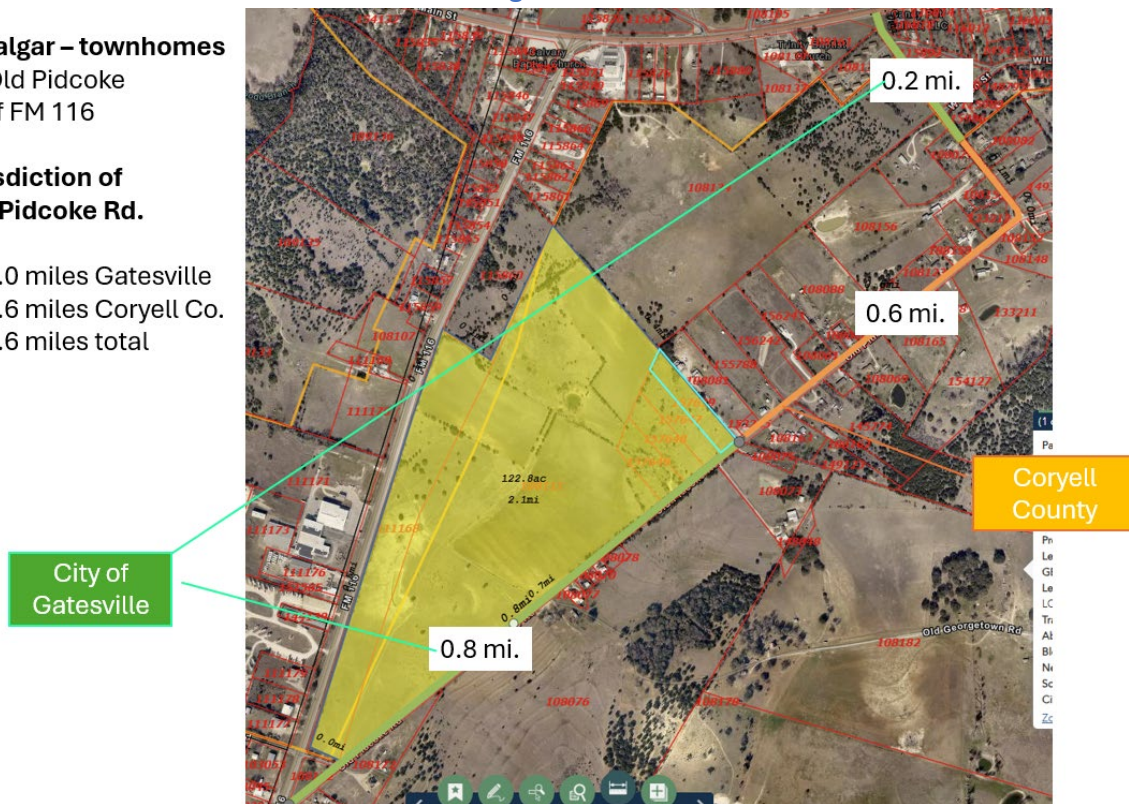
The majority of Old Pidcoke Road lies within the City of Gatesville. When the Morelands annexed their property at 911 Old Pidcoke Road in November 2023, the annexation included the portion of the county road adjoining their property, along with the right-of-way on both sides of the road, in accordance with Texas Local Government Code Section 43.106 ([see Figure 1](#)).

Figure 1

**Trafalgar – townhomes
on Old Pidcocke
N. of FM 116**

**Jurisdiction of
Old Pidcocke Rd.**

- 1.0 miles Gatesville
- 0.6 miles Coryell Co.
- 1.6 miles total



Public Works Director Chad Newman measured Old Pidcocke Road at 18 feet wide. A roadway overlay could expand it to a standard residential street width of 22 feet, requiring only minimal shoulder work.

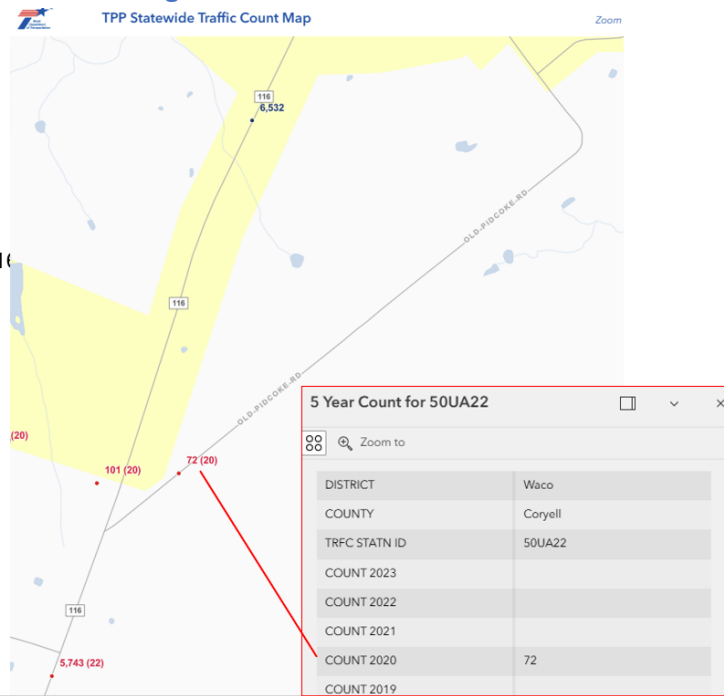
According to TxDOT traffic data, Old Pidcocke Road has a low traffic volume, averaging 72 vehicles per day. In comparison, FM 116 sees between 5,735 and 6,532 vehicles per day (see Figure 2).

Figure 2

Trafalgar – townhomes
on Old Pidcocke
N. of FM 116

TXDOT Traffic Count
(Average vehicles per day)

- 72 per day on Old Pidcocke
- 5,734 – 6,532 per day on FM 116



There have been no reported crashes on Old Pidcocke Road over the past 10 years, and only five reported incidents on FM 116 in the same timeframe.

City Manager Brad Hunt has suggested that Trafalgar could propose funding for road improvements and/or enhancements to their main driveway, such as turn-in and acceleration lanes (see Figure 3).

Figure 3



The property's proximity to the Gatesville Airport and Industrial Park supports its potential as a strong development opportunity for the area. Water and sewer utilities are available at the site.

Staff Recommendation:

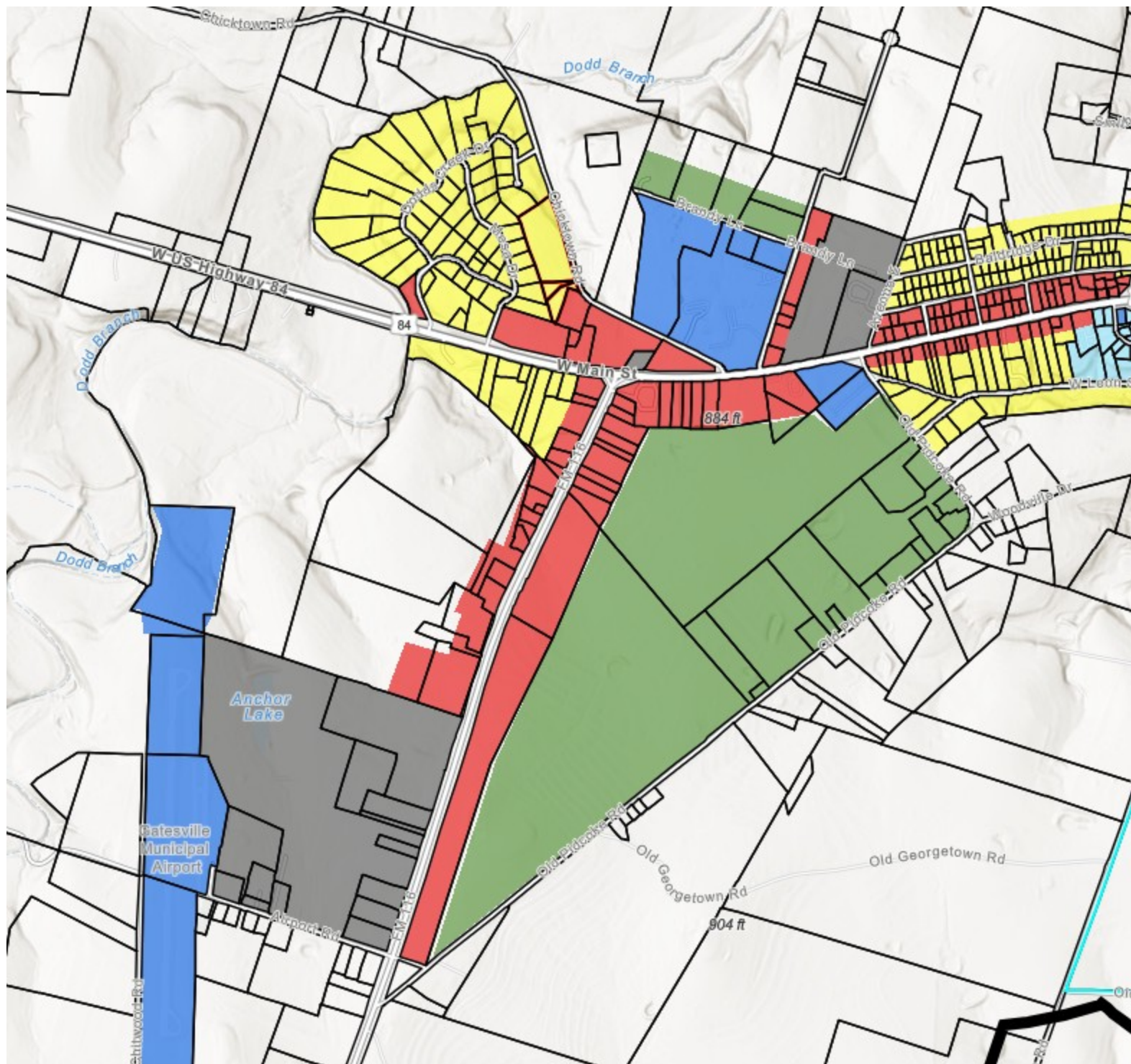
Staff recommends approval of the zoning change located on 911 Old Pidcock Road.

Motion:

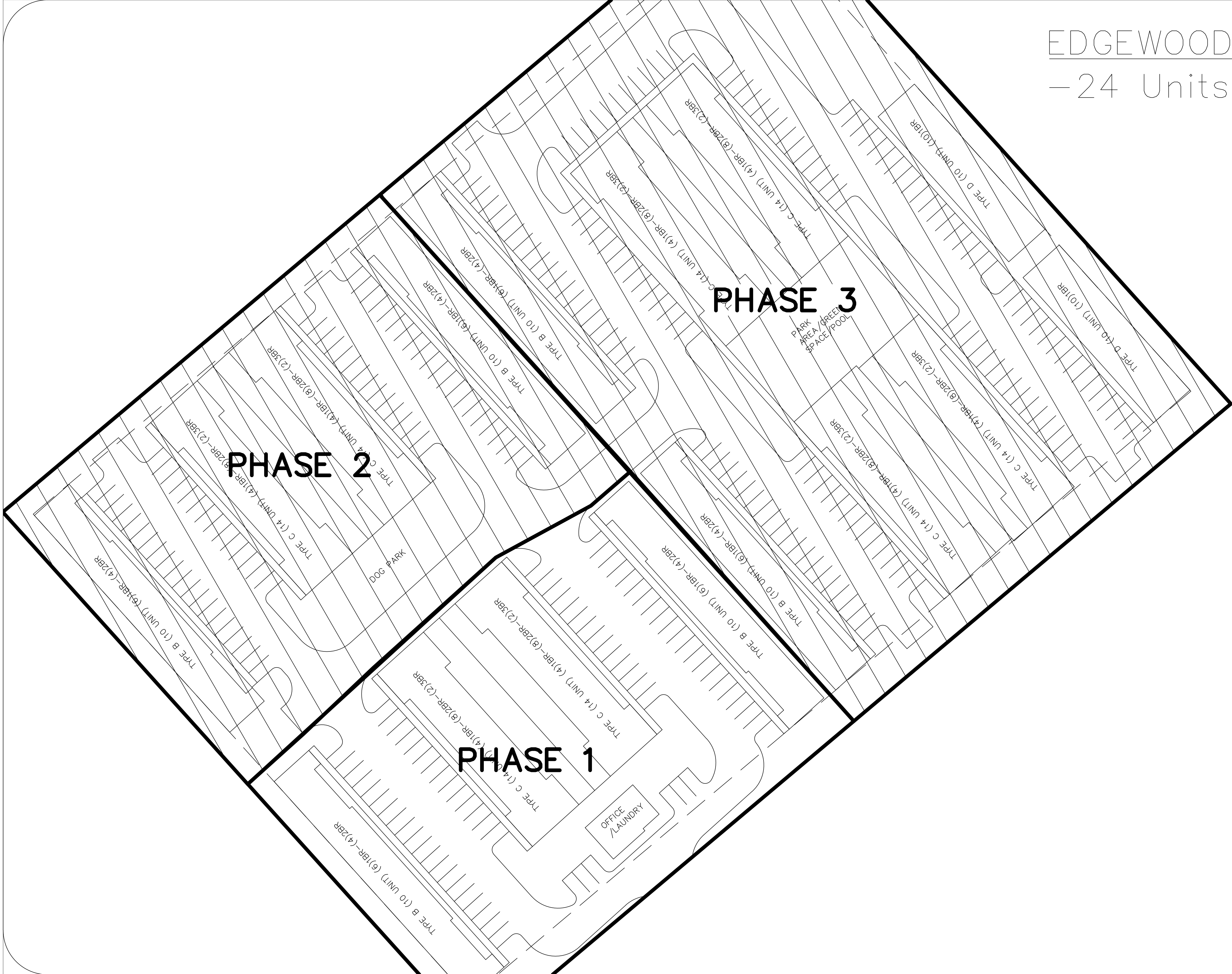
Motion to pass **Ordinance 2025-13**, approving the zoning change of a portion of 911 Old Pidcock Road located in the William Suggett Survey, Abstract 912 from AG Suburban to Residential Multi-Family, **second reading**, to the next meeting.

Attachments:

- Site Plan
- Exhibit A Survey
- Zoning Map
- CAD Map
- Draft Ordinance
- Signed 2023 Ordinance annexing the property



EDGEWOOD TOWNHOMES
—24 Units/Acre



TRAFALGAR HOMES
OF TEXAS

DRAWN BY	CODY FARR	5/19/2025
DESIGNED BY	WES BISHOP	5/19/2025
No.		5/19/2025

Company Name and Address
TRAFALGAR HOMES OF TEXAS, LLC
P.O. BOX 65
STEPHENVILLE, TEXAS 76401
(254) 968-1005

Project Name and Address
GATESVILLE
Gatesville, Tx

Project	SITE PLAN
Date	5/19/2025
Scale	NOT TO SCALE

Sheet

ORDINANCE 2025-13

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ZONING MAP AND COMPREHENSIVE PLAN OF THE CITY OF GATESVILLE, TEXAS, AS HERETOFORE AMENDED, BY ESTABLISHING AN INITIAL ZONING DESIGNATION OF RESIDENTIAL MULTI-FAMILY DISTRICT (“RES. MULTI-FAMILY”) FOR AN APPROXIMATELY 8.00 ACRE TRACT SITUATED IN THE WILLIAM SUGGETT SURVEY, ABSTRACT NO. 912, IN THE CITY OF GATESVILLE, CORYELL COUNTY, TEXAS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 30, 2023, with regard to an approximately 135.03 acre tract situated in the William Suggett Survey, Abstract No. 912 and being a part of a 156.2 acre tract of land described in a deed from Rebecca Berry Krista Ann Moreland and recorded as Doc. No. 339484, Deed Records of Coryell County, Texas, in the City of Gatesville, Coryell County Texas (the “Property”), the City Council of the City of Gatesville, Texas granted the voluntary petition of the owners of the Property for annexation of the Property into the corporate limits of the City of Gatesville; and

WHEREAS, the City Planning and Zoning Commission of the City of Gatesville, Texas, and the governing body of the City of Gatesville in compliance with the laws of the State of Texas and the Ordinances of the City of Gatesville, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council has concluded that the Comprehensive Zoning Ordinance, Zoning Map, and Comprehensive Plan should be amended with regard to the Property as set forth hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:

SECTION 1. The recitals set forth above are found and determined to be true and correct and are incorporated herein by this reference, including the designated shorthand terms established therein.

SECTION 2. The Comprehensive Zoning Ordinance, Zoning Map, and Comprehensive Plan of the City of Gatesville, Texas, as heretofore amended (collectively, the “Zoning Ordinance”), shall be and it is hereby amended by establishing an initial zoning district classification for the Property, which Property is more particularly described

and depicted in Exhibit "A" attached hereto and incorporated herein by this reference, of Residential Multi-Family District ("Res. Multi-Family").

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Gatesville governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. All provisions of the Ordinances of the City of Gatesville, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Gatesville, Texas, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Gatesville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

The foregoing **Ordinance No. 2025-13** was read the first time and passed to the second reading this ____ day of _____, 2025.

The foregoing **Ordinance No. 2025-13** was read the second time and passed to the third reading this ____ day of _____, 2025.

The foregoing **Ordinance No. 2025-13** was read the third time and duly approved, passed and adopted this the ____ day of _____, 2025.

APPROVED:

By: _____
Gary Chumley, Mayor

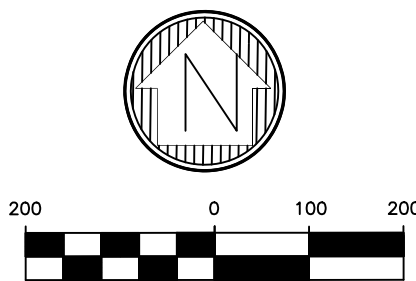
ATTESTED:

Holly Owens, T.R.M.C., City Secretary

EXHIBIT A
Property Legal Description and Survey
[to be attached]

4935-4427-7780, v. 1

LAND TITLE SURVEY OF 8.00 ACRES OF LAND
SITUATED IN THE WILLIAM SUGGETT SURVEY
ABST. NO. 912
CORYELL COUNTY, TEXAS



SURVEYOR'S NOTES

RECORD ENCUMBRANCES –Except as specifically stated or shown on the map of survey, this survey does not purport to reflect any of the following which may be applicable to the subject property: building setback lines, restrictive covenants, subdivision restrictions, zoning or other land–use regulations, septic tank restrictions and any other facts which a current title search may disclose.

BOUNDARY DIMENSIONS –Bearings, distances and coordinates shown on this map of survey are grid, GPS derived and are based on The Texas Coordinate System, Central Zone, NAD

RECORD DOCUMENTS –Only the record documents noted hereon were provided to or discovered b the undersigned surveyor.

BOUNDARY RESEARCH –The undersigned surveyor conducted research of public real property records focused on the boundary of the subject property. No research was conducted for: easements, restrictions, dedications or other record encumbrances.

PURPOSE OF SURVEY –This survey represents the results of a Land Title Survey.

ADJOINING PROPERTIES –The adjoining properties were not surveyed and are shown hereon for informational purposes only.

UTILITIES –All statements within the certification and other references located elsewhere heron that are related to utilities, easements, servitudes and encroachments are based on visible, aboveground evidence unless otherwise noted. Lacking excavation, the location of underground utilities cannot be accurately known. For definitive answers to questions regarding utilities shown hereon, contact the respective utility companies. Visible utility structures that were observed while conducting this survey may indicate an easement.

SUBSURFACE CONDITIONS –No statement is made concerning subsurface conditions or the existence or nonexistence of underground containers of facilities which may affect the use of development of the tract of land. Environmental and subsurface conditions were not examined as a part of this survey.

ROADWAYS AND DRIVEWAYS –Roadways or driveways (access ways) shown hereon are as found. The undersigned surveyor does not represent that said roadways or driveways are publicly maintained, nor that an easement or right of way for the use of these access ways benefits the subject property.

FENCES –Fences along a boundary line and long standing, should not be moved or removed without consultation with the adjoining property owner. Ownership of the property located between the boundary line and the fence may have been transferred

COPY OF SURVEY: Subject to client approval, a copy of this map of survey can be obtained by contacting Rick Shelley at 254 253 0946 or by email at rickshelley@gmail.com"rickshelley@gmail.com.

METES AND BOUNDS

FIELD NOTE DESCRIPTION for 8.00 acres of land situated in the William Suggett Survey, Abst. 912, in Coryell County, Texas. Said 8.00 acres of land being out of and a part of the remaining portion of that certain tract of land called to contain 133 acres of land in a deed recorded June 14, 2021 to Krista Ann Moreland of record in Doc. No. 339484, Official Public Records of Coryell County, Texas (OPR). Said 8.00 acre tract of land was surveyed by TEXAS LAND SURVEYORS on April 29, 2025 and is more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found with a surveyor's cap at the most southerly corner of Lot 4, Block 1 of the Berry Estates, a subdivision of record in Doc. No. 369086, OPR, same being in the common line between said Moreland tract of land and Old Pidcoke Road and being the most easterly corner of this 8.00 acre tract of land;

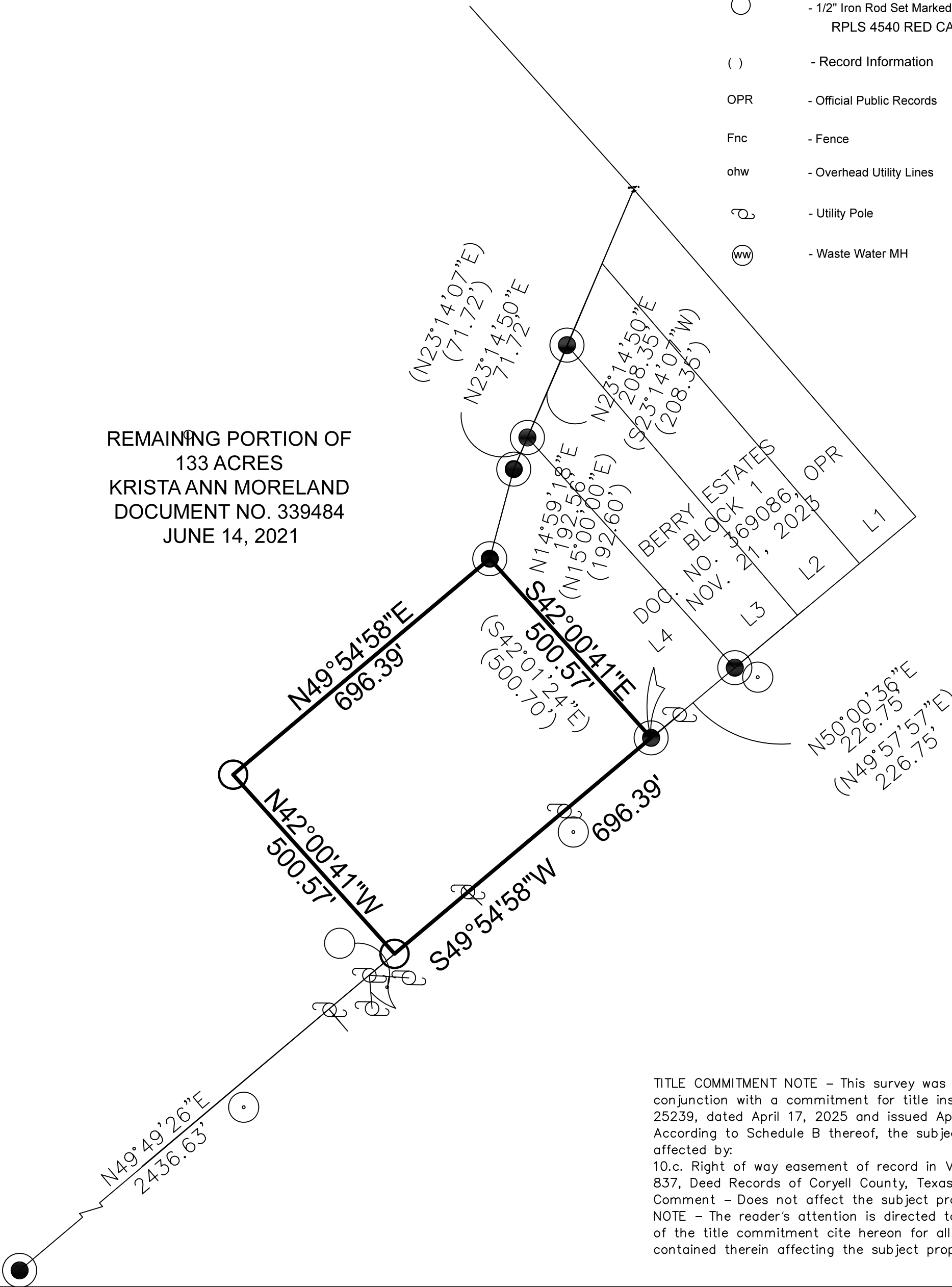
THENCE with the common line between said Moreland tract of land and Old Pidcoke Road, same being the southeasterly line of this 8.00 acre tract of land, S 49°54'58" W a distance of 696.39 feet to a ½ inch iron rod with a red plastic cap marked RPLS 4540 set for the most southerly corner of this 8.00 acre tract of land;

THENCE crossing said Moreland tract of land for the following three courses:

1. with the southwesterly line of this 8.00 acre tract of land, N 42°00'41" W a distance of 500.57 feet to a ½inch iron rod with a red plastic cap marked RPLS 4540 set at the most westerly corner of this 8.00 acre tract of land;
2. with the northwesterly line of this 8.00 acre tract of land, N 49°54'58" E a distance of 696.39 feet to an iron rod found with a surveyor's cap found at the most westerly corner of said Lot 4, same being the most northerly corner of this 8.00 acre tract of land;
3. with the common line between said Lot 4 and this 8.00 acre tract of land, S 42°00'41" E a distance of 500.57 feet to the POINT OF BEGINNING.

TEXAS LAND SURVEYORS
475 CR 4175
Cranfills Gap, Texas 76637
rickshelley@gmail.com
(254) 253 0946
Firm No. 10194621

REMAINING PORTION OF
133 ACRES
KRISTA ANN MORELAND
DOCUMENT NO. 339484
JUNE 14, 2021



TITLE COMMITMENT NOTE – This survey was conducted in conjunction with a commitment for title insurance, 25239, dated April 17, 2025 and issued April 30, 2026. According to Schedule B thereof, the subject property is affected by:
10.c. Right of way easement of record in Vol. 479, Pg. 837, Deed Records of Coryell County, Texas. Surveyor's Comment – Does not affect the subject property.
NOTE – The reader's attention is directed to a full copy of the title commitment cite hereon for all matters contained therein affecting the subject property.

CITY OF GATESVILLE, TEXAS

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF GATESVILLE, TEXAS, 135.03± ACRES SITUATED IN THE WILLIAM SUGGETT SURVEY, ABSTRACT NO. 912, CORYELL COUNTY, TEXAS, DESCRIBED IN EXHIBIT “A” HERETO AS WELL AS, BY OPERATION OF STATE LAW, THE PORTION OF THE ABUTTING COUNTY ROAD, OLD PIDCOKE ROAD, (INCLUDING THE RIGHT-OF-WAY ON EITHER SIDE THEREOF); EXTENDING THE BOUNDARY LIMITS OF THE CITY SO TO INCLUDE WITHIN THE CITY’S LIMITS SAID ANNEXED PROPERTY AND ABUTTING COUNTY ROAD; GRANTING ALL INHABITANTS AND OWNERS OF THE ANNEXED PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS; BINDING THE INHABITANTS OF THE ANNEXED PROPERTY BY ALL THE ACTS, ORDINANCES AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance pertains to the hereinafter described territory being a 135.03± acres situated in the William Suggett Survey, Abstract No. 912, Coryell County, Texas, more fully described by metes and bounds and depicted in Exhibit “A” attached hereto and incorporated herein by reference (the “Annexed Property”); and

WHEREAS, the City Council of the City of Gatesville (“City Council”) has been presented with a petition by the record owners of the Annexed Property requesting Annexation of the Annexed Property into the corporate limits of the City of Gatesville, Texas (“the City”); and

WHEREAS, the City Council has given the requisite notices and conducted the public hearing required by Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council desires to adopt a service plan as required by Section 43.056 of the Texas Local Government Code for the Annexed Property, which is attached hereto as Exhibit “B” (the “Service Plan”) and incorporated herein for all purposes; and

WHEREAS, the City Council finds that the Annexed Property lies within the City’s exclusive extraterritorial jurisdiction and is contiguous to the City’s existing corporate boundaries; and

WHEREAS, the requirements for Annexation of the Annexed Property are as stated in Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Gatesville has concluded that the Annexed Property should be annexed to and made a part of the City; and

WHEREAS, pursuant to Texas Local Government Code section 43.106, that portion of County Road, Old Pidcoke Rd., abutting the Annexed Property, including the right-of-way on either side of said County Road, is included in this annexation by operation of law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:

SECTION 1. The recitals set forth above and found to be true and correct and are incorporated herein by this reference.

SECTION 2. The Annexed Property, is hereby annexed and added to the City's corporate limits, and the City's boundary limits shall be and are hereby extended to include the Annexed Property. The Annexed Property shall be and is hereafter subject to all the acts, ordinances, resolutions and regulations of the City. The inhabitants of the Annexed Property shall hereafter be entitled to all rights and privileges of other citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 3. The Service Plan is approved and adopted by the City Council.

SECTION 4. Pursuant to Texas Local Government Code section 43.106, that portion of County Road, Old Pidcke Road, abutting the Annexed Property, including the right-of-way on either side of said County Road, is hereby added to the City's corporate limits and the City's boundary limits shall be and are hereby extended to include the same.

SECTION 5. All provisions of the ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

The foregoing Ordinance No. 2023-08 was read the first time and passed to the second reading this 14th day of November, 2023.

The foregoing Ordinance No. 2023-08 was read the second time and passed to the third reading this 27th day of November, 2023.

The foregoing Ordinance No. 2023-08 was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this 30th day of November, 2023.




APPROVED: THE CITY OF GATESVILLE, TEXAS


Gary Chumley, Mayor

ATTEST:


Wendy Cole, City Secretary

APPROVED AS TO FORM:


Victoria W. Thomas, Special Counsel
4868-3553-1919, v. 2



Date 7/8/2025

Agenda Item 11

Ordinance 2025-14

CITY COUNCIL MEMORANDUM FOR ORDINANCE

To: Mayor & Council

From: Holly Owens, City Secretary

**Agenda Item: Discussion and possible action amending Chapter 32, adding Article IX. – Coin—
Operated Machines and Indoor Amusement Facilities.**

Information:

City staff have recently received multiple inquiries from concerned citizens regarding the presence and regulation of gambling machines—commonly referred to as "8-Liners"—within Gatesville city limits. At this time, the City of Gatesville does not have ordinances regulating gaming machines, coin-operated devices, indoor amusements, or gambling machines.

Background:

It is important to note that not all machines are considered gambling devices. Machines that dispense prizes directly—such as claw or crane games—or that rely on a player's physical skill (e.g., tossing, flipping, or rolling a ball) are not classified as gambling devices. In contrast, any machine that pays out cash, gift cards, or other items of value based on chance rather than skill is considered a gambling device. This includes machines resembling bingo, keno, blackjack, lottery, roulette, slot machines, or video poker.

Other coin-operated machines such as pool tables, jukeboxes, and pinball machines are not affected by these gambling-related restrictions.

The ordinance under consideration acknowledges the Texas Supreme Court's decision which effectively deferred to and left in place the Second Court of Appeals' decision that 8-Liners are unconstitutional lotteries; the ordinance follows the precedent of the Second Court of Appeals and takes the position that "8-Liners" are illegal gambling devices under state law.

This draft ordinance will define key terms, establish regulations on the placement of coin-operated machines, outline licensing requirements and the review process, and detail potential criminal penalties. If approved, the effective date will be October 1, 2025, to allow an adjustment and educational period for the businesses that have illegal machines that will need to be removed and an opportunity to be prepared to pay the license fee and occupation tax for the legal machines.

The first reading was held on June 24, 2025, with no additions or changes to the draft ordinance. This is the second reading and if passed to the next meeting, the third and final reading will be heard on July 22, 2025.

Date 7/8/2025

Agenda Item 11

Ordinance 2025-14

Application for Annual City Gameroom License:

All applicants must pass a background check and submit a copy of their Comptroller registration or license, along with a valid sales tax certificate. The business where the machines are located must have a Certificate of Occupancy and display all required licenses, including the City License.

Financial Impact:

An annual license application fee and an occupation tax will be added to the fee schedule to accommodate these regulations.

- ¼ of the State Occupation Tax per Texas Tax Code 2153.451(b) per machine and,
- License fee for an annual license registering all machines as defined within the ordinance.

Staff Recommendation:

Staff recommends passing **Ordinance 2025-14** to the next meeting for the third and final reading.

Motion:

Motin to pass **Ordinance 2025-14**, amending Chapter 32, adding Article IX. – Coin-Operated Machines and Indoor Amusement Facilities, **Second Reading**, to the next meeting.

Attachments:

- Draft Ordinance

**CITY OF GATESVILLE, TEXAS
ORDINANCE 2025-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, AS PREVIOUSLY AMENDED, BY ADDING A NEW ARTICLE IX “COIN-OPERATED MACHINES AND INDOOR AMUSEMENT FACILITIES;” PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City receives frequent complaints from citizens regarding lack of regulation of coin-operated machines, including but not limited to gambling devices within the City; and

WHEREAS, the City Council has determined that it serves the public health, safety and general welfare to adopt an ordinance prohibiting gambling devices and regulating coin-operated machines and indoor amusement facilities within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:

SECTION 1. The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 32 “Licenses, Permits, and Miscellaneous Regulations” by adding a new Article IX “Coin-Operated Machines and Indoor Amusement Facilities” to read in its entirety as follows:

“CHAPTER 32 – LICENSES, PERMITS, AND MISCELLANEOUS REGULATIONS

...

**ARTICLE IX. – COIN-OPERATED MACHINES AND INDOOR AMUSEMENT
FACILITIES**

Sec. 32-260. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement Redemption Machine means any electronic, electromechanical, or mechanical contrivance, including sweepstake machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation skill or a combination of skills affords the user, in addition to any right of replay, an opportunity to receive exclusively non cash merchandise prizes, toys, or novelties, or a representation of a value redeemable for those items that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less. Amusement Redemption Machine includes the following skill or pleasure machines:

1. A machine that awards the user noncash merchandise prizes, toys, or novelties solely and directly from the machine, including claw, crane, or similar machines; and

2. A machine from which the opportunity to receive noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling, or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Texas Business and Commerce Code, Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

Building Official means the representative of the City of Gatesville or other person designated by the city manager.

Coin-operated machine means any kind of machine or device operated by or with a coin or other United States currency, metal slug, token, electronic card, or check, including a music or skill or pleasure coin-operated machine.

Facility supervisor means a natural person who manages, controls or operates an indoor amusement facility on behalf of the owner or operator.

Gambling device means any electronic, electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term includes, but is not limited to, gambling device versions of bingo, keno, slot machines, blackjack, lottery, roulette, video poker, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits.

Indoor amusement facility means an amusement enterprise wholly enclosed in a building offering entertainment or games to the general public, for a fee, including, but not limited to a bowling alley, billiard parlor/pool hall, and a facility with video games, computer games, skill or pleasure coin-operated machines, and/or amusement redemption machines. Indoor amusement facility does not include a business that exhibits less than five (5) video games, computer games, skill or pleasure coin-operated machines, or amusement redemption machines as a secondary use of the property, if the business does not otherwise fall into the definition of an indoor amusement facility.

Licensing officer means the Building Official.

Music coin-operated machine means any kind of coin-operated machine, including a phonograph, piano, or graphophone that dispenses music or is used to dispense music; is operated by inserting a coin, metal slug, token, or check; and is not an amusement machine designed exclusively for a child.

Operator means a person who exhibits or displays, or permits to be displayed, a coin-operated machine in this city in a place of business that is not owned by the person.

Owner means any person owning any "coin-operated machine" or indoor amusement facility in this city.

Person includes an individual, association, trustee, receiver, partnership, corporation, company, organization, or other business entity or a manager, officer, owner, agent, servant, or employee of the same.

Service coin-operated machines means every pay toilet, pay telephone and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

Skill or pleasure coin-operated machine means any kind of coin-operated machine that dispenses or is used or is capable of being used to dispense or afford, amusement, skill, or pleasure or is operated for any purpose, other than for dispensing merchandise, music, or service and that is not a gambling device. The term includes marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, billiard or pool games, or machines or devices that dispense merchandise or commodities or plays music in connection with or in addition to dispensing skill or pleasure; and does not include an amusement machine designed exclusively for a child.

Sec. 32-261. Prohibited locations.

- (a) No indoor amusement facility shall be permitted within three hundred (300) feet, measured from front door to front door, of any school building, church or hospital in this city.
- (b) No indoor amusement facility can be located within one thousand (1,000) feet of another indoor amusement facility which has been properly licensed in accordance with the City's Code of Ordinances.
- (c) A person, business or facility that exhibits less than five (5) skill or pleasure coin-operated machines or amusement redemption machines as a secondary use of the property may not be located in the same building with another business or facility exhibiting less than five (5) skill or pleasure coin-operated machines or amusement redemption machines as a secondary use of the property.
- (d) A person, business or facility that exhibits less than five (5) skill or pleasure coin-operated machines or amusement redemption machines as a secondary use of the property may not be located within one thousand (1,000) feet of a licensed indoor amusement facility.

Sec. 32-262. License required and exceptions.

- (a) Ownership and/or operation of an indoor amusement facility within the City requires an annual indoor amusement facility license issued by the City in accordance with the provisions of article.
- (b) A person commits an offense if the person:
 - Recklessly or with criminal negligence owns or operates an indoor amusement facility without an indoor amusement facility license; or
 - Recklessly or with criminal negligence owns or operates a gambling device within the city limits of the City of Gatesville; or
 - Knowingly allows operation of a gambling device in a building or other facility in which the person holds an ownership interest; or

- Knowingly allows operation of an indoor amusement facility without a valid indoor amusement facility license issued by the City.
- (b) Acquisition of a license under this article is a separate and distinct requirement from any other licensing requirement required by the state or any other entity. Possession of some other license shall not relieve a person of the requirement to obtain a license pursuant to this article.
- (c) It is a defense to prosecution under this section that the person:
- is operating an indoor amusement facility at a place owned by the federal, state, or local government;
 - is a non-profit organization that operates the indoor amusement facility for the organization's exclusive use and to further the purposes of the organization; or
 - is operating an indoor amusement facility at a place licensed by the Texas State Lottery Commission.

Sec. 32-263. Injunction and prosecution.

- (a) A person who owns or operates or causes to be operated an indoor amusement facility without the license required under this article is subject to civil penalty, suit for injunction, as well as prosecution for criminal violations.
- (b) A person who owns or operates or causes to be operated a Gambling device as defined in this article is subject to civil penalty, a suit for injunction, as well as prosecution for criminal violations.

Sec. 32-264. License application.

- (a) An annual application for a license to operate an indoor amusement facility must be made to the licensing officer on the form prescribed by that official. The application must be accompanied by a sketch or diagram showing the configuration of the premises as well as the location of all coin-operated machines, pool tables, and exits. The sketch need not be professionally prepared but must clearly exhibit the configuration in a manner acceptable to the licensing officer.
- (b) If a person who wishes to operate an indoor amusement facility is an individual, he must sign the application for a license as the applicant. If the person who wishes to operate an indoor amusement facility is other than an individual, each individual who has a twenty (20%) per cent or greater interest in the proposed operator must sign the application for a license.
- (c) All applications must be accompanied by a non-refundable annual application fee in an amount determined as a part of the city's annual budget and published in the City's fee schedule, as may from time to time be amended or updated. An application shall not be considered to have been filed until the application fee is paid and all information required by the application form is submitted.
- (d) All applications must be accompanied by a statement signed by the person(s) identified in subsection (b) of this section and stating that the entertainment or games offered at the indoor amusement facility, including but not necessarily limited to all coin-operated machines and

pool tables, will not be used as gambling devices and that all facts contained in the application are true and correct.

Sec. 32-265. Application review.

- (a) *Preliminary inspection.* The licensing officer shall forward a copy of all indoor amusement facility applications to the police department, planning department, inspection department and any other city department involved in the review process. Upon receipt of the copy of the application, each department shall make such inspection and/or investigation of the applicant, premises, and equipment as is necessary for the enforcement of ordinances and laws for which the department has responsibility. Upon completion of the review, the reviewing department shall forward to the licensing officer its recommendation for approval or disapproval of the application. If the recommendation is for disapproval, the reviewing department shall clearly set forth its reason for the recommendation. If all departments recommend approval, then a final inspection shall be conducted.
- (b) *Final inspection.* The city shall make a final inspection of the facility after all equipment and furnishings are in place to ensure the facility complies with all applicable codes and ordinances. If after final inspection, the recommendation is for disapproval, the city shall clearly set forth its reason for the recommendation. If the recommendation is for approval, a license shall be issued in accordance with section 32-266.

Sec. 32-266. License issuance or denial; term; time limitation for compliance with division.

- (a) *Issuance.* Following successful final inspection and a recommendation for approval, the licensing officer shall issue an indoor amusement facility license, upon payment of the license fee, to an applicant within thirty (30) days, unless the licensing officer finds one (1) or more of the following is true:
 - (1) An applicant is under eighteen (18) years of age;
 - (2) An applicant has falsely answered a question or request for information on the application form;
 - (3) The indoor amusement facility is not in compliance with applicable laws and ordinances;
 - (4) The applicant has been denied a license or the renewal of a license under this article within the preceding twelve (12) months or has had a license issued under this article revoked within the preceding twenty four (24) months and the denial or revocation has not been successfully appealed; or
 - (5) An applicant has been convicted of a crime involving gambling, gambling promotion, keeping a gambling place, or possession of a gambling device, equipment or paraphernalia; the sale of an alcoholic beverage without a permit or license from the state; prostitution or promotion of prostitution; manifesting the purpose of engaging in prostitution; or unlawfully carrying a weapon, provided;
 - a. If the conviction was for a misdemeanor offense, less than two (2) years have elapsed since the date of the conviction or the date of release from confinement for the conviction, whichever is the later date; or

- b. If the conviction is for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date; or
 - c. If the conviction is for two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four (24) month period, less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction.
 - d. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
 - e. **Transitional Compliance for Existing Facilities and Coin-Operated Machines.** Any indoor amusement facility or business operating coin-operated machines within the City of Gatesville on the effective date of this ordinance that is in possession of a valid permit may continue to operate under the terms of that permit until its expiration. Upon expiration, no license or permit shall be renewed or reissued unless the facility or business is in full compliance with all provisions of the Gatesville Code of Ordinances, including but not limited to the prohibition of gambling devices as defined herein. This transitional period does not constitute an exemption or grandfathering. All facilities and businesses shall be required to meet the current regulatory standards upon permit renewal.
- (b) *Extension of review period.* If the applicant is in the process of correcting conditions on the premises so that the premises will comply with applicable ordinances and laws, the applicant may be granted thirty (30) days from date of notice to bring the premises into compliance, or a new application shall be required.
- (c) *Term.* No license shall be effective until it has been issued. All licenses for indoor amusement facilities issued under the provisions of this article shall be valid for a period of one (1) year from the date of issuance. The date of issuance shall be stated on the license.

Sec. 32-267. Contents; posting of license; notice of change in ownership.

- (a) An indoor amusement facility license issued under this article shall state on its face to whom it is issued, the date of issuance, the date of expiration, the address and location of such indoor amusement facility and shall be signed by the licensing officer.
- (b) The license shall be posted by the licensee in a conspicuous place and in such a manner and position that it may be easily read at any time of day or night.
- (c) A replacement license may be issued for a lost, destroyed or mutilated license upon application. A replacement license shall have the word "REPLACEMENT" stamped across its face and shall bear the same number as the one it replaces.
- (d) A licensee shall notify the licensing officer within ten (10) days of a change or partial change of ownership or change of address or trade name.

Sec. 32-268. License transfer.

A licensee under this article shall not transfer his license to another, nor shall a licensee operate an indoor amusement facility under the authority of a license at any place other than the address designated on the license.

Sec. 32-269. Suspension and revocation of license.

- (a) The City of Gatesville, through an official designated by the City Manager, may suspend or revoke a license if it determines that:
 - (1) The owner, operator, or facility supervisor has refused to allow an inspection of the premises, as authorized by this article;
 - (2) The owner, operator, or facility supervisor has demonstrated an inability to operate or manage an indoor amusement facility in a peaceful and law abiding manner;
 - (3) A cause of suspension occurs and the license has already been suspended within the preceding twelve (12) months;
 - (4) An owner or operator gave false or misleading information in the material included on or with his original application or a renewal application or in response to an inquiry by the city;
 - (5) An owner, operator, or facility supervisor has been convicted of a violation set forth in subsection 32-266(a)(5);
 - (6) The indoor amusement facility has been operated without a facility supervisor being physically present; or
 - (7) The indoor amusement facility is being operated in violation of the building codes or city ordinances, or state law including owning and operating gambling devices, as defined in this Code of Ordinance.
- (b) The fact that a conviction is being appealed shall have no effect on the suspension or revocation of the license.
- (c) Notice of suspension shall be served either in person or by certified mail to the owner or operator of the indoor amusement facility and the owner of the building in which the indoor amusement facility is located.

Sec. 32-270. License renewal.

- (a) A renewal application on the form prescribed by the licensing officer may be submitted no earlier than sixty (60) days before the expiration of the license. The renewal application must be accompanied by a renewal fee set by the city council as a part of the city's annual budget. When an application for renewal is submitted less than thirty (30) days before the expiration date of the license, the expiration date of the license will not be affected.
- (b) When the renewal application has been filed as required above, the licensing officer shall have seven (7) days to determine whether to issue a renewal license, or to reject the renewal application and require the applicant to file an original application and review the renewal

request under the same standards as the original license application. If the licensing officer requires that the renewal be handled as though it were a new application, the review period set out in section 32-266 shall commence upon the filing of the completed original application form, not upon the filing of the renewal application form. The following shall constitute grounds for rejecting the renewal application and requiring the filing of an original application form:

- (1) The receipt by any department of the city of confirmed complaints about the operation of the indoor amusement facility during the period that the license for which renewal is sought has been in force;
 - (2) The discovery by any official of the city of a violation of any ordinance or law during the preceding year on the premises which was related to the operation of the indoor amusement facility; or
 - (3) An increase in police calls to the indoor amusement facility or the area immediately adjacent to the premises that are related to the operation of the indoor amusement facility.
- (c) If a license expires during an extension of the review period, provided for in section 32-266, the licensee may continue to operate the indoor amusement facility until a decision on the renewal is rendered. If the renewal is denied, the licensee must cease operation of the indoor amusement facility immediately upon notification. Notice of the denial shall be sufficient if personally given to the owner, operator, or facility supervisor provided for in section 32-273, or if delivered to the owner, operator, or facility supervisor at the address shown on the renewal application by mail, return receipt requested.
- (d) When an application for renewal is ultimately denied, the applicant shall not be issued a license for one (1) year from the date of the denial. If, subsequent to denial, the licensing officer finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days has elapsed since the date the denial of the renewal application was final.
- (e) The rejection of a renewal application and requirement that the renewal be handled as though it were an original application may not be appealed; however, the final denial of a license renewal by the licensing officer may be appealed in accordance with section 32-271.

Sec. 32-271. Appeal.

- (a) Appeal of denial. suspension or revocation of permit.
- (1) The initial decision and notice by an inspector to suspend or revoke a permit may be appealed to the supervisor over the inspector by giving written notice to the supervisor no later than the fifth calendar day after receipt of the written notice of the decision. The supervisor may uphold, reverse, or modify the decision of the inspector. If an appeal is not filed as provided herein, the decision of the inspector is final, and no further appeal will be considered.
 - (2) The initial denial of a permit, or the decision of the supervisor over the inspector following a timely appeal of the inspector's decision to suspend or revoke a permit as provided in subsection (1) above, may be appealed to the city manager by filing a written notice of appeal with the director no later than the fifth day after receipt of written notice of the initial or appeal

decision. The city manager may uphold, reverse, or modify the decision to deny, suspend or revoke the permit. If an appeal is not filed as provided herein, the initial or appeal decision is final, and no further appeal will be considered.

(3) The decision of the city manager is final.

Sec. 32-272. License fees.

Before any license for an indoor amusement facility shall be issued by the city, the person applying for the license shall pay to the city the fees that are established by the city council as part of the city's annual budget. These fees may include an application fee to cover the costs associated with processing the application in addition to an annual license fee.

Sec. 32-273. Operation of indoor amusement facilities.

- (a) *Indoor amusement facility supervisor.* A person who owns or operates an indoor amusement facility must designate one (1) or more persons as facility supervisors. The names of the facility supervisors must be included in a license application or renewal application. Whenever a change in the facility supervisors occurs, notice of that change shall be given to the licensing officer. A facility supervisor must remain on the premises of the indoor amusement facility during operating hours.
- (b) *Authority to vacate premises.* The chief of police, fire marshal or building official or their designees shall have the power to cause an indoor amusement facility to be vacated whenever any provision of this article is being violated or when a situation that poses an immediate threat to safety exists. In addition, where a violation of any ordinance of the city or state law is discovered, the chief of police, fire marshal or building official may order that an indoor amusement facility be vacated and remain closed for up to twenty-four (24) hours after it is determined that the violation that resulted in the order to close has been corrected.
- (c) *Hours of operation.* The indoor amusement facility shall not be operated between 12:00 a.m. and 8:00 a.m.
- (d) *Layout.* All skill or pleasure coin-operated machines, pool tables, and bowling lanes shall be in full and open public view. No skill or pleasure coin-operated machine, pool table, or bowling lane shall be in a room that is closed off from the main area of the facility.

Sec. 32-274. Criminal penalties.

- (a) A violation of this article shall be a Class C misdemeanor and the penalty for violating this article shall be a fine of not more than five hundred dollars (\$500.00) and each day a violation exists shall be a separate offense. It is also a criminal violation of this article and a Class C misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) and not less than fifty dollars (\$50.00) to intentionally, knowingly, recklessly or with criminal negligence provide false answers or information to the City of Gatesville on or in connection with the application for or application for renewal of an indoor amusement facility license.
- (b) Possession and/or operation of Gambling device. Any person or persons in possession of a gambling device as defined shall be subject to criminal penalties provided in (a) above.

Machines identified as being in violation of the provisions of this ordinance will be confiscated and any funds deposited in said machine(s) shall be subject to the forfeiture and seizure policy of the Gatesville Police Department.

Secs. 32-275—32-280. Reserved.”

SECTION 2. . Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect October 1, 2025.

Ordinance No. 2025-14 was read the first time and passed to the second reading this _____ day of _____, 2025.

Ordinance No. 2025-14 was read the second time and passed to the third reading this _____ day of _____, 2025.

Ordinance No. 2025-14 was read the third time and duly approved, passed and adopted this the _____ day of _____, 2025.

APPROVED:

GARY CHUMLEY, MAYOR

APPROVED AS TO FORM:

ATTEST

Victoria W. Thomas, Special Counsel
4862-2897-4219, v. 1

Holly Owens City Secretary