

The Childress City Council met in Called Session Monday, January 11, 2021, at 6:00 p.m. in the Expo Center, Mashburn Event Center, 1100 7<sup>th</sup> St. NW, Childress, TX 79201.

Mayor Cary Preston  
Aldermen Gary Clark (absent)  
John Preston  
Sharon Johnson  
Marino Rodriguez  
City Manager Kevin Hodges  
City Attorney Steve Bird

Mayor led invocation.

Public Comment.

Minutes from the June 8, 2020, October 26, 2020, November 9, 2020, November 9, 2020, November 16, 2020, November 16, 2020, December 14, 2020, December 21, 2020 council meeting were approved. Alderman Rodriguez made the motion. Alderman Preston seconded the motion. All ayes.

City Manager, Kevin Hodges brought to the Council's attention that Philip Self's term as a Director on the Board of Greenbelt Municipal and Industrial Water Authority will soon expire. Motion was made by Alderman Preston to extend Mr. Self's term for two years. Alderman Rodriguez seconded the motion. All ayes.

The need to appoint an Interim Secretary of the City for administrative purposes was brought to the table. Much of this need is related to the May 2021 election. City Manager recommended Florine Bentley to serve as the Interim City Secretary. Motion to accept the recommendation was made by Alderwoman Johnson. Alderman Rodriguez seconded the motion. All ayes.

After discussing specific details of Ordinance #2021-111, a revision was made on Section II. On the first paragraph, "*Registration for a permit will consist of a fee of \$50.00 and will become valid for one year from the date of purchase.*" Last sentence: "*the annual fee will always be \$50.00.*" Motion to accept the revision was made by Alderman Preston. Seconded by Alderman Rodriguez. All ayes. An additional revision was made in Section VI., line 9 to state: "*Golf carts/Utility task vehicles shall be operated during the daytime. Lines 1 and 2 of Section V must be met to operate at nighttime.*" Motion was made by Alderwoman Johnson. Seconded by Alderman Preston. All ayes.

2nd Reading of Ordinance #2021-111 was read by Mayor Preston.

ORDINANCE NO. 2021-111

AN ORDINANCE OF THE CITY OF CHILDRESS, TEXAS, REGULATING MOTORIZED CARTS/UTILITY TASK VEHICLES ON STREETS AND ALLEYS IN THE CITY OF CHILDRESS, ESTABLISHING REGISTRATION, REVOCATION, OPERATION REGULATIONS, LIABILITY, AND PENALTIES, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City finds that it is necessary to regulate motorized carts/utility task vehicles within the City of Childress, Texas; and

WHEREAS, a municipal regulation in this area is in the best interest of the citizens of the City of Childress.

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

**I.**  
**MOTORIZED CARTS/UTV**  
**Definitions**

City means the City of Childress in the County of Childress and the State of Texas.

Day time means the time of day between sunrise and sunset.

Driver means the person driving and having physical control over the motorized vehicle.

Golf cart means a motor vehicle designed by the manufacturer primarily for the use on a golf course.

Owner means a person who holds the legal title of a vehicle, has the legal right of possession of a vehicle or has the legal right of control of the vehicle.

Street means the public roadways of the city by whatever name (road, alley, avenue, highway, Route, boulevard) that has a speed limit of 35 mph or less or provides for no more than two lanes of vehicular traffic per direction or is not designated as part of either the state or federal highway system.

Utility task vehicle (UTV) means a small side by side vehicle designed to carry 2 to 6 persons and has 4 or more wheels, a steering wheel, non-straddle seating, have foot controls for the throttle and braking, occupant restraints and rollover protective structures.

**II.**  
**Registration Permit**

Before any golf cart, utility vehicle/utility task vehicle may be operated over the authorized streets and parking areas of the city, it must be registered and provided a permit with the city code office located at city hall. Registration for a permit will consist a fee of \$50.00 and will become valid for one year from the date of purchase. Should the driver purchase a permit during the year, there is no probation. The annual fee will always be \$50.00.

1. The registration application affidavit shall be made on a form supplied by the city and shall contain the following information:

- A. Name, address and phone number of the owner.
- B. Location of which the vehicle is stored.
- C. Make, model and vehicle identification number.
- D. Current driver's license number of the owner.
- E. A statement that all users will carry a current valid driver's license.

F. A statement that the registration holder will carry the liability insurance coverage according to subsection 2 of this section and it will remain in the effect and good standing for the term of the permit and for any reason the coverage gets suspended, terminated or canceled the individual will immediately notify the city.

G. Any user shall indemnify and hold harmless the city for any and all issuance or non issuance of said registration and enforcement or failure to enforce these regulations and waives any and all right to sue or allow subrogation by insurance company.

H. Such other information which the city may require.

2. The registration application shall be accompanied by evidence of person liability insurance coverage consistent with the minimum requirements of state law for operational motor vehicles and a copy of the owners driver's license.

3. The registration shall be effective until December 31<sup>st</sup> each year or at such time as revoked by the city or the golf cart, utility task vehicle is transferred to a new owner. (The fee is \$50.00 and will not be prorated)

### **III.**

#### **Revocation of the permit**

The registration permit under this article may be revoked if:

1. The owner or driver of the golf cart, utility task vehicle fails to abide by the rules and regulations of this article.

2. The owner or driver of a golf cart, utility task vehicle fails to abide by the traffic laws and the use on any authorized street or parking area.

### **IV.**

#### **Transfer of ownership**

Upon transfer of ownership of the golf cart/utility task vehicle to a person who intends to operate it over authorized streets and parking area, the new owner must register the golf cart/utility task vehicle and pay the annual fee of \$50.00.

### **V.**

#### **Required Equipment**

Every golf cart and utility task vehicle must be equipped with the following:

1. Operational headlamps,
2. Operational tail lamps,
3. Reflectors,
4. Operational parking brake,
5. Rear view mirror.

### **VI.**

#### **Operation regulations**

1. All drivers shall carry a current and valid state issued drivers license.

2. All drivers shall abide by all traffic regulations applicable to the vehicular traffic when using the authorized streets and parking area of the city.

3. The driver of the golf cart/utility task vehicle are entitled to a full use of a lane on authorized streets and parking area of the city and no motor vehicle shall be driven in such a manner as to deprive any golf cart/utility task vehicle of the full use of a lane.

4. Golf carts/utility vehicles shall not be operated on sidewalks at anytime.

5. The driver of the golf cart/utility task vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

6. No driver shall operate a golf cart/utility task vehicle between lanes of traffic or between adjacent lines of rows of vehicles.

7. The driver of a golf cart/utility task vehicle can cross a multilane or county or state route (Highway 287 and Highway 83) only at a signalized intersection.

8. Golf carts/utility task vehicles are prohibited from the operating on Highway 287 and on Highway 83.

9. Golf carts/utility task vehicles shall be operated during the daytime. Lines 1. and 2. of Section V must be met to operate at nighttime.

## **VI. Liability**

Nothing in this article shall be construed as an assumption of liability by the city for any injured to persons, pets or property which may result from the operation of a golf cart/utility task vehicle by a registered permit holder or authorized driver, or by the failure by the city to revoke said permit. Registered owner and permit holders are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said golf cart/utility task vehicle, both on personal and/or city public properties. The described liability responsibility especially applies to personal injured property damage resulting from the golf cart/utility task vehicle drivers.

**VII.**  
**Penalties**

In addition to traffic violations that the driver of the golf cart/utility task vehicle may be subject to pursuant to the state law, the registered owner of the golf cart/utility task vehicle may be subject to the following civil penalties:

1. For the each offense, a fine of not less than \$67.00;
2. After the third offense , the registration may be revoked and the golf cart/utility vehicle may not be registered by the same owner or family member for a period of one year.

**IX.**  
**Severability Clause**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance, and all the remainder of this Ordinance not so declared to be invalid shall continue to be in full force and effect. The City Council of the City of Childress, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**X.**  
**Effective Date**

This Ordinance shall be effective upon final passage.


PASSED AND APPROVED on the first reading this 1<sup>st</sup> day of July, 2019.

PASSED AND ADOPTED on the second reading this 11<sup>th</sup> day of January, 2021.

CITY OF CHILDRESS, TEXAS

By:   
CARY PRESTON

ATTEST:

  
KEVIN HODGES, City Secretary

**Roll Call Vote: 4 ayes / 0 nays**  
**Alderman Preston: aye**  
**Alderwoman Johnson: aye**  
**Alderman Rodriguez: aye**  
**Mayor Preston: aye**

**Discussion was made regarding the allocation of the Hotel Occupancy Tax allocation. With some recent changes in connection Health Insurance and the Museum. City Manager Kevin Hodges asked the Council if it would be their desire to amend the allocation to its original allocation: Event Center – 30%; Stoney Ridge Golf Course – 15%; Auditorium - 29%; Chamber of Commerce – 15%; Museum - 11%. Motion was made by Alderman Preston to amend the HOT Tax allocation. Alderwoman Johnson seconded. All ayes.**

Quarterly Reports of the Administration, Police Department, Fire Department, Health Department, Park Department, Auditorium, Municipal Court, and the ATV Park were provided. All Department are in line with 25% of budget completion in revenue and expenditures. Motion to approve the quarterly reports was made by Alderman Rodriguez. Seconded by Alderman Preston. All ayes.

At 7:21 pm, the Mayor called a 10 minute break from session.

Session reconvened at 7:30 pm.

Street and Paving Projects for Fiscal year 2020-2021 was discussed. City Manager Kevin Hodges highlighted the survey completed by Parkhill. The survey included a map of the streets that were surveyed. Mr. Hodges discussed potential streets that could be excluded and/or included. Mr. Hodges mentioned the deadline to submit our requests from the survey would be February 26, 2021. Council desired to physically look at the streets from the survey and discuss at the next meeting. Dirt roads in the City limits were also brought to the table. Concerns were expressed that dirt roads in the City limits were not being taken care of on a regularly scheduled basis. Alderman Preston motioned to implement a quarterly schedule of grading the dirt roads in the City limits. Motion seconded by Alderman Rodriguez. All ayes.

Concerns from a property owner adjacent to the City Landfill were discussed. Debris and windblown litter are continually getting onto the property and inquiries have been made about long-term solutions. Mr. Hodges read pertinent points from the Texas Administrative Code as well as the City's Site Operating Plan. Some preventative measures can be made on a daily basis. Council expressed the desire to follow the Site Operating Plan more closely. Questions were brought up about past plans to install a temporary fence. Mr. Hodges expressed that those plans, particularly the East and West side of the Landfill are still in place. Mr. Hodges said that portable litter screens could be one potential solution for the South and North side of the Landfill. They could be moved as the workforce of the Landfill moves. Motion was made by Alderman Preston to begin as soon as possible to follow the Site Operating Plan in picking up trash and follow through with preventative measures, including but not limited to, fencing to prevent the windblown litter and debris as well as having the Landfill Supervisor at the next meeting to discuss the issues at hand and to provide any additional preventative measures and progress that has been made to date. Motion seconded by Alderwoman Johnson. All ayes.

Discussion was made regarding opening City properties, including City Hall, the Police Department, and the Fire Department. They have been closed to the public due to COVID-19. Motion to open to the public all of the aforementioned was made by Alderman Rodriguez. Seconded by Alderwoman Johnson. All ayes.

With no further business, Council adjourned at 8:10 pm. Motion made by Alderwoman Johnson. Seconded by Alderman Rodriguez. All ayes.

The minutes were read and approved the 8 day of February, 2021.

  
Cary Preston, Mayor

ATTEST:

  
Kevin Hodges, City Manager