



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 1, 2022

AGENDA TOPIC: Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic and Vehicles" Article 01.033 "Prima Facie Speed Limits" adding 25 mph speed limits and establishing stop signs on streets within the Elkhorn Ridge Subdivision

DATE: September 1, 2022

DEPARTMENT: Police Department

PRESENTED BY: Consent Agenda - Tim Moring, Chief of Police

INTRODUCTION/BACKGROUND:

Our city is a bedroom community which desires to retain that flavor. As a council and staff, we are committed to fulfilling our residents expressed desires to protect our quality of life, provide for public health and safety, and protect existing investment and valued community assets. In April 2021, the city found it to be in the best interest of the citizens whom reside within gated (private) communities to enter into an agreement with the city to provide legal means of proactive police patrols and other police services within their respective communities.

Article III, Section 52 and Article XI, Section 3 of the Texas Constitution prevent any city from lending credit, granting public money, or making any appropriation or donation to any private entity. In other words, cities may not spend public money for a private purpose and would therefore be prohibited from performing public services in the gated community, such as road maintenance, trash collection, and traffic enforcement. This does not prevent police from answering a community generated call in those gated communities but does prevent police from conducting proactive/preventative patrols to deter crime and enforce traffic laws. Exceptions are placed within the law that allow municipalities to enter into agreements with private communities to allow proactive patrols and traffic enforcement. This agreement may be done with 25% of the property owners in agreement or by the consent the developer and/or managing party in control of the current homeowner's association.

In December 2021, the Director of Community Management for Elkhorn Ridge Homeowners Association reached out to city staff in reference to complaints from residents regarding safety within the gated neighborhood. The director was provided a copy of the law enforcement agreement drafted by the City Attorney's office and advised on the process of approval by City Council. In January 2022 Mr. Kyle Coldeway, Board Member for Elkhorn Ridge Homeowners Association, submitted a signed law enforcement agreement to the city with the request that it be presented to City Council for approval.

On March 3, 2022, the City Council authorized the City Manager to sign the Law Enforcement Agreements with Elkhorn Ridge HOA to provide police services, including traffic enforcement, within the gated community (**Exhibit A**). The updated Ordinance attached herein contain the updated information necessary for the proper and legal enforcement of all speed limits and stop signs within the Elkhorn Ridge subdivision (**Exhibit B**). On August 18, 2022, City Council approved the first reading of this ordinance.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Preservation of quality-of-life characteristics through compliance with state law by ensuring the same services are available to all residents of Fair Oaks Ranch. Ensuring legal means of enforcement are adopted by governing body to preserve those quality-of-life characteristics.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

None at this time.

LEGAL ANALYSIS:

The updated ordinance drafted by staff has been reviewed and approved by the City Attorney's office.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda: I move to approve the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic and Vehicles" Article 01.033 "Prima Facie Speed Limits" adding 25 mph speed limits and establishing stop signs on streets within the Elkhorn Ridge Subdivision.