



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
May 18, 2023

AGENDA TOPIC: Approval of the second reading of an ordinance establishing stop signs on streets within the Setterfeld Estates Subdivision

DATE: May 18, 2023

DEPARTMENT: Police Department

PRESENTED BY: Consent Item - 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 who 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 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 with the consent the developer and/or managing party in control of the current homeowner's association.

In Mid-2022, the director of community management for Setterfeld Estates 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 October 2022, Mr. Kyle Coldeway, board member for Setterfeld Estates Homeowners Association, submitted a signed law enforcement agreement (attached) to the city with the request that it be presented to City Council for approval.

In January 2023, the City Council approved the City Manager in signing the law enforcement agreement with Setterfeld Estates HOA to provide police services, including traffic enforcement, within the gated community. The updated ordinances attached herein contain the updated information necessary for the proper and legal enforcement of all stop signs within the Setterfeld Estates subdivision.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Priority 4.1 of the Strategic Action Plan is to Enhance and Ensure Continuity of Police Services. This ordinance preserves quality-of-life characteristics through compliance with state law by ensuring the same services are available to all residents of Fair Oaks Ranch and by 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:

Reviewed and approved by City Attorney's office.

RECOMMENDATION/PROPOSED MOTION:

Consent Item - I move to approve the second reading of an Ordinance establishing stop signs within the Setterfeld Estates Subdivision.