



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
April 20, 2023

AGENDA TOPIC: Consideration and possible action on approving the first reading of an Ordinance establishing stop signs on streets within the Setterfeld Estates Subdivision.

DATE: April 20, 2023

DEPARTMENT: Police Department

PRESENTED BY: 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, for gated communities to enter agreements 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, a city may not spend public money for a private purpose and would therefore be prohibited from performing public services in a 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 or 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 homeowners association.

In December 2021, 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 the City Council. In January 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 the City Council for approval.

On November 17, 2022, 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 ordinance attached herein contains the necessary information for the proper and legal enforcement of 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:

I move to approve the first reading of an Ordinance establishing stop signs within the Setterfeld Estates Subdivision.