



CITY COUNCIL CONSENT ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of the second reading of an ordinance of the City Council of the City of Fair Oaks Ranch, Texas amending Chapter 12 Traffic and Vehicles, Article 12.01 General Provisions, Section 12.01.002 of the City of Fair Oaks Ranch Code of Ordinances establishing yield signs in Setterfeld Estates

DATE: February 20, 2025

DEPARTMENT: Public Works

PRESENTED BY: Consent Item: Carole Vanzant, CPM, Assistant City Manager

INTRODUCTION/BACKGROUND:

The City Council and staff are committed to fulfilling our residents expressed desires to protect their quality of life and provide for public health and safety. In 2021, the City found it to be in the best interest of the citizens who reside within gated (private) communities to enter into 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 prevents cities from lending credit, granting public money, or making any appropriation or donation to a private entity. In summary, 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 and traffic enforcement. This does not prevent police from answering a community-generated call 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 cities to enter into agreements with private communities to allow proactive patrols and traffic enforcement.

1. December 2021 - the Director of Community Management for Setterfeld Estates Homeowners Association approached city staff regarding complaints from residents on traffic safety within their gated neighborhood. The Director was provided a copy of a law enforcement agreement drafted by the City Attorney's office and was also provided information on the agreement approval process.
2. November 2022 - the City Council approved a Law Enforcement Agreement with the Setterfeld Estates Homeowner's Association for police services, including traffic enforcement.
3. January 2023 - the City Manager signed the Law Enforcement Agreement.
4. May 2023 - Ordinance 2023-02 establishing existing stop signs in Setterfeld Estates was adopted.
5. November 2024 - the Setterfeld Board President notified the City Manager that said ordinance does not include yield signs currently located in Setterfeld Estates.

This agenda item is to establish the enforcement of the previously placed yield signs. The City Council approved the first reading of this ordinance at the February 6, 2025 regular City Council meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Priority 4.1 of the Strategic Action Plan is to Enhance and Ensure Continuity of Police Services.
2. Quality-of-life characteristics are preserved through compliance with state law by ensuring legal means of traffic enforcement is adopted by the City Council.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form by City Attorney's office.

RECOMMENDATION/PROPOSED MOTION:

Consent Item: I move to approve the second reading of an ordinance establishing yield signs in Setterfeld Estates.