

Sen. Menéndez's filibuster effectively kills city annexation bill

Urban Democrats said they opposed the bill because it didn't allow planning regulations for land around military bases. They feared that could lead to development that interferes with the installations' operations.

BY **CASSANDRA POLLOCK** AND **BRANDON FORMBY** MAY 28, 2017

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State Sen. José Menéndez, D-San Antonio, begins a late Sunday night filibuster against a bill dealing with city annexations, on May 28, 2017.

📷 Bob Daemmrich for The Texas Tribune

Editor's note: This story has been updated throughout.

State Sen. [José Menéndez](#) killed a controversial bill dealing with city annexations overnight after he filibustered for more than two hours late Sunday and ran out the legislative clock.

He and other urban Texas Democrats opposed the legislation because a provision allowing land use regulations around some military bases had been stripped out.

"How could I sit idly by and not try to do what I could to defend the military bases?" Menéndez said Sunday night.

The move drew the immediate ire of [Senate Bill 715](#) supporters who said the legislation was meant to give Texas homeowners a say when a city wants to include their land within its borders.

Sen. [Donna Campbell](#) authored the bill and called the successful filibuster a "black eye" on those who believe in democracy. The New Braunfels Republican accused Menéndez and other Democrats of "doing the dirty work" of urban lobbyists.

"There is no American ideal more important than the right to vote, and yet that is exactly the ideal that was defeated tonight by those doing the dirty work of Austin, San Antonio, and Houston lobbyists as they ran out the clock on the will of the people," Campbell said in a statement early Monday.

It was a small but notable victory for Democrats near the end of a legislative session that has been dominated by conservative issues. And it came as the legislature teeters on the brink of a follow-up session caused by Republican infighting on transgender Texans' use of public bathrooms and property tax rollback elections.

SB 715 would have required a petition or election when a city wants to annex land or neighborhoods outside its city limits. Supporters said that some people intentionally live in unincorporated areas outside any city limits and should have a say if a town wants to include their land in its jurisdiction.

But opponents said city streets often created the access that connects such neighborhoods to schools, businesses and the rest of the area but don't pay the municipal property taxes other people do. Menéndez said people outside city borders are also often served by the police and fire departments of nearby cities.

He and other San Antonio lawmakers also saw the bill as a way to protect land near military bases from being developed in ways that could interfere with operations. They argued that some government entity needs to regulate planning and zoning matters such as building heights, light pollution and street placement.

Developments that are outside any city limits in Texas typically do not have any planning or zoning regulations. State Rep. [Roland Gutierrez](#), D-San Antonio, had successfully added an amendment that would give cities planning and zoning jurisdiction of land outside their borders but also close to military bases in some cases.

Menéndez and others feared that if land is developed improperly near military bases, it could heighten their chances of being shuttered in case the federal government undertakes another Base Realignment and Closure process. Lawmakers said development encroachment is considered when bases are being evaluated for closure.

But Menéndez said that if House amendments protecting the bases had made it out of conference committee, he still would have opposed the bill. He said many larger cities wouldn't be able to properly manage or prepare for the sprawl outside their borders under the legislation.

As Menéndez spoke during his filibuster, the Texas House voted to approve SB 715. At one point in the upper chamber, state Sen. [Carlos Uresti](#), another Democrat from San Antonio, interrupted Menéndez to ask questions.

"What if a man and wife own property together?" Uresti asked. "Would both of them get to vote, or would only the person who's name is on the deed get to vote?"

"That's an excellent question," Menéndez responded. "You can't treat some voters different than other voters, and SB 715 does exactly that — it would create a special class of votes just because they own land."

[Kirk Watson](#) began asking Menéndez questions around 11:30 p.m.

"One of the things that bothers me about this bill is it doesn't treat cities consistently," Watson said referring to a provision in SB 715 that exempted cities with populations of at least 500,000.

If SB 715 were intended to give citizens the right to vote, Watson rhetorically asked, why was the legislation seeking to treat cities with various populations differently?

"Taxpayers are taxpayers, if they're living in Tarrant or Bexar or Travis County," Menéndez replied. "Why should the taxpayers outside the enclaves have to pay for city services around them?"

As the clock struck midnight, Watson, D-Austin, raised a point of order on SB 715 and pointed to a section of the law that prohibits the Legislature from considering legislation within 24 hours of the last day of the session. The last day of the 85th Texas Legislature is Monday.

Lt. Gov [Dan Patrick](#) accepted the point of order, and SB 715 was effectively dead.

In her statement, Campbell vowed the matter was not over.

"This issue is not going away, we have the votes, and the people will ultimately be victorious," she said.

Aman Batheja contributed to this report.