

MINUTES
CITY COUNCIL MEETING
DECEMBER 4, 2018

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Lee Pettle called the meeting to order at 7:00 p.m. Councilmembers Cindy Meyer, Cleburne Raney, Edwin Smith, Ed Standridge and Patrick Taylor were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/H.R. Manager Grant Savage, City Attorney Brandon Shelby, Public Works Director Gary Machado, Fire Chief Mike Sheff (arrived 7:07 p.m. and left 7:25 p.m.), and Police Chief Richard Brooks

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Savannah Olson led the pledge.

TEXAS PLEDGE: Finance/H.R. Manager Grant Savage and Savannah Olson led the pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

Rich Crucknol, 3608 Margaux Drive, reported United States (U.S.) Postal Service problems in Parker and speeding problems along McCreary Road from Parker Road to Betsy Lane.

Karen Vernon, 4507 Springhill Estates, reported similar speeding problems along Springhill Estates, and noise from the speeders and construction vehicles in the area. Ms. Vernon requested these items be placed on a future agenda for discussion.

Bill Vernon, 4507 Springhill Estates, voiced concern about speeding and requested these items be placed on a future agenda for discussion.

Ron Pellegrino, 4102 Sycamore Lane, commented on issues with the U.S. Postal Service and noted his concerns about Sycamore Lane, stating when his street was paved a ditch was not properly completed and water comes down to his land and fills up his ditch. Mr. Pellegrino asked that the issue be addressed before flooding occurs.

Terry Lynch, 5809 Middleton Drive, spoke regarding Annexation and Home Rule. (See Exhibit 1 – Terry Lynch's Information, dated December 4, 2018.)

Ed Lynch, 5809 Middleton Drive, voiced concern about an increase to the Grayson-Collin Electric Cooperative, Inc. (GCEC) franchise fee from 4% to 5%. Mr. Lynch said this was a 25% rate increase, which, in his view, was wrong and unjustified.

Mayor Pettle read Andy Redmond's email into the record. Mr. Redmond, 7275 Moss Ridge Road, voiced concern regarding the purchase of the Tyler Technology

license/software and increase to the GCEC franchise from 4% to 5%. (See Exhibit 2 – Andy Redmond's email, dated December 4, 2018.)

Police Chief Brooks suggested using mail services informed delivery.

ITEMS OF COMMUNITY INTEREST

- MAYOR PETTLE OFFICIALLY CANCELED THE TUESDAY, DECEMBER 18, 2018 CITY COUNCIL MEETING DUE TO CHRISTMAS DAY HOLIDAY
- MAYOR PETTLE OFFICIALLY CANCELED THE TUESDAY, JANUARY 1, 2019 CITY COUNCIL MEETING DUE TO NEW YEAR'S DAY HOLIDAY

CONSENT AGENDA Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

Mayor Pettle asked if Council would like any items removed from the consent agenda. Councilmember Meyer asked that item 2, supporting the speed study, be removed.

1. APPROVAL OF MEETING MINUTES FOR NOVEMBER 13, 2018. [SCOTT GREY]

MOTION: Councilmember Meyer moved to approve the November 13, 2018 regular meeting minutes as presented. Councilmember Standridge seconded with Councilmembers Meyer, Raney, Smith, and Standridge voting for the motion. Councilmember Taylor abstained, stating he was absent. Motion carried 4-0.

INDIVIDUAL CONSIDERATION ITEMS

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 771, SUPPORTING SPEED STUDY. [SHELBY]

Councilmember Meyer said she was confused and asked for additional discussion.

It was noted this speed study was completed by Texas Department of Transportation (TxDot) and the provisions of the Transportation Code, Chapter 545, Subchapter H, Section 545.353, give the Texas Transportation Commission the authority to alter maximum speed limits on highway routes both within and outside of cities, provided the Procedures for Establishing Speed Zones are followed and the Commission determines that the speed being established on a part of a highway system is a safe and reasonable speed for that part of the highway

Police Chief Brooks reviewed the Speed Study provided by TxDot, noting the changes in speed limits along Dillehay Drive (FM2551). City Attorney Shelby reiterated this was a state road and the City has no authority to set speed limits. City Administrator Olson stated there were multiple factors involved with completing a speed study, such as traffic code requirements, spot speed studies, number of accidents, etc.

MOTION: Councilmember Smith moved to approve Ordinance No. 771, supporting speed study. Councilmember Taylor seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-592, REGARDING A BANK DEPOSITORY AGREEMENT. [SAVAGE]

This Resolution would authorize the second one-year extension to a bank depository agreement between the City of Parker and American National Bank (ANB) of Allen, Texas.

Finance/H.R. Manager Savage said this extension would give City Staff ample time to go through the Request for Qualifications process.

MOTION: Councilmember Taylor moved to approve Resolution No. 2018-592, authorizing a one-year extension to the bank depository agreement with ANB. Councilmember Standridge seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-593, AUTHORIZING THE PURCHASE OF NEW FINANCIAL, PAYROLL, TRANSPARENCY, UTILITY BILLING AND BUILDING PERMIT SOFTWARE FROM TYLER TECHNOLOGIES. [OLSON/SHELBY/SAVAGE]

City Administrator Olson and Finance/H.R. Manager Savage both recommended this software, stating the City of Parker currently uses Asyst for its financial, utility billing, and building permits software. It was purchased in October 2007, over 11 years ago. It is very basic software with limited capabilities and inefficient.

The City would like to purchase the Tyler Technologies Software. Currently, our Police Department is using this software for their ticket writers and it is compatible with the software currently being used by Municipal Court. The City would need to purchase the following modules: Financial Management, Customer Relationship Management (Utility Billing), Personnel Management, Energov (Building Permits) and Tyler Citizen Transparency.

Tyler Software will improve efficiency and provide financial transparency. Several of the current manual processes will be automated, saving time and reducing errors. It will allow the City to use pooled cash and eliminate thirteen (13) bank accounts, reducing the number of check stock, the amount of time reconciling bank accounts and interfund transfers. The new software will streamline the work order process, giving the City the ability to alert citizens of delinquent bills, outages, and road construction specific to their location. It will also allow contractors to upload plans electronically and schedule inspections online. Through an online portal, citizens will be able to view financial information in "real time" and allow the City to promote financial transparency. The software would cost \$140,000 and those funds would be taken from reserves.

Note: Skip Cave, 4407 Springhill Estates Drive, spoke on numerous occasions and topics throughout the meeting from the audience.

MOTION: Councilmember Taylor moved to approve Resolution No. 2018-593, authorizing the purchase of new financial, payroll, transparency, utility billing and building permit software from Tyler Technologies. Councilmember Smith seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-594, REGARDING HOME RULE. [RANEY/SHELBY]

Mayor Pettle asked that this item be tabled, due to incorrect Resolution language. The Mayor and City Council will be setting criteria for the Home Rule Commission, developing an application and requesting interested residents to apply via the new form, while the Mayor and City Council develop the Home Rule Commission selection process. Mayor Pettle encouraged any criteria be emailed to Mayor Pro Tem Raney at craney@parkertexas.us by Monday, January 7, 2019. Finally, the Mayor and City Council hope to have the Home Rule Commission resolution ready for the first January 2019 meeting.

MOTION: Mayor Pro Tem Raney moved to table Resolution No. 2018-594, regarding Home Rule. Councilmember Smith seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 772, APPROVING/GRANTING A FRANCHISE TO GRAYSON-COLLIN ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, TO CONDUCT A BUSINESS OF SUPPLYING ELECTRIC ENERGY FOR LIGHT, HEAT AND POWER IN THE CITY OF PARKER, AND TO CONSTRUCT, OPERATE, AND MAINTAIN AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM ALONG, UPON AND ACROSS THE UTILITY EASEMENTS, RIGHTS-OF-WAY, STREETS, ROADS, LANES, ALLEYS AND BRIDGES [SHELBY]

City Attorney Shelby reviewed the item, stating the only change is the proposed increase from four percent (4%) to five percent (5%).

Finance/H.R. Manager Savage stated the franchise fee had been at four percent (4%) for some time. City Staff is in the process of reviewing and standardizing the franchise fees as other cities do. City Staff's recommendation would be change the current fee from four percent (4%) to five percent (5%). The agreement period would be for five (5) years, beginning January 1, 2019 and ending December 31, 2023, with automatic renewals every five (5) years on January 1, pending necessary review and revision.

Parker residents requested the franchise fee remain unchanged at four percent (4%).

MOTION: Councilmember Taylor moved to approve Ordinance No. 772, granting an unchanged, four percent (4%) franchise to Grayson-Collin Electric Cooperative, Inc. for an additional five (5) years, beginning January 1, 2019, and ending December 31, 2023. Mayor Pro Tem Raney seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-590, MAKING APPOINTMENTS TO THE PLANNING AND ZONING (P&Z) COMMISSION. [PETTLE] [TABLED - 11132018]

It was noted that staff spoke with the P&Z Commissioners and all members expressed a desire to continue their service with the following members up for reappointment:

Member	Position
Joe Lozano	Place Two; Vice Chairperson
David Leamy	Place Four

MOTION: Councilmember Meyer moved to approve re-appointments with the following expiration dates:

Member	Position	Term Expiration
Joe Lozano	Place Two; Vice Chairperson	Nov. 30, 2020
David Leamy	Place Four	Nov. 30, 2020.

Councilmember Standridge seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Mayor Pettle asked that the P&Z Commissioners be notified of their re-appointments.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2018-591, MAKING APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT (ZBA). [PETTLE] [TABLED - 11132018]

It was noted that staff spoke with the ZBA members with the following members expressing a desire to continue their service for the following terms (These members were not up for appointment at this time):

Member	Position	Term Expiration
Jack Albritton	Place One	Nov. 30, 2019
Andrew Ellison	Place Three, Chair	Nov. 30, 2019
Brian Deaver	Place Five	Nov. 30, 2019

The following members and applicants expressing a desire to serve for the following terms and positions:

Member	Position	Term Expiration
Don Dickson	Place 4	Nov. 30, 2020
Randy Kercho	Place 2	Nov. 30, 2020
Mark Farmer	Alternate 1	Nov. 30, 2020
Steve Schoenekase	Alternate 2	Nov. 30, 2020

The following members expressing a desire to step down:

Hal Camp	Place Two	ended
James Clay	Alternate 1	ended

Currently, the City has two (2) vacancies and received applications from Mark Farmer and Steve Schoenekase. After review of the applications and ZBA Chair Andrew Ellison's comments/suggestions, City Council made the following motion:

MOTION: Councilmember Meyer moved to accept resignations from Hal Camp and James Clay; appoint former Alternate 1 Randy Kercho to the vacant Place Two position; re-appoint Don Dickson to the Place Four, Vice Chairperson position; and appoint Mark Farmer to Alternate 1 and Steve Schoenekase to Alternate 2 positions. Councilmember Standridge seconded with Councilmembers Meyer, Raney, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Mayor Pettle asked that the ZBA members also be notified of their appointment/re-appointments.

9. CONSIDERATION/DISCUSSION AND/OR ANY APPROPRIATE ACTION ON PURSUING A CITY OF PARKER, TEXAS, POST OFFICE/ZIP CODE. [PETTLE]

After discussion of the U.S. Postal Service in Parker, it was determined with concurrence from several Parker residents, e.g. Richard Lavender, 6810 Overbrook

Drive; Richard "Rich" Crucknol, 3608 Margaux Drive; and Ron Pellegrino, 4102 Sycamore Lane; that the postal delivery service is unacceptable, with mail being undelivered or misdelivered repeatedly. Residents have spoken with the postal authorities on numerous occasions and they have seen no improvement. The City would like to see what it can do to improve service and check into what is necessary to get a separate zip code for Parker, noting the City has no authority over the U.S. Postal Service. City Administrator Olson agreed to investigate the matter and develop a plan to address the situation.

ROUTINE ITEMS

10. FUTURE AGENDA ITEMS

Mayor Lee Pettle asked if there were any items to be added to the future agenda. She encouraged everyone to please email her any requests. The next scheduled meeting would be the regular meeting, Tuesday, January 15, 2019.

11. ADJOURN

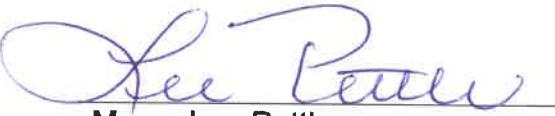
Mayor Lee Pettle adjourned the meeting at 8:56 p.m.



ATTESTED:


Patti Scott Grey

APPROVED:


Mayor Lee Pettle

Approved on the 15th day
of January, 2019.



Toward Annexation with Representation

by Bryan Mathew
Policy Analyst

Key Points

- Texas has periodically revised its annexation laws in the face of controversy, but the Texas Annexation Right to Vote Act is the first significant curtailment of forced annexation.
- The new law requires tier 2 municipalities to obtain consent through election or petition before annexation.
- Texas ought to extend the new law's protections against forced annexation to every Texan, regardless of where they reside.
- In the near term, registered voters can achieve this by petitioning every non-affected county to hold an election to be classified as a tier 2 county under the new annexation law.
- In the long term, state legislators can amend the Texas Annexation Right to Vote Act to prohibit any forced annexation by any city.

Executive Summary

Municipal annexation in Texas has undergone a series of changes in response to periodic controversies and abuses, but only recently has the Legislature taken steps to curtail the policy's involuntary aspect. The Texas Annexation Right to Vote Act, which was passed during the first called special session of the 85th Texas Legislature, sharply limits forced annexations in large counties by requiring affected jurisdictions to hold a public election on the proposition. Affording Texans this opportunity to participate in the democratic process and determine their fate is a major improvement over the status quo. However, forced annexations have not been completely eradicated as only certain large counties are affected by the provisions of the new law. Texans' liberties do not deserve less protection if Texans live or own property in a less populous county. Therefore, local and state officials ought to extend the protections under the new annexation law to every Texan by classifying every county in Texas as a tier 2 county, either by the petition and election process outlined in the law or by state statute.

The History of Municipal Annexation in Texas

Throughout its history, Texas has revised its municipal annexation procedures—the process by which its cities can expand their territorial borders. Originally, a city could only annex additional property by passing a bill through the Legislature ([Fields and Quintero](#), 5). In 1858, Texas began allowing annexation by petition ([Fields and Quintero](#), 5). Annexation by petition remains the basis for annexations by general law cities, with very limited exceptions. A general law city is a city that may only exercise those powers expressly granted to it by the state. Most annexations by general law cities are voluntary and initiated by property owners ([Fields and Quintero](#), 7).

In 1912, Texas adopted the Home Rule Amendment to the Texas Constitution ([Fields and Quintero](#), 5). This amendment allowed cities with a population of 5,000 or more to become a home rule city by adopting a home rule charter ([Texas Constitution Article XI, §5](#)). Whereas general law cities look to the state to tell them what they may do, home rule cities look to the state to tell them what they may not do ([Fields and Quintero](#), 5).

As home rule cities were formed, involuntary or forced annexations initiated by city governments and not by property owners became more frequent. Whereas annexation by petition is voluntary and initiated by property owners, a forced annexation is the unilateral decision of the city, without any requirement to obtain consent by affected property owners. At first, home rule cities had virtually no restrictions on their ability to forcibly annex ([Fields and Quintero](#), 5). However, this began to change in response to controversial annexations, oftentimes involving the city of Houston.

After the “Harris County Annexation War,” where Houston and smaller cities like Pasadena raced to aggressively expand their territories through forced annexations, the Texas Legislature began to check cities’ territorial ambitions with the Municipal Annexation Act of 1963 ([Fields and Quintero](#), 6). While home rule cities retained the ability to annex without obtaining consent, the reach of annexation was limited to a city’s

continued

extraterritorial jurisdiction, or ETJ, ([Fields and Quintero, 6](#)). However, it should be noted that every time a city annexes within its ETJ, the ETJ then extends further outward from the city's new boundaries ([Texas Local Government Code §42.022](#)).

Houston's controversial annexation of Kingwood prompted the Texas Legislature to again revise municipal authority in the late 1990s. Again, these reforms did not do away with cities' abilities to annex without obtaining consent. They simply required that cities must plan for the annexation and provision of services, and cannot delay for too long in providing services to a newly annexed area ([Fields and Quintero, 6](#)).

As important as these legislative protections were, they did not address the policy's fundamental injustice.

From a fiscal perspective, involuntary annexation was used to prop up a city's financial circumstances, with cities targeting wealthier suburbs for their revenue and bypassing poorer neighborhoods that needed services ([Koppel](#)). This much is confirmed by the Texas Municipal League's research which states that "Most cities annex for two basic reasons: (1) to control development; and/or (2) to expand the city's tax base" ([Houston, 2](#)). From a property rights perspective, Texans residing just outside of a city's limits were in near-constant jeopardy of having a new government forced upon them by city officials they did not elect, to pay off debt and finance services that they did not want. This contradicts our state and nation's philosophical commitment to the principle of "consent of the governed" ([Fields and Quintero, 9](#)).

Fortunately for a majority of the state's residents, the status quo was completely upended in the first called special session of the 85th Texas Legislature.

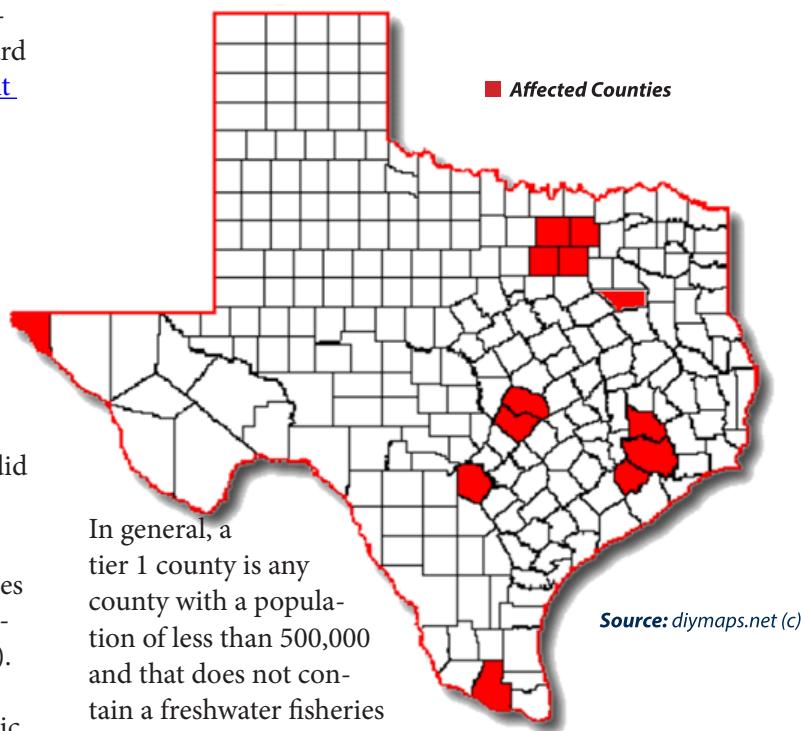
The Texas Annexation Right to Vote Act

To its credit, the 85th Texas Legislature took significant strides toward ending forced annexation by passing the Texas Annexation Right to Vote Act, which became effective on December 1, 2017. In particular, the law requires "tier 2 municipalities" to obtain the consent of a majority of property owners and residents being annexed through either a publicly held election or via a petition process.

Legislative Terminology

To understand the new law, some terminology must first be understood. The important terms to grasp are "tier 1 county," "tier 2 county," "tier 1 municipality," and "tier 2 municipality."

The Texas Annexation Right to Vote Act



Source: [diymaps.net \(c\)](#)

In general, a tier 1 county is any county with a population of less than 500,000 and that does not contain a freshwater fisheries center operated by the Texas Parks and Wildlife Department. A tier 2 county is any county that is not a tier 1 county ([Texas Local Government Code §43.001](#)). This means that Henderson County, which has a population below 500,000, but which contains a freshwater fisheries center operated by the Texas Parks and Wildlife Department, is a tier 2 county.

According to Dr. Lloyd Potter and Dr. Helen You of the Texas Demographic Center, as of January 1, 2016, the counties with a population at or above 500,000 in Texas are Bexar, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Hidalgo, Montgomery, Tarrant, Travis, and Williamson counties ([6-10](#)). These twelve counties collectively constitute 63 percent of the state's population. Accordingly, these counties are also now considered tier 2 counties under the law as of December 1, 2017.

A tier 2 municipality is a city partly or wholly located in a tier 2 county. Additionally, when a city wholly located in a tier 1 county tries to annex an area at least partially in a tier 2 county, it is a tier 2 municipality that must first obtain consent under the law ([Texas Local Government Code §43.001](#)).

Tier 1 municipalities are wholly located in one or more tier 1 counties and propose to annex areas wholly located in tier 1 counties ([Texas Local Government Code §43.001](#)). Tier 1 municipalities are still allowed to forcibly annex

PROCESS FOR TIER 1 COUNTY TO RECLASSIFY AS TIER 2

1

≥ 10% of registered voters in county sign a petition requesting an election to reclassify as Tier 2 county; petition sent to the county commissioners court

2

County commissioners court holds requested election



3

Majority approves becoming a Tier 2 county through the election

THE PATH TO ANNEXATION

START HERE

Is the city a Tier 1 or Tier 2 municipality?

**TIER
1**

Forced annexation still permitted

**TIER
2**

Is the population of the area to be annexed less than 200?

**LESS
THAN
200**

Do registered voters own more than 50% of the land in the area?

**200
OR
MORE**

Do registered voters own more than 50% of the land in the area?

YES

To annex the area, the city must obtain consent via signed petition from more than 50% of the area's registered voters

NO

To annex the area, the city must obtain consent via signed petition from more than 50% of the area's registered voters and from more than 50% of the area's landowners

YES

To annex the area, the city must hold an election in the area in which the majority approves the annexation

NO

To annex the area, the city must hold an election in the area in which the majority approves the annexation, and must obtain consent via signed petition from more than 50% of the area's landowners

without obtaining consent under the law ([Texas Local Government Code Subchapter C](#); [Texas Local Government Code Chapter 43 Subchapter C-1](#)).

Tier 2 Municipality Annexation Process

The most important protections of the law against forced annexation practices apply to annexations by tier 2 municipalities. The law also streamlines voluntary annexations between property owners and tier 2 municipalities.

- **Streamlined Voluntary Annexation**

If every property owner in an area requests an annexation by a tier 2 municipality, then the tier 2 municipality may adopt an ordinance annexing that area as long as it satisfies two conditions. First, the city and the property owners must negotiate and enter into a written agreement for the provision of services in the area. Second, the city must conduct at least two public hearings before adopting the annexation ordinance ([Texas Local Government Code Chapter 43 Subchapter C-3](#)).

- **Annexation of Area with Population Less than 200**

To annex an area with a population of less than 200, a tier 2 municipality must first obtain consent by a petition signed by more than 50 percent of the registered voters in the area. If the registered voters of the area do not own more than 50 percent of the land in the area, then the petition must also be signed by more than 50 percent of the landowners in the area ([Texas Local Government Code Chapter 43 Subchapter C-4](#)).

- **Annexation of Area with Population of 200 or More**

To annex an area with a population of 200 or more, a tier 2 municipality must hold an election in the area at which qualified voters may vote on the question of annexation, and a majority of the received votes approve the annexation. Additionally, if the registered voters of the area do not own more than 50 percent of the land in the area, the municipality must obtain consent by petition by more than 50 percent of the landowners in the area ([Texas Local Government Code Chapter 43 Subchapter C-5](#)).

Authority to Annex Near Military Bases

The new law also clarifies that a city may annex any part of an area within five miles of a military base where an active training program is located. However, the city must still follow the annexation procedures that apply under the new law ([Texas Local Government Code §43.0117](#)). Therefore, a tier 1 municipality may forcibly annex the area. By contrast, a tier 2 municipality must obtain consent through petition or election, as appropriate.

The law also states that the annexation proposition must give voters in the area the choice between full annexation or simply giving the city the authority to adopt and enforce a land use ordinance for the area in accordance with the most recent joint land use study's recommendations ([Texas Local Government Code §43.0117](#)).

Option for Tier 1 Counties to Choose to Be Tier 2 Counties

Finally, the law outlines a process by which a tier 1 county may become a tier 2 county, and thereby allows its residents to come under the law's protections against forced annexation. First, at least 10 percent of registered voters in the county must sign a petition requesting an election on the question of becoming a tier 2 county to the county commissioner's court. Second, a majority of the registered voters must approve becoming a tier 2 county at the election ([Texas Local Government Code §43.001](#)).

The Continued Problem of Forced Annexation

While the Texas Legislature's accomplishment in sharply curtailing forced municipal annexation should be acknowledged and celebrated, it should be viewed as the first of many necessary reforms. Forced annexation is unjust in principle—whether it is conducted by a tier 1 municipality or by a tier 2 municipality. Indeed, the same arguments against forced annexation by larger cities pertain to forced annexation by smaller cities, and, as such, statewide application is a must.

First, forced annexation violates the principle of consent by the governed ([Fields and Quintero](#), 9). Cities do not have a “right” to annexation. City governments, like all government, derive their authority and power from the people who formed them to secure life and liberty. No city, regardless of size, should force annexation onto people residing outside its limits without obtaining their consent. The practice of forced annexation should be fully ended in Texas.

Further, cities—regardless of size—use forced annexation to extract resources from revenue-rich areas to underwrite unwise financial choices. As Rice University urban planning expert Stephen Klineberg said to *The Wall Street Journal*, “When rich people go out into the suburbs that is where the money is. You can use that tax revenue to develop the urban core” ([Koppel](#)).

Finally, cities underestimate how much it will cost to expand their services to annexed areas, which can mean a decline in the quality or quantity of services. As researchers Mary Edwards and Yu Xiao found in the *Urban Affairs Review*, cities typically take out debt and issue bonds to finance the costs of annexation ([152](#)). This may be because

they incorrectly believe they can extend services cheaply to annexed areas, despite contrary indications. As the president of the San Antonio Police Officers Association stated in opposition to the city's 2015 annexation plan, "I think [annexation's] a horrible idea. We're barely covering what we've got right now" ([Davila](#)).

Recommendations

For this reason, local and state officials should completely end forced annexation in Texas. This would mean that the entire state would come under the new protections against forced annexation. There are two strategies for this change.

First, many people may not know that the law provides a pathway for a county to change its classification, even if its

population is below 500,000. Tier 1 county officials should disseminate information on the opportunity to classify as a tier 2 county. Further, citizens in tier 1 counties should organize petition drives so that, with the required number of signatures sent to the county commissioner's court, an election may be held.

Alternatively, the Texas Legislature should amend the annexation law to prohibit forced annexation by any city.

The Texas Annexation Right to Vote Act is a remarkable step toward ending forced annexation in Texas. To ensure that all Texans' liberties are respected, regardless of where people live, we should extend the act's protections to every corner of the state. 

References

[Article XI Section 5.](#) Texas Constitution.

Davila, Vianna. 2015. “[Police union targets city’s annexation plan.](#)” *San Antonio Express-News*, October 13.

Edwards, Mary, and Yu Xiao. 2009. “[Annexation, Local Government Spending, and the Complicating Role of Density.](#)” *Urban Affairs Review* 45(2): 147-65.

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Houston, Scott. 2012. [Municipal Annexation in Texas.](#) Texas Municipal League.

Koppel, Nathan. 2014. “[San Antonio Weighs Annexation Plan.](#)” *The Wall Street Journal*, December 21.

Potter, Lloyd, and Helen You. [Estimates of the Total Populations of Counties and Places in Texas for July 1, 2015 and January 1, 2016.](#) Texas Demographic Center.

Texas Local Government Code. Section 42.022. [Expansion of Extraterritorial Jurisdiction.](#)

Texas Local Government Code. Chapter 43 Subchapter C. [Annexation Procedure for Areas Annexed Under Municipal Annexation Plan: Tier 1 Municipalities.](#)

Texas Local Government Code. Chapter 43 Subchapter C-1. [Annexation Procedure for Areas Exempted from Municipal Annexation Plan: Tier 1 Municipalities.](#)

Texas Local Government Code. Chapter 43 Subchapter C-3. [Annexation of Area on Request of Owners: Tier 2 Municipalities.](#)

Texas Local Government Code. Chapter 43 Subchapter C-4. [Annexation of Areas with Population of Less Than 200: Tier 2 Municipalities.](#)

Texas Local Government Code. Chapter 43 Subchapter C-5. [Annexation of Areas with Population of At Least 200: Tier 2 Municipalities.](#)

Texas Local Government Code. Section 43.001. [Definitions.](#)

Texas Local Government Code. Section 43.0117. [Authority of Municipality to Annex Area Near Military Base.](#)

About the Authors



Bryan T. Mathew is a policy analyst in the Center for Local Governance at the Texas Public Policy Foundation.

Prior to joining the Foundation, Bryan negotiated and reviewed federal contracts for research at the University of Texas Medical Branch and worked at the City of Houston Legal Department in the real estate section. His time with the city of Houston ignited his interest in pursuing conservative, market-oriented reforms at the local level.

Bryan hails from Galveston, Tex., where he learned the value of hard work, self-sacrifice, and perseverance from his Indian immigrant parents. He earned his undergraduate degree in government from the University of Texas in Austin, and he left his beloved Texas to attend Vanderbilt University Law School in 2011. While in law school, he had a unique eight-month internship opportunity with the Securities and Exchange Commission Enforcement Office in Atlanta, Ga., Bryan graduated from Vanderbilt in 2014.

About the Texas Public Policy Foundation

The Texas Public Policy Foundation is a 501(c)3 nonprofit, nonpartisan research institute. The Foundation's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.



From: [andy redmond](#)
To: [Patti Grey](#)
Subject: Comment for City Council
Date: Tuesday, December 4, 2018 1:32:25 PM

Please read to the record my following comments.

I'm Andy Redmond of 7275 Moss Ridge Road.

Proposed city software package: (page 49 to ?meeting agenda)

Before a vote:

1. Kindly have city staff provide cost justification before purchasing the Tyler Technology license/software package with perpetual renewal. I.e. if we have 10-20 delinquent water bills, or 60 to 100 building permits per year, is "large city" software, really a good use of taxpayer funds for Parker?
2. If an objective cost benefit study truly supports savings to the city; it should be accounted for/purchased in the next budget cycle, not using contingent funds in this budget period.
3. It likewise appears the software contract includes adequate training. If the proposed part-time adm./trainer position (in agenda) relates to this software, this salary cost should likewise be included in cost benefit study. If clearly a benefit to the city, it too should be funded by general budget in future budget cycle/years.

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Proposed Franchise tax increase: (Grayson/Collin Electric) (pg. 251 meeting agenda).

This is essentially a tax increase on citizens; however, at the utility bill level each billing cycle vs. a City tax increase (electric utility pass thru to customer). Please vote no!

Thanks for your consideration and allow me to wish each of you a very Merry Christmas and Happy New Year!

Best regards,

Andy