



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda Charter Review Committee

Thursday, October 3, 2024

5:30 PM

Development Services Center

REGISTRATION GUIDELINES FOR ADDRESSING THE CHARTER REVIEW COMMITTEE

Individuals may speak during a Charter Review Committee meeting under one of the following categories:

Public comments can be given for any item considered by the Charter Review Committee, EXCEPT work session reports or closed meetings. Individuals are only able to comment one time and cannot use more than one method to comment on a single agenda item. Public comments are limited to two (2) minutes per citizen.

In Person for Regular or Consent Agenda Items:

To provide in-person comments regular or consent agenda items (excluding public hearing items), Individuals must be present at the meeting and submit a speaker card (available at the meeting location) to the Secretary prior to the item being called.

eComment:

The agenda is posted online at <https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>. Once the agenda is posted, a link to make virtual comments using the eComment module will be made available next to the meeting listing on the Upcoming Events Calendar. Using eComment, Individuals may indicate support or opposition and submit a brief comment about a specific agenda item. eComments may be submitted up until the start of the meeting at which time the ability to make an eComment will be closed. eComments will be sent directly to members of the Charter Review Committee immediately upon submission and recorded by the Secretary into the Minutes of the Meeting.

After determining that a quorum is present, the Charter Review Committee of the City of Denton, Texas, will convene in a meeting on Thursday, Thursday, October 3, at 5:30 p.m. in the Development Services Center Training Rooms 3, 4 and 5 at 401 Elm Street, Denton, Texas at which the following items will be considered:

1. ITEMS FOR CONSIDERATION

- A. [CRC24-026](#) Receive comments from members of the public.
[Estimated time: 10 minutes]
- B. [CRC24-027](#) Consider approval of the minutes of the September 19, 2024 Charter Review Committee Meeting.
[Estimated time: 5 minutes]
Attachments: [Exhibit 1. Meeting Minutes](#)
- C. [CRC24-025](#) Receive a report, hold a discussion, and give staff direction on modifying the Ethics Ordinance requirements.
[Estimated time: 25 minutes]

Attachments: [Exhibit 1. Agenda Information Sheet](#)

[Exhibit 2. Presentation](#)

- D. [CRC24-028](#) Receive a report, hold a discussion, and give staff direction on implementing a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter.
[Estimated time: 15 minutes]

Attachments: [Exhibit 1. Agenda Information Sheet](#)

- E. [CRC24-029](#) Receive a report, hold a discussion, and give staff direction on implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.
[Estimated time: 15 minutes]

Attachments: [Exhibit 1. Agenda Information Sheet](#)

2. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Charter Review Committee or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting and under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on September 30, 2024, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



City of Denton

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Legislation Text

File #: CRC24-026, **Version:** 1

AGENDA CAPTION

Receive comments from members of the public.

[Estimated time: 10 minutes]



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Legislation Text

File #: CRC24-027, Version: 1

AGENDA CAPTION

Consider approval of the minutes of the September 19, 2024 Charter Review Committee Meeting.
[Estimated time: 5 minutes]

City of Denton Charter Review Committee

After determining that a quorum was present, the Charter Review Committee of the City of Denton, Texas convened in a meeting on Thursday, September 19, 2024, at 5:32 p.m. in Training Rooms 3-5 at the Development Service Center, 401 N. Elm Street, Denton, Texas.

PRESENT: Kristine Bray, Angela Brewer-Isma, Brian Danhof, Jeremy Fykes, Nate Johnson, Michelle Jones, Gabriel Kirkpatrick, Weaver McClure, Lesly Molina Poer, Peter Mungiguerra, Julie Remski, Jane Zygiel.

ABSENT: Jesse Davis, Esperanza Trevino

The posted agenda noted the registration process for in-person, call-in, and public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the Charter Review Committee received each online commentary. In-person, and online comments received are reflected on the exhibit to the minutes of this meeting.

1. ITEMS FOR CONSIDERATION

A. CRC24-021 Receive comments from members of the public.

There was one presentation from the public from Liam Guame-Wakefield. Citizen comments received are noted on Exhibit A.

B. CRC24-022 Consider approval of the minutes of the September 19, 2024 Charter Review Committee Meeting.

Lesly Molina Poer made a motion to approve the minutes as presented, motion seconded by Brian Danhof. Motion carried.

AYES (12): Bray, Brewer-Isma, Danhof, Fykes, Johnson, Jones, Kirkpatrick, McClure, Molina Poer, Mungiguerra, Remski, Zygiel

NAYS (0): None

ABSENT (2): Davis, Trevino

C. CRC24-014 Receive a report, hold a discussion, and give staff direction on increasing the two-year term of the Municipal Judge to a four-year term.

The item was presented, and discussion followed.

Lesly Molina Poer made a motion to recommend increasing the two-year term of the Municipal Judge to a four-year term. Angela Brewer-Isma seconded. Motion carried.

AYES (8): Bray, Brewer-Isma, Johnson, Kirkpatrick, Molina Poer, Mungiguerra, Remski, Zygiel

NAYS (4): Danhof, Fykes, Jones, McClure

ABSENT (2): Davis, Trevino

D. CRC24-019 Receive a report, hold a discussion, and give staff direction on additional sections of the Charter submitted for review.

- 1) Consider implementing a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter.**

Committee discussion. Kristine Bray made a motion to receive a report, hold a discussion, and give staff direction on considering a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter. Gabriel Kirkpatrick seconded. Motion carried.

AYES (8): Bray, Brewer-Isma, Johnson, Kirkpatrick, Molina Poer, Mungiguerra, Remski, Zygiel
NAYS (4): Danhof, Fykes, Jones, McClure
ABSENT (2): Davis, Trevino

- 2) Consider implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.**

Committee discussion. Lesly Molina Poer made a motion to receive a report, hold a discussion, and give staff direction on considering a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council. Jeremy Fykes seconded. Motion carried.

AYES (10): Brewer-Isma, Danhof, Fykes, Johnson, Jones, Kirkpatrick, Molina Poer, Mungiguerra, Remski, Zygiel
NAYS (2): Bray, McClure
ABSENT (2): Davis, Trevino

- 3) Consider moving municipal elections from May to November.**

Committee discussion. Lesly Molina Poer made a motion to not receive a report, hold a discussion, and give staff direction on considering moving municipal elections from May to November. Julie Remski seconded. Motion carried.

AYES (10): Brewer-Isma, Danhof, Fykes, Johnson, Jones, McClure, Molina Poer, Mungiguerra, Remski, Zygiel
NAYS (2): Bray, Kirkpatrick
ABSENT (2): Davis, Trevino

- 4) Consider modifying the total years allowed for residents to serve on Council.**

Committee discussion. Peter Mungiguerra made a motion to not receive a report, hold a discussion, and give staff direction on considering modifying the total years allowed for residents to serve on Council. Julie Remski seconded. Motion carried.

AYES (10): Brewer-Isma, Danhof, Fykes, Johnson, Jones, McClure, Molina Poer, Mungiguerra, Remski, Zygiel
NAYS (2): Bray, Kirkpatrick

ABSENT (2): Davis, Trevino

5) Consider modifying the eligibility for holding elected office and appointments to city boards.

Committee discussion. No action taken.

6) Consider adding language regarding the increase in rates or fees on citizens or businesses.

Angela Brewer-Isma made a motion to receive a report, hold a discussion, and give staff direction on considering adding language regarding the increase in rates or fees on citizens or businesses. Gabriel Kirkpatrick seconded. Motion carried.

AYES (10): Bray, Brewer-Isma, Johnson, Jones, Kirkpatrick, McClure, Molina Poer, Mungiguerra, Remski, Zygiel

NAYS (0): None

ABSENT (4): Davis, Danhof, Fykes, Trevino

7) Consider adding language regarding the cost of new regulations.

Committee discussion. No action taken.

8) Consider adding language that requires posting the amount, if any, of inadequate contributions to fund pension or retirement plans for city employees, including fire and police.

Committee discussion. Lesly Molina Poer made a motion to receive a report, hold a discussion, and give staff direction on considering adding language that requires posting the amount, if any, of inadequate contributions to fund pension or retirement plans for fire and police. Peter Mungiguerra seconded. Motion carried.

AYES (10): Bray, Brewer-Isma, Johnson, Jones, Kirkpatrick, McClure, Molina Poer, Mungiguerra, Remski, Zygiel

NAYS (0): None

ABSENT (4): Davis, Danhof, Fykes, Trevino

9) Consider adding language that requires reporting the amount of any unfunded mandate incurred by the City with information regarding the name of the mandate and cost to the City to comply.

Committee discussion. Angela Brewer-Isma made a motion to receive a report, hold a discussion, and give staff direction on considering adding language that requires reporting the amount of any unfunded mandate incurred by the City with information regarding the name of the mandate and cost to the City to comply. Peter Mungiguerra seconded. Motion carried.

AYES (10): Bray, Brewer-Isma, Johnson, Jones, Kirkpatrick, McClure, Molina Poer, Mungiguerra, Remski, Zygiel

NAYS (0): None

ABSENT (4): Davis, Danhof, Fykes, Trevino

3. CONCLUDING ITEMS

Members provided concluding items.

With no further business, the meeting was adjourned at 7:03 p.m.

Kristine Bray
Chair

Kristi Fogle
Recording Secretary

MINUTES APPROVED ON: _____

September 19, 2024 Charter Review Committee Meeting - EXHIBIT A							
Name	Last	Address	City	Agenda Item	Position	Method	Comments
Liam	Guame-Wakefield	411 Ponder Ave	Denton	CRC24-019	None listed	Blue Card	Charter Review Committee Individual Consideration



City of Denton

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Legislation Text

File #: CRC24-025, **Version:** 1

AGENDA CAPTION

Receive a report, hold a discussion, and give staff direction on modifying the Ethics Ordinance requirements.
[Estimated time: 25 minutes]



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
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AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

CM/DCM/ACM: Sara Hensley

DATE: October 3, 2024

SUBJECT

Receive a report, hold a discussion, and give staff direction on modifying the Ethics Ordinance requirements.

BACKGROUND

The Denton City Charter was originally adopted in February 1959. Section 14-13 of the Charter states that amendments to the charter may be framed and submitted to the voters subject to requirements of the Texas Local Government Code, Chapter 9, and all other applicable laws. Since its original adoption, the charter was further amended in 1976, 1980, 1999, 2006, 2009, and 2017.

On June 4, 2024, the City Council approved Resolution 24-1158 to create the Charter Review Committee and issue the charges put forward by the Council. Charge J put forward by Council directs the Committee to, "consider and advise the City Council of Denton whether and in what manner to revise the current City Charter provisions of Article XIV, Section 14.04 as to modify the Ethics Ordinance requirements."

Staff will present relevant information, industry best practice recommendations, and other considerations related to modifying the Ethics Ordinance requirements.

EXHIBITS

1. Agenda Information Sheet
2. Presentation

Respectfully submitted:
Kristi Fogle
Chief of Staff



Charter Review Committee

Meeting Agenda

- Consider modifying the Ethics Ordinance Requirements.
- Consider implementing a trigger amendment to address the reversal of marriage equality.
- Consider implementing a one-year residency requirement for individuals serving on a citizen board.



Public Comment



Charge J:

Modify the Ethics Ordinance Requirement.

Background & Scope

- The Charter Election of 2017 created the Ethics Ordinance requirement.
- Following the election, the City created the Board of Ethics and charged them with creation and any future revisions of the Ethics Ordinance.
- The Ethics Ordinance requirements provisions stipulate the minimum requirements for the Ethics Ordinance.
- The Charter Committee's charge is limited to revising the Charter provision, and not the Ethics Ordinance itself.

Current Provision

Section 14.04. Ethics Ordinance Requirement

The City Council shall adopt an ethics ordinance. The ethics ordinance shall prohibit the use of public office for private gain and shall incorporate the conflict of interest standards that appear in V.T.C.A., Local Government Code, Ch. 171, and all state law as presently exist or may be hereafter amended or adopted. The Council may adopt more stringent standards than those that appear in state law, but the ethics ordinance shall, at a minimum, include the following components:

- 1) Definition of a prohibited improper economic interest and personal gain;
- 2) Definition of recusal and improper participation when a potential conflict of interest is present;
- 3) Avoidance of appearance of a conflict of interest; and
- 4) Administration and enforcement of ethics ordinance, including the power to subpoena witnesses and documents, coupled with strong and meaningful remedies for infractions.

Surrounding City Comparison

City	Population*	Ethics Ordinance	Charter or Ordinance
Denton	142,262	Yes	Charter
Addison	17,026	Yes	Ordinance
Arlington	393,469	Yes	Ordinance
Carrollton	132,284	No	N/A
Frisco	202,075	No	N/A
Irving	254,962	Yes	Charter
Lewisville	125,028	No	N/A
Prosper	31,507	Yes	Charter

*ACS 2022 5-Year Estimate

Comparable City Comparison

City	Population*	Ethics Ordinance	Charter or Ordinance
Denton	142,262	Yes	Ordinance
Abilene	126,356	Yes	Charter
Killeen	159,643	No	N/A
McAllen	144,579	No	N/A
Mesquite	147,317	No	N/A
Midland	134,444	No	N/A
Round Rock	130,406	No	N/A
Waco	144,816	No	N/A

*ACS 2022 5-Year Estimate

Large City Comparison

City	Population*	Ethics Ordinance	Charter or Ordinance
Austin	958,202	Yes	Ordinance
Dallas	1,300,642	Yes	Ordinance
El Paso	677,181	Yes	Ordinance
Ft. Worth	924,663	Yes	Ordinance
San Antonio	1,445,662	Yes	Ordinance

*ACS 2022 5-Year Estimate



Committee Discussion

- Do not recommend modifying the Ethics Ordinance Requirements
- Recommend modifying the Ethics Ordinance Requirements, and in what manner.



Committee Charge:

Consider implementing a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter.

Considerations

- No other cities found to have adopted or considered a similar provision.
- Current City employee benefits extend to legal spouses regardless of gender or identity (documentation required).
- Other areas of City Code where marriage is defined or referenced:
 - Code of Ordinances Article XI. Ethics – “relative” defined as a family member related to a city official within the third degree of affinity (marriage) or consanguinity (blood or adoption) in accordance with state law.
 - Code of Ordinances Chapter 17. Property Maintenance Code – “family” defined as two or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption, or legal guardianship of minors.
 - Denton Development Code Subchapter 9. Definitions – “family” defined as one or more persons related by blood, marriage, or legal adoption.



Committee Charge:

Consider implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.

Current Provision(s)

Charter Section 14.16. Boards and commissions.

Members of boards and commissions of the City of Denton shall serve at the pleasure of the council. Members of such boards and commissions may be removed by the council only for cause and only after being given notice by the council.

City of Denton Code of Ordinances Article III. Boards, commissions, and committees.

Each member of a board or commission, in addition to qualifications prescribed by federal or state law or ordinance, shall be a resident of the city who is 18 years of age or older.

Background & Considerations

- In 2022, City Council amended the Code of Ordinances to change the requirement from “registered voter” to “resident”
- Historically, there has not been a time-specific residency requirement for service on boards, commissions, or committees appointed by Council.
- Planning & Zoning (P&Z), Zoning Board of Adjustment (ZBA), and Public Utilities Board (PUB) are required by state law and have separate Charter provisions.
 - PUB is required by the Charter to have the same qualifications as Council, which includes a one-year residency.
- Some committees have special requirements for service, but none require a time frame for residency.
- Estimate of current appointment vacancies: 14

Surrounding City Comparison

City	Population*	Residency Time Frame	Charter / Ordinance
Denton	142,262	Current	Ordinance
Addison	17,026	Current	Ordinance
Arlington	393,469	Current	Ordinance
Carrollton	132,284	12 months	Charter
Frisco	202,075	Current	Charter
Irving	254,962	Current	Ordinance
Lewisville	125,028	Current	Ordinance
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Comparable City Comparison

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Mesquite	147,317	Current	Ordinance
Midland	134,444	Current	Ordinance
Round Rock	130,406	Current	Ordinance
Waco	144,816	Current	Ordinance

*ACS 2022 5-Year Estimate

Large City Comparison

City	Population*	Residency Time Frame	Charter / Ordinance
Austin	958,202	Current	Ordinance
Dallas	1,300,642	6 months	Ordinance
El Paso	677,181	Current	Ordinance
Ft. Worth	924,663	Current	Ordinance
San Antonio	1,445,662	Current	Ordinance

*ACS 2022 5-Year Estimate

Next Meeting

Thursday, October 17

Development Services Center

5:30 – 7:00 pm

Meeting Topics:

- Perfecting charges
- Consider adding language regarding the increase in rates or fees on citizens or businesses.
- Consider adding language that requires posting the amount, if any, of inadequate contributions to fund pension or retirement plans for fire and police employees.
- Consider adding language that requires reporting the amount of any unfunded mandate incurred by the City with information regarding the name of the mandate and cost to the City to comply.





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Legislation Text

File #: CRC24-028, Version: 1

AGENDA CAPTION

Receive a report, hold a discussion, and give staff direction on implementing a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter.

[Estimated time: 15 minutes]



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DEPARTMENT: City Manager's Office

CM/DCM/ACM: Sara Hensley

DATE: October 3, 2024

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On June 4, 2024, the City Council approved Resolution 24-1158 to create the Charter Review Committee and issue the charges put forward by the Council. Charge K put forward by Council directs the Committee to, "have the discretion to review additional sections of the City Charter not listed in the above charges and consider and advise whether and in what manner to revise the current City Charter."

On September 19, the Charter Review Committee considered additional items to review. Chair Kristine Bray proposed implementing a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter. The proposal received a majority vote of the committee to receive a report, hold a discussion, and give staff direction on the topic.

Staff will present relevant information, industry best practice recommendations, and other considerations related to implementing a trigger amendment stating that if gay marriage is struck down in the courts and left not protected by the state of Texas, then "civil unions" will receive all the same benefits and restrictions currently applied to marriages in the city's codes, ordinances, and charter.

EXHIBITS

1. Agenda Information Sheet

Respectfully submitted:
Kristi Fogle
Chief of Staff



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Receive a report, hold a discussion, and give staff direction on implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.

[Estimated time: 15 minutes]



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On June 4, 2024, the City Council approved Resolution 24-1158 to create the Charter Review Committee and issue the charges put forward by the Council. Charge K put forward by Council directs the Committee to, "have the discretion to review additional sections of the City Charter not listed in the above charges and consider and advise whether and in what manner to revise the current City Charter."

On September 19, the Charter Review Committee considered additional items to review. A committee member proposed implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council. The proposal received a majority vote of the committee to receive a report, hold a discussion, and give staff direction on the topic.

Staff will present relevant information, industry best practice recommendations, and other considerations related to implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.

EXHIBITS

1. Agenda Information Sheet

Respectfully submitted:
Kristi Fogle
Chief of Staff