



City of Denton

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

Meeting Agenda Charter Review Committee

Thursday, September 19, 2024

5:30 PM

Development Services Center

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, September 19, 2024, 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. [CRC24-021](#) Receive comments from members of the public.
[Estimated time: 10 minutes]
- B. [CRC24-022](#) Consider approval of the minutes of the September 5, 2024 Charter Review Committee Meeting.
[Estimated time: 5 minutes]
Attachments: [Exhibit 1. Meeting Minutes](#)
- C. [CRC24-023](#) 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.
[Estimated time: 25 minutes]
Attachments: [Exhibit 1. Agenda Information Sheet](#)
[Exhibit 2. Presentation](#)

- 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.
 - 2) Consider implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.
 - 3) Consider moving municipal elections from May to November.
 - 4) Consider modifying the total years allowed for residents to serve on Council.
 - 5) Consider modifying the eligibility for holding elected office and appointments to city boards.
 - 6) Consider adding language regarding the increase in rates or fees on citizens or businesses.
 - 7) Consider adding language regarding the cost of new regulations.
 - 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.
 - 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.

[Estimated time: 20 minutes]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Committee Submissions](#)

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 16, 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 #: CRC24-021, **Version:** 1

AGENDA CAPTION

Receive comments from members of the public.

[Estimated time: 10 minutes]



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Legislation Text

File #: CRC24-022, Version: 1

AGENDA CAPTION

Consider approval of the minutes of the September 5, 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 5, 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, Jesse Davis, Jeremy Fykes, Nate Johnson, Michelle Jones, Gabriel Kirkpatrick, Weaver McClure, Lesly Molina Poer, Julie Remski, Esperanza Trevino, Jane Zygiel.

ABSENT: Peter Mungiguerra

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. CRC24-015 Receive comments from members of the public.

There were two presentations from the public from Liam Guame-Wakefield and Charles Lee. Citizen comments received are noted on Exhibit A.

B. CRC24-016 Consider approval of the minutes of the August 22, 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 (13): Bray, Brewer-Isma, Danhof, Davis, Fykes, Johnson, Jones, Kirkpatrick, McClure, Molina Poer, Remski, Trevino, Zygiel

NAYS (0): None

ABSENT (1): Mungiguerra

C. CRC24-020 Review and consider committee procedures and rules.

Committee discussion. No action taken.

D. CRC24-014 Receive a report, hold a discussion, and give staff direction on modifying the Mayor and Council stipend.

Committee discussion.

Julie Remski made a motion to modify the Charter to provide for an annual increase to the Mayor and Council stipend based on the annual cost of living increase given to city employees. Weaver McClure seconded. Jeremy Fykes offered an amendment to the motion to limit the annual increase to no more than the previous year's consumer price index (CPI). The amendment was acceptable to Ms. Remski. Motion carried.

AYES (10): Brewer-Isma, Danhof, Davis, Fykes, Jones, Johnson, McClure, Molina Poer, Remski, Zygiel
NAYS (3): Bray, Kirkpatrick, Trevino
ABSENT (1): Mungiguerra

E. CRC24-017 Receive a report, hold a discussion, and give staff direction on requiring a statement of less than 200 words on the grounds of removal for recall petitions.

The item was presented, and discussion followed.

Jesse Davis made a motion to recommend no changes to the current provision. Jeremy Fykes seconded. Motion carried.

AYES (11): Brewer-Isma, Danhof, Davis, Fykes, Jones, Kirkpatrick, McClure, Molina Poer, Remski, Trevino, Zygiel
NAYS (2): Bray, Johnson
ABSENT (1): Mungiguerra

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

The item was presented, and discussion followed. No action was taken.

3. CONCLUDING ITEMS

Members provided concluding items.

Michelle Jones made a motion to reconsider the vote on previous agenda items CRC24-008 and CRC24-009. The motion was ruled out of order to in accordance with the Texas Open Meetings Act.

Michelle Jones made a motion regarding agenda item CRC24-020, to propose that once an agenda item has been voted on, the item vote stands, even if a majority is not reached on either side. Jeremy Fykes seconded. Motion failed.

AYES (7): Danhof, Davis, Fykes, Jones, McClure, Remski, Zygiel
NAYS (5): Bray, Brewer-Isma, Johnson, Kirkpatrick, Molina Poer
ABSENT (2): Mungiguerra, Trevino

With no further business, the meeting was adjourned at 7:37 p.m.

Kristine Bray
Chair

Kristi Fogle
Recording Secretary

MINUTES APPROVED ON: _____

September 5, 2024 Charter Review Committee Meeting - EXHIBIT A

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Liam	Guame-Wakefield	411 Ponder Ave	Denton	CRC24-014, CRC24-014	Support	Blue Card	Charter Review Committee Individual Consideration
Charles	Lee	624 W. University Dr.	Denton	None listed	None listed	Blue Card	Charter Review Committee Individual Consideration



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Legislation Text

File #: CRC24-023, Version: 1

AGENDA CAPTION

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.

[Estimated time: 25 minutes]



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AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

CM/DCM/ACM: Sara Hensley

DATE: September 19, 2024

SUBJECT

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.

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 I 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 VI, Section 6.03 as to increase the two-year term of the Municipal Judge to a four-year term."

Texas Government Code Section 29.005 states that unless a municipality provides for a longer term, the judge of a municipal court should serve for a term of office of two years. The City of Denton Charter currently does not prescribe a term of office for the Municipal Judge, so by default, the Judge serves two-year terms. Texas Constitution Article XI, Section 11 allows for a Home Rule City to adopt a longer term of office through charter or charter amendment if the term of office does not exceed four years.

Staff will present relevant information, industry best practice recommendations, and other considerations related to increasing the two-year term of the Municipal Judge to a four-year term.

EXHIBITS

1. Agenda Information Sheet
2. Presentation

Respectfully submitted:
Kristi Fogle
Chief of Staff



Charter Review Committee

Meeting Agenda

- Modify the Municipal Judge term from two years to four years.
- Additional sections of the Charter submitted by Committee Members.



Public Comment



Charge I:

Increase the two-year Municipal Judge term to a four-year term.

Current Provision

Sec. 6.03. Municipal court.

(b) The municipal judge shall preside over the municipal court. The municipal judge shall be a qualified attorney at-law licensed to practice in the State of Texas in good standing and shall have such other qualifications as required by subchapter FF of chapter 30 of the Texas Government Code and other applicable laws as these laws may now read or hereafter be amended. He or she shall be appointed by, and shall serve at the pleasure of the council. The municipal judge shall receive such compensation as may be fixed by the council. The municipal judge shall have all the powers and duties assigned to a municipal judge by the Charter, other city ordinances, subchapter FF of chapter 30 of the Texas Government Code, or other applicable state laws.

Current Provision Breakdown

- Municipal Judge presides over the Municipal Court.
- Appointed by and serves at the pleasure of the Council.
- Must be a qualified attorney at-law licensed to practice in the State of Texas in good standing and should have other qualifications as required by Texas Government Code, Chapter 30, Subchapter FF and other applicable laws.
- The municipal judge shall have all the powers and duties assigned to a municipal judge by the Charter, other city ordinances, Texas Government Code, Chapter 30, Subchapter FF, or other applicable state laws.
- Compensation is set by the Council.

Relevant State Statute

Texas Government Code Sec. 29.005. TERM OF OFFICE. The judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution.

Texas Constitution Article XI, Section 11. TERM OF OFFICE EXCEEDING TWO YEARS IN HOME RULE AND GENERAL LAW CITIES; VACANCIES. (a) A Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years

Relevant City Code

City Code of Ordinances Section 19-36. - Judges.

(b) The terms of office for the municipal court judge and any assistant judges shall be two (2) years from the date of appointment. The municipal court judge shall be appointed in even-numbered years, and any assistant judges shall be appointed in odd-numbered years.

Considerations

- Stability for Judges
- Continuity for Staff and Community
- Long Term Planning and Projects
- Judicial Independence

Surrounding City Comparison

City	Population*	Municipal Judge Term Length	Charter or Ordinance
Denton	142,262	2 years	Ordinance
Addison	17,026	2 years	Ordinance
Arlington	393,469	2 years	Ordinance
Carrollton	132,284	2 years	Charter
Frisco	202,075	4 years	Charter
Irving	254,962	2 years	Ordinance
Lewisville	125,028	2 years	Charter
Prosper	31,507	2 years	Ordinance

*ACS 2022 5-Year Estimate

Comparable City Comparison

City	Population*	Municipal Judge Term Length	Charter or Ordinance
Denton	142,262	2 years	Ordinance
Abilene	126,356	2 years	Charter
Killeen	159,643	4 years	Charter
McAllen	144,579	4 years	Ordinance
Mesquite	147,317	2 years	Ordinance
Midland	134,444	N/A	Charter
Round Rock	130,406	N/A	Charter
Waco	144,816	2 years	Charter

*ACS 2022 5-Year Estimate

Large City Comparison

City	Population*	Municipal Judge Term Length	Charter or Ordinance
Austin	958,202	4 years	
Dallas	1,300,642	2 years	Charter
El Paso	677,181	4 years	Ordinance
Ft. Worth	924,663	2 years	Ordinance
San Antonio	1,445,662	2 years	Ordinance

*ACS 2022 5-Year Estimate



Committee Discussion

- Do not recommend increasing the Municipal Judge term.
- Recommend increasing the Municipal Judge term to four years.



Charge K:

Additional sections of the Charter submitted for review.

Committee Submission

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 Submission

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



Committee Submission

3. Consider moving municipal elections from May to November.
(submitted by 2 committee members)



Committee Submission

4. Consider modifying the total years allowed for residents to serve on Council. (submitted by 3 committee members)



Committee Submission

5. Consider modifying the eligibility for holding elected office and appointments to city boards.
 - Proposed language:
 - All Denton residents who are registered voters in the City, except youth representatives, who hold no publicly elected office, are eligible for appointment or reappointment to a board or commission. Any potential applicant who is in arrears on any amounts in the payment of taxes or other liability due to the City may be disqualified from consideration. A resident is eligible to vote if he or she is a United States citizen who is a resident of the State of Texas and who has resided in the City of Denton for at least six (6) months, is at least eighteen (18) years of age), is mentally competent and has not been convicted of a felony.
 - All Denton residents who will hold or is running for a publicly elected office, shall be registered voters in the City Denton.
 - Any registered voter may be appointed and serve on a maximum of two non-elected boards per year up to the same time as a city council members term. Must wait the same length of time before serving again on non-elected boards.



Committee Submission

6. Consider adding language regarding the increase in rates or fees on citizens or businesses.
 - Proposed language:
 - Any increase in rates or fees on citizens or businesses to retire a debt or obligation of the city shall be discontinued when debt or obligation is paid in full. When and if any increase in rate or fee to retire a debt will have estimated end date recorded on any invoice or statement where rate increase or fee is charged.
 - One hundred percent of the increase in rates or fees referenced above shall be used to pay off the reference debt.



Committee Submission

7. Consider adding language regarding the cost of new regulations.
 - Proposed language:
 - If the City Council votes to add or change any new regulations it will post the increase cost to the taxpayers of such regulations when the agenda is posted for discussion of these new or changed regulations. Cost shall mean: any increase or decrease that shall include all cost, including staff time, consultants, legal, etc.



Committee Submission

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 Submission

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.



Next Meeting

Thursday, October 3

Development Services Center

5:30 – 7:00 pm

Meeting Topics:

- Modify the Ethics Ordinance Requirements





Legislation Text

File #: CRC24-019, Version: 1

AGENDA CAPTION

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.
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- 3) Consider moving municipal elections from May to November.
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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 on the above charges and consider and advise the City Council of Denton whether and in what manner to revise the current City Charter."

Committee members submitted items they wish to review to staff prior to the September 5 Meeting. Each item submitted will be discussed by the Committee and any items receiving approval by a majority of the Committee (8 members) will be reviewed in more detail at a later date.

EXHIBITS

1. Agenda Information Sheet
2. Committee Submissions

Respectfully submitted:
Kristi Fogle
Chief of Staff

Charter Review Committee
Additional Items 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.
2. Consider implementing a one-year residency requirement for individuals serving on a citizen board, committee, or commission appointed by Council.
3. Consider moving municipal elections from May to November. (submitted by 2 commissioners)
4. Consider modifying the total years allowed for residents to serve on Council. (submitted by 3 commissioners)
5. Consider modifying the eligibility for holding elected office and appointments to city boards.
 - Proposed language:
 - All Denton residents who are registered voters in the City, except youth representatives, who hold no publicly elected office, are eligible for appointment or reappointment to a board or commission. Any potential applicant who is in arrears on any amounts in the payment of taxes or other liability due to the City may be disqualified from consideration. A resident is eligible to vote if he or she is a United States citizen who is a resident of the State of Texas and who has resided in the City of Denton for at least six (6) months, is at least eighteen (18) years of age), is mentally competent and has not been convicted of a felony.
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