

**IRVING CITY COUNCIL  
SPECIAL MEETING AGENDA  
MONDAY, MAY 17, 2010  
12:00 PM**

City Council Chambers - Civic Center Complex - 825 West Irving Boulevard - Irving, Texas

**This meeting can be adjourned and reconvened, if necessary, within 24 hours on the following day in the City Council Chambers.**

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- 1 Ordinance -- Canvassing the Returns and Declaring the Results of the General Municipal Election Held on May 8, 2010; for the Purpose of Electing Three Council Members for Irving City Council, Places 1, 2, and 7 for a Term of Three (3) Years; and Canvassing the Returns and Declaring the Results of a Special Election Regarding the Adoption or Rejection of Four (4) Proposed Amendments to the Existing Charter of the City of Irving
- 2 Administer Statement of Elected Officer and Oath of Office to newly elected Council Members Place 1 and Place 2
- 3 Ordinance -- Ordering a Run-Off Election to be Held on June 12, 2010, for the Purpose of Electing a Councilmember to Place 7; Designating the Place at Which Said Election is to be Held; Making Provisions for the Conduct of that Election

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the Kiosk at the City Hall of the City of Irving, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Thursday May 13, 2010 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

\_\_\_\_\_  
Shanae Jennings, Acting City Secretary

\_\_\_\_\_  
Date Notice Removed

**ANY ITEM ON THIS POSTED AGENDA COULD BE DISCUSSED IN EXECUTIVE SESSION AS LONG AS IT IS WITHIN ONE OF THE PERMITTED CATEGORIES UNDER SECTIONS 551.071 THROUGH 551.076 AND SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.**

\_\_\_\_\_  
This facility is wheel chair accessible and handicap-parking spaces are available. Requests for interpretation services of assistive hearing devices must be made 48 hours prior to the meeting. Contact the City Secretary's Office at (972) 721-2493 or (TDD) 1-800-RELAY TX (1-800-735-2989) for assistance.

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## AGENDA ITEM SUMMARY

Meeting: 5/17/2010  
Recommending Department: City Secretary's Office

DOC ID: 3367  
LSR No: Na

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**Ordinance -- Canvassing the Returns and Declaring the Results of the General Municipal Election Held on May 8, 2010; for the Purpose of Electing Three Council Members for Irving City Council, Places 1, 2, and 7 for a Term of Three (3) Years; and Canvassing the Returns and Declaring the Results of a Special Election Regarding the Adoption or Rejection of Four (4) Proposed Amendments to the Existing Charter of the City of Irving**

### Administrative Comments

1. This item supports Strategic Goal No. 8: Sound Governance.
2. **Impact:** It is required that the Council approve the election results after the Ballot Board has certified the election ballot.

### Recommendation

The ordinance be adopted.

### ADDITIONAL COMMENTS:

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### CURRENT YEAR FINANCIAL IMPACT:

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NONE

### REVISION INFORMATION:

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Prepared: 5/12/2010 04:21 PM by Jennifer Phillips  
Last Updated: 5/14/2010 03:14 PM by Jennifer Phillips

ORDINANCE NO. (ID # 3367)

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 8, 2010; FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS FOR IRVING CITY COUNCIL, PLACES 1, 2, AND 7 FOR A TERM OF THREE (3) YEARS; AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION REGARDING THE ADOPTION OR REJECTION OF FOUR (4) PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF IRVING.

WHEREAS, the City of Irving, Texas, held a General Municipal Election on the 8th day of May, 2010 for the purpose of electing Council members to Places 1, 2, and 7 for a term of three (3) years; and

WHEREAS, the City of Irving, Texas, also held a Special Election on the 8th day of May, 2010 for the purpose of submitting to the qualified voters of the city of Irving, Texas, four (4) amendments to the charter of the city of Irving, Texas; and

WHEREAS, public notice of such Municipal Elections were duly given, and such elections were duly and properly held and administered in accordance with the laws of the State of Texas, the Charter of the City of Irving, and the Federal Voting Rights Act; and

WHEREAS, a canvass of the General and Special Election returns was conducted on May 17, 2010; and

WHEREAS, it was found that the persons herein named received the following votes for said term of office on the Irving City Council of the City of Irving, Texas:

<u>OFFICE</u>	<u>NUMBER OF VOTES</u>
<u>Council member Place 1, District 1 – Single Member</u>	
Trini Gonzalez	210
Mike Gallaway	239
<u>Council member Place 2, At Large</u>	
Roy Santoscoy	3617
Tom Spink	3178
<u>Council member Place 7, District 7 – Single Member</u>	
Kim Limberg	435
Sam Smith	567
Gerald Farris	554

WHEREAS, it was found that the following amendments to the City of Irving Charter were submitted to all residents and qualified electors of the City for the purpose of adopting or rejecting four

(4) separately proposed amendments to the City Charter as hereinafter delineated and the following votes were cast for or against the four (4) separately proposed amendments:

Amendment No. 1 – In regard to the duties of the Mayor, shall Section 12 of Article IV of the Charter of the City of Irving be amended to also allow the Chief Executive to execute contracts, conveyances, and bonds as directed by the City Council?

	YES	NO
EARLY VOTES	1821	1970
ELECTION DAY	1273	1562
TOTAL	3094	3532

Amendment No. 2 – In regard to the Treasurer, shall Section 25 of Article IV of the Charter of the City of Irving, which created the position, be repealed and shall Section 3 of Article VIII be amended to remove reference to the Treasurer?

	YES	NO
EARLY VOTES	1983	1734
ELECTION DAY	1388	1384
TOTAL	3371	3118

Amendment No. 3 – In regard to the power to issue bonds and warrants, shall Section 1 of Article VII of the Charter of the City of Irving be amended to allow issuance for any public purpose, so long as not prohibited by the general laws or Constitution of the State of Texas?

	YES	NO
EARLY VOTES	1811	1929
ELECTION DAY	1293	1513
TOTAL	3104	3442

Amendment No. 4 – Shall the cap on city employee retirement contributions be removed from the Charter of the City of Irving?

	YES	NO
EARLY VOTES	1634	2140
ELECTION DAY	1151	1671
TOTAL	2785	3811

WHEREAS, the following certified data shows the state of the polls in each polling location at said election:

Polling Locations	PLACE 1		PLACE 2		PLACE 7		
	Trini Gonzalez	Mike Gallaway	Roy Santoscoy	Tom Spink	Kim Limberg	Sam Smith	Gerald Farris
<b>Early Voting</b>	79	156	1979	1848	244	334	320
<b>Early Voting by Mail</b>	5	8	23	27	3	5	1
A. S. Johnston Elementary	0	0	110	98	68	48	41
Cimarron Park Rec Center	0	0	74	85	0	0	0
Coppell Town Center	0	0	0	0	0	0	0
Grand Prairie Fire St. No. 8	0	0	0	0	0	0	0
Irving Fire Station No. 8	0	0	156	89	14	3	5
Irving High School	27	26	211	153	47	99	139
J. O. Davis Elementary	0	0	42	52	0	0	0
J. R. Good Elementary	44	16	108	92	1	0	1
L. B. Barton Elementary	6	7	115	78	8	6	8
Lee Britain Elementary	47	24	163	101	0	0	0
MacArthur High School	0	0	136	160	29	31	14
Mustang Recreation Center	0	0	187	70	0	0	0
Otis Brown Elementary	1	2	91	94	0	0	0
Sally B. Elliott Elementary	0	0	120	117	0	0	0
Thomas Haley Elementary	0	0	101	112	21	41	25
Prov EV/ED	0	0	1	1	0	0	0
Election Day ADA	1	0	0	1	0	0	0
<b>TOTAL</b>	<b>210</b>	<b>239</b>	<b>3617</b>	<b>3178</b>	<b>435</b>	<b>567</b>	<b>554</b>

	AMEND NO. 1		AMEND NO. 2		AMEND NO. 3		AMEND NO. 4	
	YES	NO	YES	NO	YES	NO	YES	NO
<b>Early Voting</b>	1806	1936	1965	1704	1795	1898	1613	2111
<b>Early Voting by Mail</b>	15	34	18	30	16	31	21	29
A. S. Johnston Elementary	90	117	100	106	100	108	87	120
Cimarron Park Rec Center	81	76	92	61	76	78	70	88
Coppell Town Center	0	0	0	0	0	0	0	0
Grand Prairie Fire St. No. 8	0	0	0	0	0	0	0	0
Irving Fire Station No. 8	115	120	115	117	112	125	94	145
Irving High School	122	232	150	199	131	218	115	236
J. O. Davis Elementary	54	40	50	40	53	40	50	42
J. R. Good Elementary	86	108	100	88	91	101	73	116
L. B. Barton Elementary	65	122	80	103	76	110	87	100
Lee Britain Elementary	111	147	114	138	113	141	84	168
MacArthur High School	114	170	134	144	115	167	95	187
Mustang Recreation Center	155	86	159	70	143	94	105	135
Otis Brown Elementary	71	106	80	93	70	104	68	109
Sally B. Elliott Elementary	91	141	83	145	92	136	105	127
Thomas Haley Elementary	117	95	129	79	120	89	117	96
Prov EV/ED	1	1	2	0	1	1	1	1
Election Day ADA	0	1	0	1	0	1	0	1
<b>TOTAL</b>	<b>3094</b>	<b>3532</b>	<b>3371</b>	<b>3118</b>	<b>3104</b>	<b>3442</b>	<b>2785</b>	<b>3811</b>

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the General and Special elections held on May 8, 2010 were duly and legally called and notice thereof given in accordance with the laws of the State of Texas, the Charter of the City of Irving, and the Federal Voting Rights Act and the ordinances calling said elections; that said elections were held in strict conformity with the Constitution and laws of the State of Texas, the Charter of the City of Irving, and the Federal Voting Rights Act, and the returns thereof have been properly made to the officials of the City of Irving entitled to receive the same, and that said elections properly represents the desires of the voters of the City of Irving.

SECTION 2. That the following named candidates were duly elected at said municipal election to the respective named offices of the City of Irving:

Mike Gallaway – Council member Place 1, District 1 – Single Member

Roy Santoscoy - Council member Place 2, At Large

SECTION 3. That a run off election will be held on June 12, 2010 between Gerald Farris and Sam Smith to determine who will be elected Council member Place 7, District 7 – Single Member.

SECTION 4. That majority of the qualified voters of said City, voting at said election, voted “yes” on the following amendment and that said amendment was duly adopted and shall become part of the Charter of the City of Irving, Texas and that the Charter of the City of Irving, adopted by the qualified voters of the City of Irving at an election on October 25, 1952, is hereby declared to be amended to conform to Amendment No. 2, adopted by the qualified voters of the City of Irving, Texas at said election held on the 8th day of May, 2010.

Amendment No. 2

SECTION 5. That majority of the qualified voters of said City, voting at said election, voted “no” on the following amendments and that said amendments were by a majority of qualified voters of the City of Irving voting at said election.

Amendment No. 1

Amendment No. 3

Amendment No. 4

SECTION 6. The City Secretary shall certify to the Texas Secretary of State an authenticated copy of the Charter under the seal of the City showing the approval of the Charter amendments approved by the qualified voters of the City of Irving, Texas duly adopted at the May 8, 2010 election. The City Secretary shall record this Ordinance in the City’s official records.

SECTION 7. It is hereby declared that the City of Irving approves and accepts the results of the General Election for Council Members, Place 1, Place 2 and Place 7, as set forth in the Election Returns Sheet attached and that the City of Irving approves and accepts the results of the Special Election submitted to all residents and qualified electors of the City for the purpose of adopting or rejecting four (4) separately proposed amendments to the City Charter, as determined by the majority vote of the qualified voters of the City of Irving, Texas.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 9. Should any court of competent jurisdiction declare any section, subsection, clause or phrase of this ordinance unconstitutional or invalid, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. Irving hereby declares that it would have passed this ordinances, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

SECTION 10. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting was given.

SECTION 11. This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on May 17, 2010.

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HERBERT A. GEARS  
MAYOR

ATTEST:

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Shanae Jennings  
Acting City Secretary

APPROVED AS TO FORM:

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Charles R. Anderson  
City Attorney

## AGENDA ITEM SUMMARY

**Meeting:** 5/17/2010  
**Recommending Department:** City Secretary's Office

**DOC ID:** 3368  
**LSR No:** Na

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### **Ordinance -- Ordering a Run-Off Election to be Held on June 12, 2010, for the Purpose of Electing a Councilmember to Place 7; Designating the Place at Which Said Election is to be Held; Making Provisions for the Conduct of that Election**

#### **Administrative Comments**

1. This item supports Strategic Goal No. 8: Sound Governance.
2. **Impact:** Three candidates ran in the May 8, 2010 election for Council member Place 7; as there was not a candidate with over 50% of the votes, a run-off election is required between the two candidates with the most votes in District 7.
3. The run-off election between Gerald Farris and Sam Smith will be held on June 12, 2010.

#### **Recommendation**

The ordinance be adopted.

#### **ADDITIONAL COMMENTS:**

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#### **CURRENT YEAR FINANCIAL IMPACT:**

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NONE

#### **REVISION INFORMATION:**

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Prepared: 5/12/2010 04:26 PM by Jennifer Phillips  
Last Updated: 5/14/2010 03:04 PM by Jennifer Phillips



ORDINANCE NO. (ID # 3368)

AN ORDINANCE OF THE CITY OF IRVING ORDERING A RUN-OFF ELECTION TO BE HELD ON JUNE 12, 2010, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO PLACE 7; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That a run-off election is hereby ordered to be participated in by the qualified voters of District 7 of the City of Irving, Texas, to be held June 12, 2010, which is not less than twenty (20) days after the final canvass of the main election, between the hours of 7:00 a.m. and 7:00 p.m. at the voting places hereafter named, for the purpose of electing a Councilmember to Place 7. Place 7 shall be a three (3) year term. A candidate for Place 7 must live in District 7 in the City.

SECTION 2. That the City of Irving will contract their elections with the Dallas County Elections Administration for the purpose of conducting the run-off election.

SECTION 3. That the City election precincts for this election shall consist of the territory located within District 7 of the City bearing the following numbers, and the polling places at said election:

<u>CITY POLLING NO.</u>	<u>POLLING PLACE</u>	<u>ELECTION PRECINCTS</u>
1	Thomas Haley Elementary 3601 Cheyenne Street	4623
2	A.S. Johnston Elementary 2801 Rutgers Drive	4624, 4625
3	MacArthur High School 3700 North MacArthur Boulevard	4626, 4633, 4646, 4648, 4649
4	L.B. Barton Elementary 2931 Conflans Road	4610, 4618
5	Irving High School 900 O'Connor Road	4612, 4613, 4614, 4615, 4619
6	J.R. Good Elementary 1200 East Union Bower Road	4616
7	Lee Britain Elementary 631 Edmondson Drive	4607
8	Fire Station No. 8 650 East Las Colinas Drive	4627, 4628

SECTION 4. That early voting shall be conducted by the Dallas County Elections Administrator, Bruce Sherbet, who is hereby appointed as the Early Voting Clerk and Charline Farquhar, Early Voting Manager of the Dallas County Elections Department, is hereby appointed as Chief Deputy Early Voting Clerk. The main early voting polling place is Dallas County Records Building, Office of the Elections Department, First Floor, 509 Main Street, Dallas, Texas 75202. Mary Kay West, Dallas County Elections Department Central Count Manager, is hereby appointed as Manager of the Central Count Station. Early voting in the City of Irving will be conducted in the lobby of the City Hall Building, 825 West Irving Boulevard and the Irving Arts Center, 3333 North MacArthur Boulevard.

SECTION 5. That early voting by personal appearance will begin on Tuesday, June 1, 2010 and will end on Tuesday, June 8, 2010. Hours designated for early voting by personal appearance shall be as set for below:

June 1 – June 4	Tuesday - Friday	8:00 a.m. – 5:00 p.m.
June 5	Saturday	8:00 a.m. – 5:00 p.m.
June 6	Sunday	1:00 p.m. – 6:00 p.m.
June 7 – June 8	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

For purposes of processing ballots case in early voting, the election officers for the early voting ballot board shall be appointed and designated in accordance with the provisions of the election agreement with the Dallas County Elections Administrator.

SECTION 6. That all requests for early voting ballots by mail shall be received by the Dallas County Elections Department, 8th Floor, Health and Human Service Building, 2377 North Stemmons Freeway, Dallas, Texas 75207 for processing no later than Friday, June 4, 2010, Attn: Bruce Sherbet, Early Voting Clerk. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

SECTION 7. That all resident qualified electors of District 7 of the City shall be permitted to vote in said election, and on the day of the election, such electors shall vote at the polling place designated for the election precinct in which they reside. This election shall be held and conducted in accordance with the election laws of the Texas Election Code, Federal Voting Rights Act of 1965, as amended, the Charter of the City of Irving, and as may be required by law. All election materials and proceedings shall be printed in both English and Spanish.

SECTION 8. That ballots may be utilized containing the offices to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. The County’s voting equipment will be utilized for this election.

SECTION 9. That the Office of the Elections Department, 2377 North Stemmons Freeway, Suite 820, Dallas, Texas 75207, is hereby established as the Central Count Station to receive and tabulate votes for said election, and the Irving City Hall Building, 825 West Irving Boulevard, Irving, Texas 75060 shall be established as a regional counting station.

SECTION 10. That the Election Judges and officers for each polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the election agreement for the conducting of the election on the aforesaid election date with Dallas County. And that expenses of the

joint election shall be borne by the City of Irving as outlined in the election agreement with Dallas County.

SECTION 11. That notice of this election shall be given by posting and publication, as required by law.

SECTION 12. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 13. That this ordinance shall become effective from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on May 17, 2010.

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HERBERT A. GEARS  
MAYOR

ATTEST:

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Shanae Jennings  
Acting City Secretary

APPROVED AS TO FORM:

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Charles R. Anderson  
City Attorney