

AGENDA
Irving City Council Special Meeting
Thursday, November 12, 2020 at 1:00 PM
City Hall, First Floor, Council Conference Room
825 West Irving Boulevard, Irving, TX 75060

Members of the City Council and public may participate in the Work Session by telephone conference or videoconference call. Sign-in via telephone or online will be from 12:30 p.m. to 1:00 p.m. on November 12, 2020. Citizens that would like to provide a presentation to Council must submit their presentation(s) to Information Technology no later than 2:00 p.m. on the Tuesday prior to the work session or council meeting at councilpubpres@cityofirving.org. All participants by telephone conference or videoconference will be able to speak when called upon, however video images of the citizen participants will not be available. The phone numbers to sign-in and participate are **1-888-475-4499** (Toll Free), **1-877-853-5257** (Toll Free) or +1 346 248 7799 or online at <https://zoom.us/j/99599542404> Meeting ID: 995 9954 2404

INDIVIDUAL CONSIDERATION

- 1 Citizen Comments on Items Listed on the Agenda
- 2 Ordinance -- Canvassing the Returns and Declaring the Results of the Regular Municipal Election Held on November 3, 2020; for the Purpose of Electing the Position of Mayor and City Council Places Three (3) and Five (5)
- 3 Administer Statement of Elected Officer and Oath of Office to Re-elected Mayor and Re-elected Place 5
- 4 Ordinance -- Ordering a Runoff Election to be Held on December 8, 2020, for the Purpose of Electing City Council Place 3; 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: **Friday, November 6, 2020 at 5:00 p.m.**, and remained so posted at least 72 hours before said meeting convened.

Shanae Jennings, City Secretary

Date Notice Removed

This meeting can be adjourned and reconvened, if necessary, the following regular business day.

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.

A member of the public may address the City Council regarding an item on the agenda either before or during the Council's consideration of the item, upon being recognized by the presiding officer or the consent of the Council.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.

AGENDA ITEM SUMMARY

Meeting: 11/12/2020

DOC ID: 11431

Recommending Department: City Secretary's Office

LSR No: Na

Ordinance -- Canvassing the Returns and Declaring the Results of the Regular Municipal Election Held on November 3, 2020; for the Purpose of Electing the Position of Mayor and City Council Places Three (3) and Five (5)

Administrative Comments

1. This item has been recommended by the City Secretary's Office.
2. **Impact:** It is required that the Council approve the canvass after the Ballot Board has certified the election results.

Recommendation

The ordinance be adopted.

ADDITIONAL COMMENTS:

Contract Required: No

Review Completed By: NA

Previous Action: Ordinance No. 2020-10300- ordering election

Council Action: Ordinance adopted

Ordinance No. 2020-10323- postponing election

Ordinance adopted

Ordinance No. 2020-10360- amending election order

Ordinance adopted

Discretionary Contract Disclosure Form Required: No

Certificate of Interested Parties (Form 1295) Required: No

Updated elections totals will be provided once they have been received from Dallas County Elections.

CURRENT YEAR FINANCIAL IMPACT:

NONE

REVISION INFORMATION:

Prepared: 10/27/2020 03:25 PM by Jennifer Phillips

Last Updated: 11/5/2020 08:34 AM by Jennifer Phillips

ORDINANCE NO. (ID # 11431)

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020; FOR THE PURPOSE OF ELECTING THE OFFICE OF MAYOR AND TWO (2) COUNCIL MEMBERS TO PLACES 3 AND 5, EACH FOR A TERM OF THREE (3) YEARS

WHEREAS, on January 16, 2020, the Irving City Council, by Ordinance No. ORD-2020-10300, called a Regular Municipal Election to be held on Saturday, May 2, 2020 for the purpose of electing the position of Mayor and City Council Places 3 and 5; and

WHEREAS, on March 13, 2020, the Governor declared a state of emergency in Texas in response to the COVID-19 (Coronavirus) pandemic; and

WHEREAS, on March 18, 2020, the Governor issued a proclamation that suspended Section 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election dates, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020; and

WHEREAS, the Elections Division of the Texas Secretary of State's Office, pursuant to Election Advisory 2020-12, has advised that the candidate filings for the election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 2020 election date; and

WHEREAS, the Elections Division of the Texas Secretary of State's Office, pursuant to Election Advisory 2020-12, has further advised that all Applications for Ballot by Mail (ABBMs) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed elections, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election; and

WHEREAS, on March 31, 2020, the Irving City Council, by Ordinance No. ORD-2020-10323, postponed the Regular Municipal Election from May 2, 2020 to November 3, 2020; and

WHEREAS, public notice of the Regular Municipal Election was duly given, and such election was 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 of 1965; and

WHEREAS, a canvass of the Regular Municipal Election returns was conducted on November 12, 2020; 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:

OFFICE

NUMBER OF VOTES

| | |
|---|--------|
| <u>Mayor</u> | |
| Rick Stopfer | 35,490 |
| Olivia Novelo Abreu | 30,366 |
| | |
| <u>Council Member Place 3, District 3 – Single Member</u> | |
| Mark Zeske | 4,814 |
| Abdul Khabeer | 3,390 |
| Mohammed Akbar | 2,153 |
| | |
| <u>Council Member Place 5, District 5 – Single Member</u> | |
| J. Oscar Ward | 14,569 |

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

SECTION 1. That the Regular Municipal Election held on November 3, 2020 was 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 of 1965 and the ordinance calling said election; that said election was 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 of 1965, and the returns thereof have been properly made to the officials of the City of Irving entitled to receive the same, and that said election properly represent the desires of the voters of the City of Irving.

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

Rick Stopfer – Mayor

J. Oscar Ward – Council Member Place 5, District 5 – Single Member

SECTION 3. That a runoff election will be held on December 8, 2020, between Mark Zeske and Abdul Khabeer to determine who will be elected as Council Member, Single Member District Place 3.

SECTION 4. It is hereby declared that the City of Irving approves and accepts the results of the Regular Municipal Election, as set forth in the Election Returns Sheet attached herein as “Exhibit A.”

SECTION 5. 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. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause and phrase, without the inclusion of any unconstitutional or invalid provisions.

SECTION 6. 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 7. This ordinance 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 November 12, 2020.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney

AGENDA ITEM SUMMARY

Meeting: 11/12/2020
Recommending Department: City Secretary's Office

DOC ID: 11432
LSR No: Na

Ordinance -- Ordering a Runoff Election to be Held on December 8, 2020, for the Purpose of Electing City Council Place 3; Designating the Place at Which Said Election is to be Held; Making Provisions for the Conduct of that Election

Administrative Comments

1. This item has been recommended by the City Secretary's Office.
2. **Impact:** Three candidates were listed on the ballot in the November 3, 2020 election for City Council Place 3. As stated by Article IV, Section 4 of the City of Irving Charter: "... the candidate receiving the majority number of votes cast for the place which that person seeks shall be elected to the respective office for which that person was a candidate."
3. No single candidate received a majority of the votes for Place 3.
4. The runoff election will be held on December 8, 2020.

Recommendation

The ordinance be adopted.

ADDITIONAL COMMENTS:

Contract Required: Already approved
Previous Action: Ordinance No. 2020-10300- ordering election
Ordinance No. 2020-10323- postponing election
Ordinance No. 2020-10360- amending election order

Review Completed By: N/A
Council Action: Ordinance adopted
Ordinance adopted
Ordinance adopted

CURRENT YEAR FINANCIAL IMPACT:

Election costs are established by the Dallas County Elections Department and were approved by Resolution 2020-275

REVISION INFORMATION:

Prepared: 10/27/2020 03:56 PM by Jennifer Phillips
Last Updated: 11/6/2020 10:10 AM by Jennifer Phillips

ORDINANCE NO. (ID # 11432)

AN ORDINANCE OF THE CITY OF IRVING ORDERING A RUNOFF ELECTION TO BE HELD ON DECEMBER 8, 2020, FOR THE PURPOSE OF ELECTING CITY COUNCIL PLACE 3; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION; AND PROVIDING A SEVERABILITY CLAUSE.

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

SECTION 1. That a runoff election is hereby ordered to be participated in by the qualified voters of District 3 of the City of Irving, Texas, to be held December 8, 2020, which is not less than twenty (20) days after the final canvass of the general 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 Council member to Place 3. The position of Place 3 shall be a three (3) year term and a candidate for Place 3 must live in District 3 in the city.

SECTION 2. That the City of Irving has contracted their elections with the Dallas County Elections Administration for the purpose of conducting the runoff election.

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

POLLING PLACE

TBD

SECTION 4. Early voting shall be conducted by the Dallas County Elections Administrator, TBD, who is hereby appointed as the Early Voting Clerk and Laura Granado, Early Voting Manager of the Dallas County Elections Department, is hereby appointed as Chief Deputy Early Voting Clerk, said voting to be conducted by the Office of the Elections Department. The main early voting polling place is George L. Allen Sr. Courts Building, Main Lobby, 600 Commerce Street, Dallas, Texas 75202. TBD, Dallas County Elections Administrator, 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 Irving Arts Center, Suite 200, 3333 North MacArthur Boulevard and all other locations in Dallas County as designated by the Dallas County Elections Administrator. The required early voting period of said election as well as additional times established by the City Council's contract with Dallas County is as follows:

| | | |
|---------------------------|--------------------|-----------------------|
| November 23 – November 25 | Monday – Wednesday | 8:00 a.m. – 5:00 p.m. |
| November 28 | Saturday | 8:00 a.m. – 5:00 p.m. |
| November 29 | Sunday | 1:00 p.m. – 6:00 p.m. |
| November 30 – December 2 | Monday – Wednesday | 8:00 a.m. – 5:00 p.m. |
| December 3 - December 4 | Thursday – Friday | 7:00 a.m. – 7:00 p.m. |

SECTION 5. All requests for early voting ballots by mail shall be sent to and received by Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247, 214-819-6300, or via email to evapplications@dallascounty.org for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

SECTION 6. That all resident qualified electors of District 3 of the City shall be permitted to vote in said election. In addition, the election material enumerated in the Texas Election Code shall be printed in both English and Spanish for use at the polling place and for early voting in said election.

SECTION 7. That the Office of the Elections Department, 1520 Round Table Drive, Dallas, Texas 75247, 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 8. That notice of this election shall be given by posting and publication, as required by law.

SECTION 9. 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 10. 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 November 12, 2020.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney