

RESOLUTION NO. 29-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD SEPTEMBER 11, 2004, SAID DATE BEING A UNIFORM ELECTION DATE, FOR THE PURPOSE OF DETERMINING WHETHER TO ALLOW THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Secretary's office received a petition on June 4, 2004, from the qualified voters of the City of Mesquite, Texas, requesting that a special election be called to determine whether or not the City of Mesquite shall legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only; and

WHEREAS, pursuant to Section 251.11 of the Texas Government Code, the City of Mesquite shall call a Local Option Election to consider whether to allow the legal sale of mixed beverages in restaurants by food and beverage certificate holders only if a number of signatures of qualified voters contained in said petition is equal to or greater than 35 percent of the registered voters in the subdivision who voted in the most recent gubernatorial election; and

WHEREAS, the City Secretary has certified to the City Council of the City of Mesquite that the number of valid signatures of qualified voters contained in said petition is equal to or greater than 8,276, that number being 35 percent of the registered voters in the subdivision who voted in the most recent gubernatorial election as verified by Danny Clayton, Voter Registration Supervisor, Dallas County Elections Department; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that such election must be held on a uniform election date; and

WHEREAS, pursuant to Section 3.005 of the Texas Election Code an election shall be ordered not later than the 62nd day before election day or, if the 62nd day is a Saturday, Sunday or holiday, the election shall be ordered the next regular business day; and

WHEREAS, the first day the governing body may order an election is at the next regular session 30 days on or after the petition was filed with the City Secretary's office;

WHEREAS, the Local Option Election shall be administered by the Dallas County Elections Administrator in accordance with the provisions of the Texas Election Code and the Charter and Ordinances of the City of Mesquite;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the following proposition shall be submitted to the voters of the City of Mesquite at a special election to be held in the City of Mesquite, Texas, on September 11, 2004.

The legal sale of mixed beverages in
restaurants by food and beverage certificate
holders only.

FOR
AGAINST

SECTION 2. That notice of such election shall be published at least once not earlier than the 30th day or later than the 10th day before election day as provided in Section 4.003 of the Texas Election Code.

SECTION 3. That said election shall be administered by the Dallas County Elections Administrator and held in accordance with the Election Code of the State of Texas, the Statutes of the State of Texas and the Charter and Ordinances of the City of Mesquite and shall be in conformity with the procedures set forth herein.

SECTION 4. Early voting by personal appearance shall be conducted by the Dallas County Elections Department. Judy Womack, City Secretary, City of Mesquite, is hereby appointed clerk of early voting in compliance with Section 271.006 of the Texas Election Code. Bruce R. Sherbet, Dallas County Elections Administrator, is hereby appointed as Chief Deputy Early Voting Clerk. Any qualified voter for the Election may vote early by personal appearance.

Early voting by personal appearance will be conducted at Dunford Recreation Center, 1015 Green Canyon Drive, Mesquite, Texas, on weekdays beginning Wednesday, August 25, 2004, through Friday, August 27, 2004, between 8:00 a.m. and 5:00 p.m., Saturday, August 28, 2004, between 8:00 a.m. and 5:00 p.m., Sunday, August 29, 2004, between 1:00 p.m. and 6:00 p.m., Monday, August 30, 2004, through Friday, September 3, 2004, between 8:00 a.m. and 5:00 p.m. and Tuesday, September 7, 2004, between 7:00 a.m. and 7:00 p.m. Any qualified voter for the special election may vote early by personal appearance at either the main early voting location or at any of the branch locations. The main early voting polling place is:

Dallas County Records Building
509 Main Street
Dallas, Texas 75202

Applications for ballots by mail shall be mailed to:

Bruce R. Sherbet
Chief Deputy Early Voting Clerk
Elections Department, Eighth Floor
2377 N. Stemmons Freeway
Dallas, Texas 75207

Applications for ballots by mail must be received no later than the close of business on September 3, 2004.

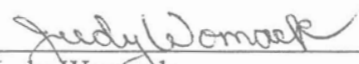
SECTION 5. That this resolution shall take effect from and after its adoption.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 12th day of July, 2004.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B.J. Smith
City Attorney