

RESOLUTION NO. 37-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENCOURAGING CITIZENS TO VOTE AGAINST THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY, ON THE BALLOT FOR SPECIAL LOCAL OPTION ELECTION TO BE HELD ON SEPTEMBER 11, 2004.

WHEREAS, pursuant to a petition filed by registered voters of the City of Mesquite (City) and the requirements of State law the City has called a Special Local Option Election to be held on September 11, 2004, for the purpose of determining whether to allow the legal sale of mixed beverages in restaurants by food and beverage certificate holders only; and

WHEREAS, should such election be successful, the ability of the City to regulate the location of restaurants serving alcohol could be greatly diminished as many current zoning regulations may no longer be enforceable; and

WHEREAS, the Local Option proposition could increase the maximum revenue allowed from the sale of alcoholic beverages in restaurants from the current 30 percent to as much as 50 percent; and

WHEREAS, the change in zoning regulations that could result from the Local Option proposition would make it impossible for the City to create and enforce family-oriented entertainment districts that are alcohol-free; and

WHEREAS, if successful, the Local Option proposition will produce great uncertainty and conflict within the business community over the application of new and existing regulations that pertain to restaurants serving mixed beverages; and

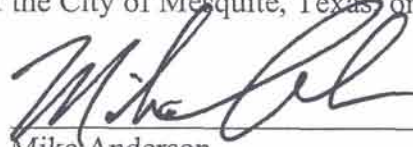
WHEREAS, the current zoning regulations have worked well for the City for many years and it is the opinion of the City Council that such regulations best serve the citizens of the City and it is in the best interest of the citizens of Mesquite that the Local Option proposition be defeated.

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

SECTION 1. That the City Council of the City of Mesquite, Texas, believes that the current zoning overlay district regulations should be preserved and encourages citizens to vote against the Local Option issue on September 11, 2004, which would allow the legal sale of mixed beverages in restaurants by food and beverage certificate holders only.

SECTION 2. That this resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of August, 2004.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney