

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, March 27, 2012**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers and Administrative Conference Room of City Hall, 104 West Avenue E, Midlothian, Texas

**REGULAR AGENDA – 6:00 P.M.**

Call to Order, Invocation and Pledge of Allegiance

- 2012-99 Announcements/Presentations
- a. Community Affairs calendar
  - b. Administer oaths to Fire Department personnel
  - c. Administrative announcements related to personnel

**CONSENT AGENDA**

*All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

2012-100 Consider and act upon minutes from City Council meeting of March 13, 2012

2012-101 Consider and act upon a resolution to authorize a Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association to be held June 2, 2012 through October 20, 2012, on alternate Saturdays, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES06-2011-22)

2012-102 Consider and act upon a resolution authorizing the annual “Head for the Hills” Bicycle Rally routed through the City of Midlothian and hosted by the Cedar Hill Rotary Club on Saturday, May 12, 2012, in accordance with zoning requirements for this type of event as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES08-2011-32)

2012-103 Consider and act upon a resolution authorizing the annual Spring Fling Arts & Crafts Fair, including the temporary closure of West Avenue F (between North 8<sup>th</sup> Street and Plaza Drive). This event is hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, April 28, 2012, in accordance with the zoning requirements for this type of event, as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES09-2011-33)

**REGULAR AGENDA**

2012-104 Citizens to be heard

2012-105 Consider and act upon a non-exclusive contract for water and sanitary sewer maintenance supplies with Municipal Water Works Supply, LP and with Britton Meter Supply, Inc.

2012-106 Consider and act upon a petition according to Texas Local Government Code, Section 43.28, for the voluntary annexation of ± 6.277 acres of land, known as Watson Addition, Lot 2, generally located ± 2,829 feet north of FM 1387 and east of Bryson Lane, in Ellis County, Texas; and, if the petition is granted, adopt an ordinance to annex the area lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian. The petition was filed with the City on March 6, 2012, according to Texas Local Government Code, Section 43.028 and is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas. (Case No. AX01-2011-28)

- 2012-107 Consider and act upon an ordinance according to Texas Local Government Code, Section 43.028 extending the municipal boundary limits of the City of Midlothian, Texas, by voluntary annexation of ± 6.277 acres of land, known as Watson Addition, Lot 2, generally located ± 2,829 feet north of FM 1387 and east of Bryson Lane, in Ellis County, Texas; and, adjoining the present boundary limits of the City of Midlothian; Providing that the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the regulations of the City of Midlothian now in effect and hereinafter adopted; Proposed annexation being fully described in the Exhibit “A” of attached ordinance hereto and made a part of for all purposes of voluntary annexation procedures; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX01-2011-28)
- 2012-108 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant in Rosebud Addition, Phase 3, for the purpose of developing a new subdivision of single-family homes, including streets, within a residential district and providing for procedures established by the Texas Local Government Code and City ordinance; providing for conditions and exemptions; and setting an effective date and termination date (Case No. Res10-2011-34)
- 2012-109 Consider and act upon a resolution in support of a tax abatement for Ash Grove L.P. for planned plants improvements in support of retaining jobs and protecting business investments in the City of Midlothian, Texas (Case No. Res10-2011-34)
- 2012-110 Consider and act upon the adoption of the 2009 International Property Maintenance Code (“IPMC”) and amendments
- 2012-111 Consider and act upon a purchase agreement with Watch Guard Digital In-Car Video for 11 complete audio/video systems for Midlothian patrol fleet and 15 CopVu cameras which are worn individually by officers to supplement audio and video outside the view of fixed camera systems inside MPD patrol vehicles
- 2012-112 Consider and act upon the Restated Certificate of Formation of the Corporation for Economic Development of Midlothian(CEDM)
- 2012-113 Consider and act upon the amended Bylaws of the Corporation for Economic Development (CEDM)
- 2012-114 Receive report from the Corporation for Economic Development (CEDM) regarding the Executive Director search and selection process

### **EXECUTIVE SESSION**

*Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).*

1. Section 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
3. Section 551.087 Deliberation regarding economic development negotiations
4. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment or duties of an Economic Development Executive Director for the City of Midlothian
5. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects

6. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
7. Section 551.071 Legal: Consultation with attorney regarding contemplated litigation (construction contract)
8. Section 551.071 Legal: Consultation with attorney regarding contemplated litigation (real estate transaction)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

### REGULAR AGENDA

- 2012-115 Action resulting from Executive Session, Item #1: Randall Denton, et al
- 2012-116 Action resulting from Executive Session, Item #2: Texas Central Business Lines
- 2012-117 Action resulting from Executive Session, Item #3: Economic Development
- 2012-118 Action resulting from Executive Session, Item #4: Personnel – Economic Development Executive Director
- 2012-119 Action resulting from Executive Session, Item #5: Real Estate
- 2012-120 Action resulting from Executive Session, Item #6: Real Estate
- 2012-121 Action resulting from Executive Session, Item #7: Contemplated litigation (construction)
- 2012-122 Action resulting from Executive Session, Item #8: Contemplated litigation (real estate)
- 2012-123 Action resulting from Executive Session related to Section 551.071(2)
- 2012-124 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 23<sup>rd</sup> day of March, 2012 at or before 5:00 p.m.

  
Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.  
Requests for reasonable accommodations must be made 48 hours prior to this meeting.  
Please contact the City Secretary at 775-3481 for further information.**



## AGENDA ITEM 2012-100

**AGENDA CAPTION:**

Consider and act upon minutes from City Council meeting of March 13, 2012

**ITEM SUMMARY/BACKGROUND:**

Minutes from the March 13 Council meeting are submitted for approval or correction.

**SPECIAL CONSIDERATION:**

N/A

**FINANCIAL IMPACT/FUNDING SOURCE:**

N/A

**ATTACHMENTS:**

1. Minutes from Regular Council meeting of March 13, 2012

**ALTERNATIVES:**

Approve or correct

**RECOMMENDATION:**

Approve as submitted

**SUBMITTED AND TO BE PRESENTED BY:**

Lou Jameson, City Secretary, for the March 27, 2012 City Council Meeting

*Lou Jameson*  
\_\_\_\_\_  
City Secretary

**REVIEWED BY:**

*Tammy Varner*  
\_\_\_\_\_  
Tammy Varner, Deputy City Secretary

**APPROVED BY:**

*Don Hastings*  
\_\_\_\_\_  
Don Hastings, City Manager

**MINUTES  
REGULAR COUNCIL MEETING  
MARCH 13, 2012**

The City Council of the City of Midlothian convened in a Regular Meeting in the Council Chambers of City Hall, 104 West Avenue E, with the meeting open to the public and notice of said meeting posted as prescribed by VTCA, Government Code, Chapter 551, with the following members present to-wit:

Bill Houston	§	Mayor
Wayne Sibley	§	Councilmember Place 1
Mike Rodgers	§	Councilmember Place 2
Jason Kyle	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
Hank Miller	§	Councilmember Place 5
Steve Massey	§	Councilmember Place 6

**REGULAR AGENDA – 6:00 P.M.**

Mayor Houston called the meeting to order at 6:00 p.m. with notice of the meeting duly posted and the full Council present. Councilmember Sibley gave the invocation and led in the pledges.

**2012-79 ANNOUNCEMENTS/PRESENTATIONS**

**a. Community Affairs calendar**

March 22 – MISD Health Fair; March 24 – Experience Midlothian Expo; March 31 – annual Easter Egg Hunt; April 14 – Spring Clean-Up Day

**b. Draw for order of candidate names on May 12 City Council election ballot**

Place 5 – T.J. Henley (unopposed); Place 6 – Randall D. “Randy” Smith, Theodore “Ted” Miller, Marty Giesecke

**c. Presentation of DeMolay proclamation**

Mayor pro tem Frizzell presented a Proclamation recognizing the character building organization.

**d. Administrative announcements related to personnel**

None were received.

**CONSENT AGENDA**

**2012-80 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF FEBRUARY 28, 2012**

**2012-81 CONSIDER AND ACT UPON A RESOLUTION REQUESTING THAT THE TEXAS DEPARTMENT OF TRANSPORTATION DECLARE PROPERTY LOCATED OUT OF THE JOHN CHAMBLEE SURVEY, ABSTRACT 192, ELLIS COUNTY, TEXAS, BEING A PORTION OF OLD U.S. HIGHWAY 287, MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A” AND SHOWN IN EXHIBIT “B”, AS SURPLUS AND EXECUTE A QUITCLAIM DEED TO THE CITY OF MIDLOTHIAN; AND PROVIDING FOR AN EFFECTIVE DATE**

Item 2012-81 was moved to the Regular Agenda at the request of Councilmember Miller.

Mayor pro tem Frizzell moved to approve the amended Consent Agenda. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

**REGULAR AGENDA**

**2012-81 CONSIDER AND ACT UPON A RESOLUTION REQUESTING THAT THE TEXAS DEPARTMENT OF TRANSPORTATION DECLARE PROPERTY LOCATED OUT OF THE JOHN CHAMBLEE SURVEY, ABSTRACT 192, ELLIS COUNTY, TEXAS, BEING A PORTION OF OLD U.S. HIGHWAY 287, MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A” AND SHOWN IN EXHIBIT “B”,**

**2012-81 AS SURPLUS AND EXECUTE A QUITCLAIM DEED TO THE CITY OF (cont’d) MIDLOTHIAN; AND PROVIDING FOR AN EFFECTIVE DATE**

Mike Adams responded to questions regarding updated property ownership.

Councilmember Kyle moved to approve Item 2012-81 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

## PUBLIC HEARINGS

**2012-82 CONTINUING A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO REZONE 114 SOUTH 5<sup>TH</sup> STREET (ORIGINAL TOWN LOT 7 AND PART OF LOT 8, BLOCK 29) FROM ITS CURRENT RESIDENTIAL THREE (R3) DISTRICT TO A PROPOSED URBAN VILLAGE PLANNED DEVELOPMENT (UVPD) DISTRICT FOR PROFESSIONAL OFFICE USES. PROPERTY CONTAINS ± 0.29757 ACRES AND IS LOCATED EAST OF SOUTH 5<sup>TH</sup> STREET AND ± 122 FEET SOUTH OF WEST MAIN STREET, IN THE CITY OF MIDLOTHIAN, TEXAS. (CASE NO. Z01-2011-10)**

Mayor Houston opened the Public Hearing and Mr. Garfield presented the request unanimously recommended for approval by P&Z on March 6, subject to nine conditions.

Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0). Councilmember Kyle moved to approve Item 2012-82 subject to the conditions recommended by P&Z and staff. Motion was seconded by Councilmember Sibley and carried by a vote of 5-2 with Councilmembers Rodgers and Miller opposed.

## REGULAR AGENDA

### **2012-83 CITIZENS TO BE HEARD**

Randall Pittman, 430 Brandi Ridge, and Michael Taylor, 4633 Hunter Ridge, expressed concern regarding RV parking restrictions in their neighborhood and requested amendments to allow RV parking on large lots. Council directed the City Manager to contact the residents to discuss the issue.

**2012-84 CONSIDER AND ACT UPON AN INTERLOCAL AGREEMENT WITH THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT (“MISD”) FOR THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS AND FACILITIES FOR MISD’S PROPERTY LOCATED AT THE INTERSECTION OF FM 1387 AND WALNUT GROVE ROAD, KNOWN AS “HIGH SCHOOL NO. 2 PROPERTY”**

Mike Adams presented the agreement to be cost shared at a rate of 63% for MISD and 37% for the City, and with TxDOT absorbing fee costs.

Councilmember Sibley moved to approve Item 2012-84 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

**2012-85 CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PLACEMENT OF MAILBOX ASSEMBLIES WITHIN PUBLIC RIGHTS-OF-WAY IN THE CITY OF MIDLOTHIAN, ATTACHED HERETO AS EXHIBIT “A”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY THAT ANY VIOLATION OF THE TERMS OF THIS ORDINANCE IS DECLARED TO BE A MISDEMEANOR, AND ANY PERSON FOUND TO BE GUILTY THEREOF SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000), AND EACH DAY THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; AND PROVIDING AN EFFECTIVE DATE**

Mike Adams presented the request continued from February 28<sup>th</sup> and reviewed changes directed by Council at that meeting.

Councilmember Sibley moved to approve Item 2012-85 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

**2012-86 CONSIDER AND ACT UPON A RESOLUTION TO APPROVE THE CITY OF MIDLOTHIAN AND THE ECONOMIC DEVELOPMENT OF MIDLOTHIAN (CEDM), COMMERCIAL/RETAIL AREA INFRASTRUCTURE INVESTMENTS STRATEGIES PROGRAM (CASE # RES07-2011-23)**

Mr. Garfield presented the two-year trial program to incentivize commercial and retail development during the current economic recession, and with costs to be shared between the City, CEDM and developer/landowner.

Councilmember Kyle moved to approve Item 2012-86 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

**2012-87 CONSIDER AND ACT UPON A COMPREHENSIVE COMPENSATION AND BENEFITS STUDY TO BE PERFORMED BY RAY & ASSOCIATES**

Katherine Ray presented a project overview and described elements of the survey and study.

Councilmember Sibley moved to approve Item 2012-87 with Burleson, Wylie, Waxahachie, DeSoto, Duncanville, Red Oak, Mansfield, Cedar Hill, Lancaster, Grand Prairie, Cleburne, and Mesquite to be used as benchmark survey cities and with salary lead/lag objectives to be decided at the conclusion of the study. Motion was seconded by Mayor Houston and carried by a vote of 6-1 with Councilmember Miller opposed.

*Council moved to Executive Session at 8:44 p.m. for the purpose of discussing Items 3, 5, 6, 7, and 8, with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Miller, Massey; City Manager, and City Attorney*

**EXECUTIVE SESSION**

1. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CITY OF MIDLOTHIAN V. RANDALL DENTON, MIDTEXAS INTERNATIONAL CENTER, INC., TEXAS PROPERTIES TRUST AND TRADE ZONE OPERATIONS, INC.
2. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES CORPORATION V. CITY OF MIDLOTHIAN
3. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
4. SECTION 551.074 PERSONNEL MATTERS: (A)(1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT OR DUTIES OF AN ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR FOR THE CITY OF MIDLOTHIAN
5. SECTION 551.074 PERSONNEL MATTERS: (A)(1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT OR DUTIES OF A CITY SECRETARY FOR THE CITY OF MIDLOTHIAN
6. SECTION 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS
7. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY
8. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION (CONSTRUCTION CONTRACT)
9. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION (REAL ESTATE TRANSACTION)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

*Council reconvened in Regular Session at 10:41 p.m. with no action taken in Executive Session.*

## REGULAR AGENDA

**2012-88 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: RANDALL DENTON, ET AL**

The Item was not discussed in Executive Session nor was action taken.

**2012-89 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: TEXAS CENTRAL BUSINESS LINES**

The Item was not discussed in Executive Session nor was action taken.

**2012-90 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT**

Participating in discussion was Kevin Blankenship, Sharon Welhouse, and Chris Dick. No action was taken following Executive Session.

**2012-91 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: PERSONNEL – ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR**

The Item was not discussed in Executive Session nor was action taken.

**2012-92 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: PERSONNEL – CITY SECRETARY**

Mayor pro tem Frizzell moved to appoint Tammy Varner as *City Secretary in Transition*, with a 10% increase in salary effective immediately, and further, to appoint Tammy Varner as City Secretary effective August 1, with a related salary increase designated in the PARF to be submitted to Human Resources, said salary to become effective October 1. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0) with Councilmember Miller momentarily away from the dais.

**2012-93 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: REAL ESTATE**

Participating in discussion was the City Engineer and Planning Director. No action was taken following Executive Session.

**2012-94 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #7: REAL ESTATE**

The Item was not discussed in Executive Session nor was action taken.

**2012-95 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #8: CONTEMPLATED LITIGATION (CONSTRUCTION)**

Participating in discussion was the City Engineer, Ben Wilson, and Ray Cason. No action was taken following Executive Session.

**2012-96 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #9: CONTEMPLATED LITIGATION (REAL ESTATE)**

The Item was not discussed in Executive Session nor was action taken.

**2012-97 ACTION RESULTING FROM EXECUTIVE SESSION RELATED TO SECTION 551.071(2)**

No additional Items were discussed in Executive Session nor was action taken.

**2012-98 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 10:45 p.m.

ATTEST:

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Bill Houston, Mayor

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Lou Jameson, City Secretary





## AGENDA ITEM 2012-101

**AGENDA CAPTION:**

Consider and act upon a resolution to authorize a Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association to be held June 2, 2012 through October 20, 2012, on alternate Saturdays, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES06-2011-22)

**ITEM SUMMARY/BACKGROUND:**

This will be the fourth year for the Midlothian Downtown Business Association to host the Downtown Farmers Market; attendance last year was higher than expected with a wide variety of local vendors. This event encourages citizens to buy local and brings patrons to the surrounding downtown business.

The Midlothian Downtown Business Association, Inc. is requesting authorization to host the Downtown Farmers Market to be held on alternate Saturdays, from 8:00 a.m. to 1:00 p.m., beginning June 2, 2012 through October 20, 2012. The market will be held in Heritage Park and Back Alley Plaza (green space). Due to the nature and location of the Farmers Market, the Midlothian Downtown Business Association has requested the City to waive proof of insurance.

**ATTACHMENTS:**

1. Proposed resolution for adoption

**ALTERNATIVES:**

Approve or Deny

**STAFF COMMENTS:**

Staff supports the attached resolution authorizing the Downtown Farmers Market as presented.

**REVIEWED AND PRESENTED BY:** John Garfield, Director of Planning  
For the March 27, 2012 Council Meeting

  
John A. Garfield, AICP  
Director of Planning

**REVIEWED BY:**

  
Tammy Varner, Deputy City Secretary

**APPROVED BY:**

  
Don Hastings, City Manager

## RESOLUTION 2012-

A resolution authorizing a Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association to be held June 2, 2012 through October 20, 2012; the market will take place on alternate Saturdays, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES06-2011-22)

WHEREAS, Section 4.4 of the Zoning Ordinance of the City of Midlothian requires that a special event will be allowed only by a resolution of the City Council; and

WHEREAS, a farmers market is an open-air marketplace for farm products and the Midlothian Farmers Market will provide a place for local growers to sell their goods directly to consumers, to educate consumers about local farming and seasonal eating, to encourage and promote the use of locally grown farm products and to enhance quality of life in Midlothian by providing a community activity that fosters social gathering and interaction, and

WHEREAS, the Midlothian Farmers Market is an open-air curbside market featuring local farmers and producers. Products offered include fresh fruits, vegetables, plants, herbs, flowers, honey, baked goods, legumes, pickled items, jams and jellies, art, and crafts, and

WHEREAS, the Midlothian Farmers Market vendors are subject to environmental, health, and any State and Local licensing, and vendors must also adhere to the Midlothian Farmers Market Vendor Packet and Application provided by the Midlothian Downtown Business Association which includes a vendor agreement stating the Vendor agrees to hold harmless the City of Midlothian and the Midlothian Downtown Business Association for any or all claims arising from or related to their booth, products, and activities, and

WHEREAS, the Midlothian Downtown Business Association shall provide information as required by the City; and comply with any and all public safety directives issued by the City Fire, Police or Building Inspection Departments; and

WHEREAS, the Midlothian Farmers Market will be held in the City of Midlothian Heritage Park and Back Alley Plaza (green space); and

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

The City Manager or his designee is hereby authorized to allow the Midlothian Downtown Business Association to host a Downtown Farmers Market on alternate Saturdays, beginning Saturday, June 2, 2012 through October 20, 2012, from 8:00 a.m. to 1:00 p.m. in the City of Midlothian Heritage Park and Back Alley Plaza (green space), on the condition that the Midlothian Downtown Business Association satisfy the above conditions and all life-safety permit requirements, following this City Council approval.

READ, PASSED, AND, APPROVED this 27th day of March, 2012.

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Bill Houston, Mayor

ATTEST:

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Lou Jameson, City Secretary