



STAFF REPORT

MEETING DATE: October 1, 2024

TITLE:

Consider and act on Resolution No. R-2024-115, Approving and authorizing the execution of a renewal of the Property Use License Agreement between the City of Bastrop and the 1832 Farmer's Market, located at 1302 Chestnut Street, Bastrop, Texas; providing for finding of facts; providing for severability; providing an effective date; and providing for proper notice and meeting.

STAFF REPRESENTATIVE:

Vivianna Nicole Andres, Assistant to the City Manager

BACKGROUND/HISTORY:

In 2008 the City of Bastrop entered into a month-to-month lease agreement with the Bastrop 1832 Farmers Market.

Then, in 2016, the City Council approved a transition from a month-to-month lease to a six-month lease, part of the agreement required the 1832 Farmers Market to collaborate with the Main Street Director to create a business plan to help the market flourish.

After meeting the requirements of the lease agreement that was approved in 2016, the City Council approved a Property Use Agreement between the 1832 Farmers Market and the City of Bastrop in 2017.

The Property Use Agreement that was approved in 2017 is the current agreement under which the 1832 Farmers Market has been operating. Key points of the agreement are as follows:

1. Defined the use of the lot by the 1832 Farmers Market on Saturday's and Tuesday's and on Special Holiday Markets and Special Events as permitted by the Main Street Director
2. The 1832 Farmers Market is not an exclusive user of the lot
 - a. The intent of this term in the agreement was to encourage the space to become a community hub for other entities when not in use by the 1832 Farmers Market
3. It transferred the utility payments and maintenance responsibilities to the City in exchange for a monthly lease payment of \$300 per month

Staff is seeking to update the terms of the Property Use Agreement at this time to further clarify the following items:

1. The Agreement is for an initial 1 year, with up to 5 automatic extensions (i.e., through Sept. 2030), unless earlier terminated.
 - a. In 5 years Staff will revisit the agreement with the 1832 Farmer's Market to update any terms as needed
2. The Nonprofit's payment for its use of the property increased from \$300/month to \$350/month.

3. The updated Agreement expressly clarifies that this Farmers Market agreement is a license agreement.
 - a. A license is most appropriate where the City is granting permission to another entity to use City-owned property for specific, limited purposes only at certain days or times, and that property remains available for other uses or users at other times.
4. Clarifications have been made to provisions relating to obtaining permissions for structures on the property, the use of the storage shed by the Nonprofit and other groups, and other minor revisions for clarity of the agreement's structure and terms.

The updated Property Use Agreement with the 1832 Farmers Market nonprofit allows the Farmers Market to continue its weekly Tuesday and Saturday markets (plus special holiday markets and other events) at the City's property at 1302 Chestnut and maintains the key terms of the agreement.

Finally, engaging with the leadership of the 1832 Farmers Market throughout this process has also proven to be highly beneficial in re-establishing the relationship between City Staff and the 1832 Farmers Market. Because of the level of interaction required to update the Property Use Agreement, many meaningful connections have been made between Staff and the Farmers Market, allowing Staff to place the priority of excellence in customer service at the forefront of this process.

POLICY EXPLANATION:

The revised Property Use Agreement requires approval from the City Council by Resolution.

FISCAL IMPACT:

The revised property use agreement will increase the monthly payment from the 1832 Farmers Market from \$300 per month to \$350 per month.

RECOMMENDATION:

Take action on Resolution No. R-2024-115, Approving and authorizing the execution of a renewal of the Property Use License Agreement between the City of Bastrop and the 1832 Farmer's Market, located at 1302 Chestnut Street, Bastrop, Texas; providing for finding of facts; providing for severability; providing an effective date; and providing for proper notice and meeting.

ATTACHMENTS:

- Resolution No. R-2024-115
- Property Use Agreement
- Rules and Regulations Updated March 25, 2024
- Location Map