

**TOWN OF CUMBERLAND**

1  
2 **RESOLUTION:** **AUTHORIZING AND EMPOWERING MAYOR**  
3 **JEFFREY J. MUTTER TO ENTER INTO AN**  
4 **AGREEMENT WITH AGONZA ART FOR A MURAL**  
5 **AT DIAMOND HILL PARK IN AN AMOUNT NOT TO**  
6 **EXCEED FOURTEEN THOUSAND EIGHT HUNDRED**  
7 **AND TWENTY-FIVE DOLLARS (\$14,825.00).**  
8

9 **BE IT RESOLVED BY THE CUMBERLAND TOWN COUNCIL AS FOLLOWS:**

10  
11 **WHEREAS:** The Town of Cumberland is continuing work to revitalize Diamond Hill Park for a new  
12 generation of park users and their families; and  
13

14 **WHEREAS:** One way the Town is seeking to make improvements at the park is the installation of  
15 public art at the amphitheater; and

16 **WHEREAS:** Public art adds enormous value to the cultural, aesthetic, and economic vitality of a  
17 community.

18 **WHEREAS:** Agonza has considerable experience in creating large scale public art murals  
19 throughout Rhode Island with clients including: the City of Providence, the University of Rhode  
20 Island, Providence Housing Authority, and Tufts Health; and

21 **WHEREAS:** Agonza was also the artist who created the largest mural in Rhode Island which is at  
22 the Garrahy Family Courthouse in Providence; and

23 **WHEREAS:** After visiting the park, Agonza has created a design for Diamond Hill Park entitled  
24 "Hands at Nature," which reflects the interconnectedness of the community, the park, and nature; and

25 **WHEREAS:** Throughout the art installation process, Agonza will utilize local, Cumberland High  
26 School art students as assistants on the project so they can learn about the installation of large-scale  
27 public art; and

28 **WHEREAS:** This agreement can be executed subject to the provisions of Section 2-156(5) and 2-  
29 156(8) sole source purchasing for artistic services and for works of art for public display; and

30 **WHEREAS:** The total cost of Agonza's work is not to exceed fourteen thousand eight hundred and  
31 twenty-five dollars (\$14,825).

32 **NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND TOWN COUNCIL OF**  
33 **CUMBERLAND, RHODE ISLAND AS FOLLOWS:**  
34

35 **SECTION 1:** Mayor Jeffrey J. Mutter is authorized to enter into an agreement with Agonza Art  
36 for a mural at Diamond Hill Park in an amount not to exceed fourteen thousand eight hundred  
37 and twenty-five dollars (\$14,825).  
38

39 **SECTION 2:** This resolution shall become effective immediately upon passage.

**R-23-33**

**TOWN OF CUMBERLAND**

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DATE ADOPTED: April 19, 2023

A TRUE COPY, ATTEST:

  
Sandra M. Giovanelli, Town Clerk

SFK: 4/14/23

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Sandra M. Giovanelli, Town Clerk

48

49 SFK: 4/14/23

**§ 2-156. Sole source purchasing.<sup>1</sup> [Added 9-4-2019 by Ord. No. 19-23A]**

- (a) In accordance with Section 906(c) and R.I.G.L. § 45-55-8, a contract may be awarded for a supply, service, or construction item without competition when there is only one source for the required supply or service. The Purchasing Agent must determine, in writing, that the purchase will meet the provisions of this section and shall be approved by the Town Council by resolution.
- (b) Competitive bidding shall not be required:
  - (1) For contractual services where no competition exists, such as sewage treatment, waste disposal, electricity, water and other public utility services;
  - (2) When instructional materials are available from only one source;
  - (3) Where rates are fixed by law or ordinance;
  - (4) For library books;
  - (5) For artistic services;
  - (6) For commodities, equipment, and services, which, in the reasonable discretion of the Purchasing Agent, are available from only one source;
  - (7) For interests in real property;
  - (8) For works of art for public display;
  - (9) For published books, maps, periodicals, newspaper or journal subscriptions, and technical pamphlets;
  - (10) For licenses for use of proprietary or patented systems; and
  - (11) For services of visiting speakers, performing artists, and expert witnesses.

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1. Editor's Note: Former § 2-156, which pertained to contracts for professional services, derived from an ordinance adopted 3-18-1982, was repealed 5-12-1998 by Ord. No. 98-8.

Diamond Mill Park - Cumberland, TN

## Design Concept

**Design Title:** Hands at Nature

**Fabrication Hours:** 160 - 210 hours

**Fabrication Dates:** May 2023 – June 2023

**Budget:** \$14,825.00. (Itemize budget upon request)

**Description:** The design inspiration for this particular design was the nurturing that occurs between human hands and nature. I designed a butterfly delicately laying in my hands. It is the feeling of how delicate we need to treat nature.



**Town of Cumberland**  
**Fiscal Note (R-23-33)**

**Proponent:** Mayor's Office

**Date:** 04/14/2023

**Description of Ordinance, Rule, or Resolution:**

Authorizing and empowering Mayor Jeffrey J. Mutter to enter into an agreement with Agonza Art for a mural at Diamond Hill Park in an amount not to exceed fourteen thousand eight hundred and twenty-five dollars (\$14,825).

**Cost(s) of:** The cost of this resolution will not exceed \$14,825 as noted above.

**Are said Costs/Revenue budgeted? If so, describe. If not, where shall the appropriation originate?**

The costs associated with this resolution will be paid from the Diamond Hill Park Improvement Fund (323) which has a current unexpended balance of \$896,488.

**Effect on the Tax Rate of the Town:**

There shall be no further effect on the tax rate.

**Source(s) of Data:** Mayor's Office

**Proponent Signature:** \_\_\_\_\_

Jeffrey J. Mutter  
Mayor  
April 14, 2023



Town of Cumberland Routing Sheet for Legislation to Appear Before the Cumberland Town Council

Ordinance Resolution X Resolution R-23-33 Relating to AUTHORIZING AND EMPOWERING MAYOR JEFFREY J. MUTTER TO ENTER INTO AN AGREEMENT WITH AGONZA ART FOR A MURAL AT DIAMOND HILL PARK IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND EIGHT HUNDRED AND TWENTY-FIVE DOLLARS (\$14,825.00).

(1) This legislation has been approved, and the language is acceptable for publication, by Kelley Morris Salvatore, Town Solicitor

Signed: [Signature] Date and Time: 4/14/2023

(2) This legislation and all attached information, specifically all proposed funding sources, has been approved by [Signature] of the Town Finance Department, certifying that all financial notes and other financial documentation has been attached.

Check if no Fiscal Note is required.

Signed: Date and Time:

(3) This legislation has been approved by Jeff Mutter of the Mayor's Office.

Signed: [Signature] Date and Time: 4/17/2023 @ 4:26pm

(4) This legislation has been accepted for placement on the Town Council Agenda for the meeting to be held on April 19, 2023 by [Signature] of the Town Clerk's Office. This authorization confirms that all four copies of the necessary document, including a copy in an electronic format, has been attached and signed by the designated department and has been received prior to the designated 3:30 p.m. deadline.

The Town Clerk's Office will issue a Legislation number.

Signed: [Signature] Date and Time: 4/17/23 @ 4:30pm

This routing sheet must be completed in the order detailed above to ensure complete and timely acceptance for the next scheduled Town Council Meeting.

\*Should a given piece of legislation prove to be extremely time sensitive, the Mayor's signature and only the Mayor's signature below authorizes said legislation to be exempt from the necessary route described above.

Jeffrey J. Mutter, Mayor