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**TO:** Fruita City Council and Mayor

**FROM:** Parks and Recreation Department

**DATE:** November 21, 2023

**AGENDA TEXT:** RESOLUTION 2023-33 – A request to approve Resolution 2023-33 authorizing the City Manager to sign a multiyear Professional Services Agreement between the City of Fruita and Rhema Music and Clothing (Councilor Williams) for Concert Production Services and provide public disclosure of the award

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### BACKGROUND

The purpose of this agenda item is to provide is to authorize the City Manager to sign a multi-year Professional Services Agreement for Concert Production Services for Fruita events, and also provide public disclosure of an award for the services. In October through November, the City of Fruita's Parks and Recreation Department issued a Request for Qualifications ("RFQ") for concert production services. One submission was received, and that was from Rhema Music and Clothing, which is owned and operated by Councilor Williams. Public disclosure is hereby provided of the award as required by Section 2.70.070 of the Fruita Municipal Code (see below) and the term of this contract is for 2024 and 2025. These services provide a turn-key operation for music at the Mike the Headless Chicken Festival and Thursday Night Concerts. The selected company is to provide everything that is needed from lighting and sound, booking the bands, fulfilling the rider and providing lodging.

The final budget for concert production services is determined based on fund raising efforts and the approved budget. This amount has been approximately \$25,000 in the past. Pursuant to the proposal submitted by Rhema Music and Clothing, CO, allocation of the final approved amount is as follows:

- 50% - 65% for talent,
- 25% - 30% for production, equipment, hospitality
- 10% -15% for booking and administration costs

Councilor Williams is not allowed to participate in this discussion.

The agreement allows for up to two one-year renewal options, maintains the City owns all work product, allows for termination, and covers all other areas of insurance and other contract requirements of the City.

**2.70.070 VOLUNTARY DISCLOSURE.** A member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses, a City official, or an employee may, prior to acting in a manner which may impinge on their fiduciary duty and the public trust, disclose the nature of their private interest. Such disclosure shall be

made in writing to the City Manager and City Attorney, listing the amount of their financial interest, if any, the purpose and duration of their services rendered, if any, and the compensation received for the services or such other information as is necessary to describe their interest. If the Board member, City official, or employee then performs the official act involved, they shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

### **FISCAL IMPACT**

This fiscal impact of this agreement is limited to the approved budget by the City Council for both 2024 and 2025, and staff does not anticipate any additional fiscal impact by awarding this contract.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

This professional services agreement will assist in concert promotion in an effective and efficient manner and will have a direct impact on the Quality of Place, Economic Health, and Lifestyle of the community of Fruita.

### **OPTIONS AVAILABLE TO THE COUNCIL**

1. Approve the attached professional services agreement with Rhema Music and Clothing, CO, and authorize the City Manager to sign the agreement.
2. Advise staff to amend or change the attached professional services agreement with Rhema Music and Clothing, CO.

### **RECOMMENDATION**

Staff recommends:

- **APPROVE RESOLUTION 2023-33 AUTHORIZING THE CITY MANAGER TO SIGN A MULTIYEAR PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FRUITA AND RHEMA MUSIC AND CLOTHING (COUNCILOR WILLIAMS) FOR CONCERT PRODUCTION SERVICES AND PROVIDE PUBLIC DISCLOSURE OF THE AWARD**