

## **RESOLUTION NO. 43-13**

### **A RESOLUTION CONCERNING FUNDING FOR THE AVALON THEATRE RENOVATION PROJECT**

#### **RECITALS:**

On June 20, 2012 the City Council approved Resolution No. 27-12. That Resolution, a copy of which is attached and incorporated by this reference as if it is fully set forth, committed on certain conditions three million (\$3,000,000.00) dollars to the renovation of the Avalon Theatre.

Subsequent to the adoption of Resolution No. 27-12 the membership of the City Council changed. Consistent with the Council's legal and ethical obligations to be responsible stewards of the public's funds it reconsidered the Avalon project in general and the commitment made by Resolution No. 27-12 in particular. On June 5, 2013 the City Council suspended Resolution No. 27-12.

After receiving significant public comment and engaging in its own thorough analysis, the City Council has determined that it will honor the commitment made by Resolution No. 27-12 and furthermore, to avoid inflationary increases and impart certainty to the project, direct that the renovation project proceed apace.

NOW, THEREFORE, BE IT AGREED AND RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT THE CITY AFFIRM ITS COMMITMENT TO FUNDING THE AVALON RENOVATION IN ACCORDANCE WITH RESOLUTION NO. 27-12, THE FOREGOING RECITALS AND THE DIRECTION TO THE CITY MANAGER SET FORTH HEREIN ALL OF WHICH SHALL SERVE TO AMEND RESOLUTION NO. 27-12 AND GIVE IT FULL LEGAL EFFECT:

- 1) By this Resolution the suspension of Resolution No. 27-12 on June 5, 2013 shall be deemed vacated and of no further effect. Resolution No. 27-12 is hereby reinstated as amended.
- 2) The City of Grand Junction, the Grand Junction Downtown Development Authority (DDA) and the Avalon Theatre Foundation Board (Foundation) have designated cash and/or financial pledges that will equal or exceed the cost of design, construction, construction oversight and administration and as such the condition of Resolution No. 27-12 regarding the raising and committing of funds for the renovation project (identified currently as "Option B") is and shall be deemed satisfied and/or waived;
- 3) Notwithstanding paragraph 2) above the City Council does authorize and direct the City Manager to secure and deposit in the accounts of the City the funds of and from the DDA, the Foundation, the donors and all others that have participated and/or promised to participate in the funding of the project;

- 4) The City Council acknowledges and agrees as the owner of the Avalon Theatre and the party that bears the legal responsibility for the same, that it will by contract be obligated to and be responsible for the entire cost of the renovation project.
- 5) Furthermore, in order to minimize the possibility of expenditure by the City of funds in excess of three million dollars (\$3,000,000.00) the City Council does authorize and direct the City Manager to pursue, solicit and appeal to any and all sources of funds, including but not limited to grants, gifts and bequests from the Colorado Department of Local Affairs, the Boettcher and Gates Foundations and any and all other philanthropic, altruistic and benevolent grant/funding agencies.
- 6) Pursuant to and in accordance with the foregoing, the City Council authorizes and directs the City Manager to negotiate and enter into contracts with FCI Constructors Inc., Chamberlin Architects and incidental service providers in an amount not to exceed seven million six hundred thousand dollars (\$7,600,000.00) for the renovation of the Avalon Theatre in a form the same or substantially similar to that now known as Option B.
- 7) Pursuant to and in accordance with the foregoing, the City Council authorizes and directs the City Manager to negotiate and enter into contracts with the DDA and the Foundation to secure no less than \$3,000,000 (three million dollars) from the DDA and an amount to be determined from the Foundation anticipated to be no less than one million one hundred thousand dollars (\$1,100,000.00.)
- 8) The City Council expresses its thanks to the DDA and the Foundation.
- 9) The City Council extends its sincere appreciation to all citizens that have participated in the deliberations of and/or otherwise been involved in this important community matter.

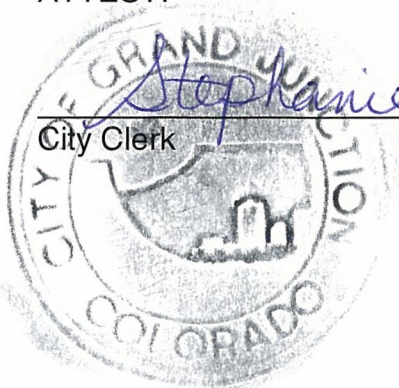
PASSED AND ADOPTED THIS 19<sup>th</sup> DAY OF JUNE, 2013.

*Sam Susuran*

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Mayor

ATTEST:

*Stephanie Tain*



## RESOLUTION NO. 27-12

### A RESOLUTION CONCERNING THE ALLOCATION OF FUNDING FOR THE AVALON THEATRE RENOVATION PROJECT

#### RECITALS:

In the mid 1970's the City Council established a Citizen's Task force to investigate and make recommendations about a performing arts center in Grand Junction. That committee determined that the rehabilitation of the Avalon Theatre (formerly the Cooper) had many community benefits. An initial assessment was performed but due to the economic collapse of the early 1980's the project was put on hold.

As the economy stabilized in the late 1980's the Avalon project was renewed; the building was found to be strong and goals were set to rehabilitate and reuse the building for performing arts. The effort was widely supported because it would strengthen downtown by adding activity and entertainment.

In 1994 the City acquired the Theatre.

In 1996 the original 1923 facade was restored and the building began to host performance arts and movies more regularly. Since that time some minor improvements have been accomplished; however, the vision of the Theatre being remodeled has been elusive.

Many well intentioned citizens, consultants and others groups including but not limited to the Avalon Foundation Board, the Cinema at the Avalon, the Avalon Theatre Advisory Board, the Downtown Development Authority and Westlake, Reed and Lefkosky offered advice, suggestions, plans and recommendations on how to achieve the goal. For a number of reasons, until very recently, the goal has been unattainable.

In 2010 the DDA, the Grand Junction Symphony Orchestra and the City entered into an agreement by which the Symphony would become the primary tenant of the Theatre. Included in that agreement were commitments for matching funds from the DDA and private fund raising commitments. That agreement has now been modified and due in large measure to the DDA's offer to fund rather than match contributions, there is a functional and functioning starting point for making the vision a reality.

In 2012 the Avalon Foundation Board and the DDA agreed to commission architectural services for the Theatre. That work resulted in programming two phases of a renovation project; a phase known as the "core facility" renovation and the "enhanced facility" or "buildout" renovation phase. The cost of the core facility is work is projected to be 6 million; the complete or enhanced renovation is estimated to be 14 million.

On June 18, 2012 the City Council and the DDA Board met in joint session. At that time the DDA restated its commitment to fund 3 million of the core facility renovation. The City Council indicated its support of the project and directed City staff to prepare a resolution for the Council to consider at its June 20, 2012 meeting.

NOW, THEREFORE, BE IT AGREED AND RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT THE CITY COMMIT FUNDING FOR 2013 IN ACCORDANCE WITH THE FOREGOING RECITALS AND THE FUNDING FORMULA SET FORTH HEREIN BELOW:

Grand Junction Downtown Development Authority \$3,000,000.00

City of Grand Junction \$3,000,000.00

Private fund raising, grants and philanthropy for the core renovation \$1,000,000.00

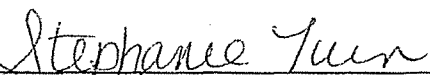
Private fund raising, grants and philanthropy for the enhanced renovation \$7,000,000.00

FURTHERMORE, be it resolved that the improvements not be contracted for unless and until all of the funds have been raised and committed to the core renovation project.

Adopted this 20<sup>th</sup> day of June, 2012.

  
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President of the Council

ATTEST:

  
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City Clerk