

## RESOLUTION NO. 04-14

### A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT ADJUSTMENTS CONCERNING COMPLETION OF THE AVALON THEATRE RENOVATION PROJECT

#### RECITALS:

On June 19, 2013 the City Council approved Resolution No. 43-13. That Resolution, a copy of which is attached as Exhibit "A" and incorporated by this reference as if it is fully set forth, authorized and directed 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 what is known as Option B, which was improvements to the auditorium and building the shell of the addition to the east of the auditorium.

Furthermore, as authorized and directed by the City Council, the City Manager appealed to various sources of funds, including but not limited the Colorado Department of Local Affairs (DOLA) for project funding. In December 2013 the Department of Local Affairs awarded the City \$1,000,000.00 for the Core project, which allows for the completion of most of the shelled-in addition; however, due to cost increases the DOLA grant does not pay for all of the work.

In addition to the award from DOLA, the Avalon Theatre Foundation Board has successfully raised, in cash, pledges and other commitments in excess of \$1,100,000.00. Those funds will be expended in support of completion of the project as well.

So that the Core project can be completed without additional delay and/or the cost increases attendant to phased construction, the City Council authorizes and directs the City Manager to enter into contract adjustments with FCI Constructors Inc., Chamberlin Architects/Westlake, Reed & Leskosky and all incidental service providers for a total amount not to exceed nine million six hundred fifty thousand dollars (\$9,650,000.00) for the completion of the renovation of the Avalon Theatre and the addition thereto in a form the same or substantially similar to that now known as the Core project.

The City Manager is additionally authorized and directed to expend 2014 budgeted contingency funds of \$469,067.00 in support of the contract changes and at a customary time and manner to bring a supplemental appropriation in the amount of \$843,012.00 to establish the contingency for the Core project. It is the hope and expectation of the City Council that additional grants, gifts, bequests, and/or revenue derived from the sale of naming rights will offset the need for/use of the supplemental appropriation but in the event that funds are not realized, the maximum obligation is hereby established and recognized.

The City Council expresses its thanks to the DDA, the Avalon Theatre Foundation, and the Colorado Department of Local Affairs for the generous contributions to the project.

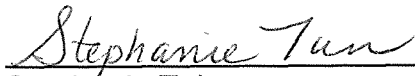
Furthermore, the City Council extends its sincere appreciation to all citizens that have participated in the deliberations of and about the project, contributed financially and/or otherwise been involved in this important community project.

PASSED AND ADOPTED this 5<sup>th</sup> day of March, 2014.

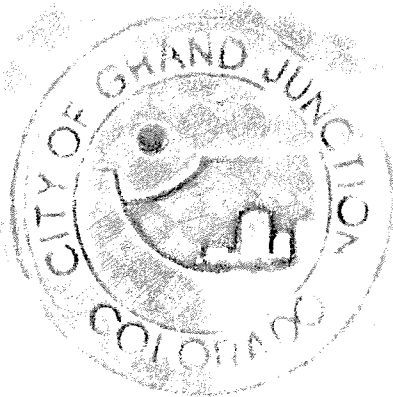


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Sam Susuras  
Mayor

ATTEST:



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Stephanie Tuin  
City Clerk



**Exhibit "A"**  
**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.

/S/: Sam Susuras  
Mayor

ATTEST:

/s/: Stephane Tuin  
City Clerk

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