

Buffalo Urban Development Corporation

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BUDC Downtown Committee Wednesday, February 21, 2024 City Hall – Room 901 12:00 Noon

Agenda

1. Approval of Minutes from November 15, 2023 *(Action)(Enclosure)*
2. Ralph Wilson Park – Ralph Wilson Foundation Grant Agreement #10 *(Recommendation)(Enclosure)*
3. Ralph Wilson Park - 9th Amendment to BUDC-COB-Wilson Foundation Subgrant Agreement *(Recommendation)(Enclosure)*
4. Ralph Wilson Park - BUDC Acceptance of Funds from City of Buffalo for Seawall Design *(Recommendation)(Enclosure)*
5. Ralph Wilson Park – MVVA Contract Amendment No. 13 *(Action)(Enclosure)*
6. Ralph Wilson Park - General Update *(Informational)*
7. Buffalo’s Race For Place – Downtown Waterfront Improvement Plan Project *(Informational)*
8. Buffalo’s Race For Place – General Update *(Informational)*
9. Partner Updates *(Informational)*
10. Adjournment *(Action)*

**Minutes of the Meeting
of the
Downtown Committee
of
Buffalo Urban Development Corporation**

**65 Niagara Square
901 City Hall
November 15, 2023
12:00 p.m.**

Committee Members Present:

Catherine Amdur
Daniel Castle
Nathan Marton
Brendan R. Mehaffy (Committee Chair)
Kimberley Minkel

Committee Members Absent:

Darby Fishkin
Dottie Gallagher
Darius G. Pridgen
Karen Utz

Officers Present:

Brandye Merriweather, President
Rebecca Gandour, Executive Vice President
Kevin J. Zanner, Secretary

Guests Present: Evan Allen, AmeriCorps; Katie Campos, Executive Director, Ralph Wilson Park Conservancy; Alexis M. Florczak, Hurwitz Fine P.C.; Jay Renkens, MIG (via Zoom); Angelo Rhodes II, BUDC Project Manager; Mike Schmand, Buffalo Place; and Abby Vincent, AmeriCorps.

Roll Call: The meeting was called to order at 12:07 p.m. A quorum of the Committee was not present. Agenda item 2 was presented first for informational purposes. Ms. Amdur joined the meeting during the presentation of agenda item 2, at which time a quorum was determined to be present.

- 1.0 **Approval of Minutes of the August 16, 2023 Meeting** – The minutes of the August 16, 2023 meeting of the Downtown Committee were presented. Ms. Amdur made a motion to approve the August 16, 2023 meeting minutes. The motion was seconded by Mr. Marton and unanimously carried (5-0-0).
- 2.0 **Buffalo’s Race for Place – Downtown Waterfront Improvement Plan Project Presentation by MIG Consulting** – Ms. Merriweather introduced Jay Renkens, MIG’s principal-in-charge, and she noted that a public engagement meeting will be held December 5th for the Smart Streets Design Plan and the Downtown Waterfront Improvement Plan. Mr. Renkens presented an overview of the draft Downtown Waterfront Improvement Plan report, including key findings and recommendations. Equity, experience, and identity are key values. Mr. Renkens outlined the four “Big Moves” in the draft report: connecting neighborhoods to Buffalo’s waterfront; enhancing wayfinding and providing a welcoming experience to the waterfront; integrating development along the Erie Street Greenway; and linking the waterfront to the Western New York region. The Committee discussed the draft report and thanked Mr. Renkens for his presentation.
- 3.0 **Ralph Wilson Park – Ralph Wilson Park Conservancy Update** – Ms. Campos provided an update regarding the Ralph Wilson Park Conservancy and introduced AmeriCorps volunteers, Abby Vincent and Evan Allen who are working with the Conservancy. Ms. Campos updated the Committee

regarding Park construction, noting that the shoreline work is progressing with creation of an armored slope and natural scalloped shoreline that will restore the Park's shoreline and enhance fish and wildlife habitats. Ms. Campos also reported on the Conservancy's community outreach and engagement efforts. This has included assisting the City of Buffalo with messaging construction progress to the community, which now includes the circulation of weekly construction updates with photos via email. The Conservancy has participated in several community events to further engage the community regarding efforts to create a safe, accessible and inclusive park. Ms. Campos also reported that the Conservancy will be hiring a Director of Park Operations, who will start in mid-January. The Committee thanked Ms. Campos for her report, with Mr. Mehaffy commending Ms. Campos for the Conservancy's community outreach efforts.

- 4.0 Ralph Wilson Park – General Update** – Ms. Gandour presented a general update regarding the Ralph Wilson Park project. BUDC has executed the 9th grant agreement with the Ralph C. Wilson, Jr. Foundation, which provides for grant funding in the amount of \$14.4 million dollars to be used towards Park construction. The execution of this grant agreement will allow BUDC to move forward with the 12th amendment to its agreement with MVVA and the 7th amendment to the subgrant agreement with the City of Buffalo. Ms. Gandour also reported that BUDC has submitted a capacity grant request to the Wilson Foundation, which is currently under review. An on-site team meeting with representatives from BUDC, Gardiner & Theobald and the Wilson Foundation will take place on November 16th.
- 5.0 Buffalo's Race for Place – General Update** – Ms. Merriweather presented an update regarding Buffalo's Race for Place. BUDC is working to schedule meetings regarding the implementation of the Downtown Waterfront Improvement Plan. BUDC is also working with UBRI regarding its state and regional economic development plan, which will highlight placemaking and smart growth as two of its goals. Ms. Merriweather reported that a kickoff meeting for Queen City Pop-Up and Downtown Dollars will take place Tuesday, November 21st with the City of Buffalo, Buffalo Place and other partners. Approximately 30-40 small businesses are expected to participate this year. The program is structured as a series of social media giveaways that will provide winners with shopping certificates to participating businesses. BUDC is working with Mayor Brown's communications team to highlight small businesses with a series of short videos regarding the revitalization of downtown Buffalo. BUDC is also partnering with the Michigan Street African American Heritage Corridor to host events in the future.
- 6.0 Partner Updates** – Mr. Schmand provided the Buffalo Place update. The annual tree lighting ceremony will take place December 9th at Rotary Rink. Depending on the weather, the ice rink is anticipated to open the Friday after Thanksgiving. The 2022 Main Street grants have been finalized. Nine participants are moving forward with the 2023 Main Street grants. The Cars Sharing Main Street project continues on the 400 block of Main Street. A series of surveys are being issued to downtown residents and workers to further downtown programming moving forward.
- 7.0 Adjournment** – There being no further business to come before the Downtown Committee, the November 15, 2023 meeting of the Downtown Committee was adjourned at 1:00 p.m.

Respectfully submitted,

Kevin J. Zanner
Secretary

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Item 2

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Rebecca Gandour, Executive Vice President

SUBJECT: Ralph C. Wilson, Jr. Centennial Park – Ralph C. Wilson, Jr. Foundation Grant Agreement #10

DATE: February 21, 2024

On October 31, 2023, the BUDC Board of Directors accepted grant funding from the Ralph C. Wilson, Jr. Foundation (the “Wilson Foundation”) in the amount of \$14,000,000 to support the Phase 1 construction of Ralph Wilson Park.

Following the acceptance of those funds, BUDC submitted its tenth grant proposal (R-2310-13771) to the Wilson Foundation, which is BUDC’s third capacity grant request. On February 1, 2024, BUDC received the proposed grant agreement in the amount of \$3,260,000 from the Wilson Foundation to further support the capacity of the Ralph Wilson Park project team through 2025 (“Grant Agreement 10”).

Funding will be allocated as follows under Grant Agreement 10:

- \$100,000 to support the salaries of the BUDC Executive Vice President and Project Manager.
- \$110,000 to support BUDC’s administration of the construction project.
- \$117,000 which will be transferred to the City of Buffalo via an amendment to the BUDC-City of Buffalo subgrant agreement to support the City Engineer position.
- \$764,000 to extend BUDC’s existing contract with Gardiner & Theobald for an additional twelve (12) months.

The remaining funding in an amount up to \$2,169,000 is allocated towards BUDC’s agreement with Michael Van Valkenburgh Associates (MVVA) to support construction administration and

quality control services of Phase 2 construction at Ralph Wilson Park. This funding from Grant Agreement 10 will satisfy a condition that was set forth in the 10th amendment to the BUDC-MVVA agreement, which required funding to be approved by the Wilson Foundation and accepted by BUDC prior to MVVA commencing any Phase 2 construction administration services under this amendment.

ACTION:

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors: (i) accept the \$3,260,000 grant award from the Wilson Foundation to support the capacity of the Ralph Wilson Park project team through the end of 2025 as outlined in this memorandum; and (iii) authorize the BUDC President or Executive Vice President to execute the grant agreement and undertake any other necessary or appropriate actions to implement this action.

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Item 3

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Rebecca Gandour, Executive Vice President

SUBJECT: Ralph C. Wilson, Jr. Centennial Park – Ninth Amendment to BUDC- City of Buffalo Wilson Foundation Subgrant Agreement

DATE: February 21, 2024

At its January 30, 2024 meeting, the BUDC Board of Directors approved the Eighth Amendment to the Ralph C. Wilson, Jr. Foundation Subgrant Agreement between BUDC and the City of Buffalo. This amendment facilitated the transfer of additional funds from the Ralph C. Wilson, Jr. Foundation (the “Wilson Foundation”) to support Phase 1 construction-related inspection work at Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”).

As the project team progresses with construction at Ralph Wilson Park, an additional amendment to the subgrant agreement is needed. The ninth amendment will allow for the transfer of up to \$117,000 from Wilson Foundation Grant 10 to support the City Engineer position through 2025. The ninth amendment will also transfer up to \$300,000 in funding awarded from the Community Foundation of Southeast Michigan and accepted by BUDC to support Phase 1A of construction at Ralph Wilson Park (the “Community Foundation Subgrant”). This funding to be transferred to the City from Wilson Grant 10 and the Community Foundation represents the maximum amount of grant funds to be transferred and may be less than this amount as determined by the project team.

ACTION:

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors: (i) approve the Ninth Amendment to the BUDC-City of Buffalo subgrant agreement allowing BUDC to transfer up to \$117,000 from Wilson Grant 10 to support the City of Buffalo City Engineer position, and up to \$300,000 from the Community Foundation of Southeast Michigan to support Phase 1A construction at Ralph Wilson Park; and (ii) authorize the BUDC President or Executive Vice President to execute the Ninth Amendment to the Subgrant Agreement and take such other actions as are necessary to implement this authorization.

Hon. Byron W. Brown, Chairman of the Board * Dennis Penman, Vice Chairman * Brandye Merriweather, President
Rebecca Gandour, Executive Vice President * Mollie Profic, Treasurer * Atiqa Abidi, Assistant Treasurer * Kevin J. Zanner, Secretary

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Item 4

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Rebecca Gandour, Executive Vice President

SUBJECT: BUDC Acceptance of Funds from City of Buffalo for Seawall Design

DATE: February 21, 2024

On December 8, 2023, the City of Buffalo was awarded \$360,000 through the New York State Division of Homeland Security and Emergency Services (DHSES), made available through the Federal Emergency Management Agency (FEMA) to complete shoreline resiliency work at Ralph Wilson Park. The approved scope of work under the DHSES grant primarily consists of design and permitting for Segment 3 of the seawall, which spans from the Blueway to Clearwell. The Segment 3 design work is considered the first phase of work, and FEMA will consider granting additional funding for future phases of shoreline resiliency work upon timely completion of Phase I. Given the urgency of the project’s construction timeline, it is critical to secure a design firm to initiate the Seawall design process.

As BUDC is currently managing the principal design contract for the Ralph Wilson Park project, the City of Buffalo has requested that BUDC hold the Seawall design contract. To facilitate this, BUDC and the City of Buffalo will enter into a subgrant agreement in order for the City to transfer up to \$360,000 to BUDC to contract with a design firm for the Segment 3 design and permitting work. BUDC has issued a request for proposals (RFP) for the design and permitting work, which will be brought to the Downtown Committee and Board of Directors at a later date.

The City of Buffalo Common Council approved acceptance of the DHSES grant funds at its January 9, 2024 meeting. The transfer of funds to BUDC is contingent on Common Council approval of the subgrant agreement with BUDC.

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BUDC has received the Master Contract for Grants between DHSES and the City of Buffalo, which includes the standard terms and conditions for the grant award. As a subrecipient of the grant funding, BUDC is required to comply with these terms, which include state and federal requirements. Some key features of this grant include:

- The Phase I design and permitting work must be completed by February 1, 2026.
- This is a reimbursement-based grant award; disbursement of grant funds will be made on a quarterly basis.
- The DHSES/FEMA award represents 90% of the total \$400,000 project cost. The remaining \$40,000 required for this work will come from a grant match from the Ralph C. Wilson, Jr. Foundation. Grant funds from Wilson Grant 5 (RG 2110 10958), previously accepted by the BUDC Board of Directors at its February 22, 2022 meeting, will be the matching funds source.
- BUDC will be subject to federal administrative, cost principles, and audit requirements and will be required to establish and maintain complete and accurate books and records.
- BUDC will be required to maintain adequate internal controls and adhere to GAAP requirements.
- Requirements relating to M/WBE, small business enterprises and labor surplus area requirements will apply to the project.
- Federal procurement standards will apply to the project.
- Certification of compliance with federal environmental laws will be required for the project.
- The submission of narrative/qualitative, progress and expenditure reports on a quarterly basis, and a final report to be submitted no later than 45 days after the end of the contract period.
- The requirement that the City of Buffalo take full responsibility for the acts and omissions of its subcontractors.
- Recapture of funds in the event the agreement is terminated for cause based on misuse or conversion of state or federal property.

ACTION

I am requesting that the Downtown Committee recommend to the Board of Directors to (i) approve entering into a subgrant agreement with the City of Buffalo which will allow the transfer of up to \$360,000 from the City of Buffalo's DHSES Grant to fund the design of the Seawall at Ralph Wilson Park; and (ii) authorize the BUDC President or Executive Vice President to execute the subgrant agreement and take such other actions as are necessary to implement this authorization.

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Item 5

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Rebecca Gandour, Executive Vice President

SUBJECT: Ralph C. Wilson, Jr. Centennial Park –MVVA Contract Amendment No. 13

DATE: February 21, 2024

On October 31, 2023, the BUDC Board of Directors approved the 12th amendment to the Master Service Agreement (the “MVVA Agreement”) with Michael Van Valkenburgh Associates (“MVVA”) for value engineering services for Phase 1A of construction at Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”).

Through the value engineering process, the construction team determined that approximately \$364,000 in savings could be achieved by implementing a bridge retaining wall system. An additional amendment to the MVVA Agreement is necessary in order for MVVA to redesign the retaining wall handrails and prepare new grading drawings for the bridge retaining wall. BUDC’s project manager, Gardiner, and Theobald (G&T) has reviewed MVVA’s proposal and recommends the redesign work at an additional cost up to \$17,000. This additional amendment will be funded through Ralph Wilson Grant 5 (RG-2110-10958), which was accepted by the BUDC Board of Directors at its February 22, 2022 meeting.

ACTION

I am requesting that BUDC Downtown Committee (i) approve the 13th amendment to the MVVA Agreement in an amount up to \$17,000 for the redesign of the retaining wall handrail and preparation of new grading drawings; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment to the MVVA Agreement and take such other actions as are necessary to implement this authorization.

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