

Buffalo Urban Development Corporation

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BUDC Downtown Committee Wednesday, May 15, 2024 City Hall – Room 901 12:00 Noon

Agenda

1. Approval of Minutes from March 20, 2024 (*Action*)(*Enclosure*)
2. Ralph Wilson Park - RCWJF Grant Agreement and Amendment to BUDC-COB- RCWJF Subgrant Agreement (*Action*)(*Enclosure*)
3. Ralph Wilson Park - Design Services and Permitting Procurement for Segment 3 of Seawall (*Action*)(*Enclosure*)
4. Buffalo's Race For Place - Downtown Waterfront Improvement Plan MIG Contract Extension (*Action*)(*Enclosure*)
5. Ralph Wilson Park - General Update (*Informational*)
6. Buffalo's Race For Place – General Update (*Informational*)
7. Partner Updates (*Informational*)
8. Adjournment (*Action*)

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

**65 Niagara Square
901 City Hall
March 20, 2024
12:00 p.m.**

Committee Members Present:

Catherine Amdur
Daniel Castle
Darby Fishkin
Nathan Marton
Brendan R. Mehaffy (Committee Chair)
Christopher P. Scanlon

Committee Members Absent:

Dottie Gallagher
Kimberley Minkel
Karen Utz

Officers Present:

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

Guests Present: Katie Campos, Executive Director, Ralph Wilson Park Conservancy; Debra Chernoff, Buffalo Place; Cristina Cordero, Gardiner & Theobald (via Zoom); Alexis M. Florczak, Hurwitz Fine P.C.; Antonio Parker, BUDC Project Manager; and JJ Tighe, Ralph C. Wilson, Jr. Foundation.

Roll Call: The meeting was called to order at 12:06 p.m. A quorum of the Committee was not present. Agenda item 5 was presented first for informational purposes. Mr. Marton and Mr. Scanlon joined the meeting during the presentation of agenda item 5, at which time a quorum of the Committee was determined to be present. Mr. Castle and Ms. Fishkin left the meeting during the presentation of agenda item 6.

- 1.0 Approval of Minutes of the November 15, 2023 Meeting** – The minutes of the November 15, 2023 meeting of the Downtown Committee were presented. Mr. Castle made a motion to approve the November 15, 2023 meeting minutes. The motion was seconded by Ms. Fishkin and unanimously carried (6-0-0).
- 2.0 Ralph Wilson Park – Modifications to 9th Amendment to BUDC-COB Wilson Subgrant Agreement** – Ms. Gandour presented her March 20, 2024 memorandum regarding modifications to the ninth amendment to the BUDC-City of Buffalo Wilson Foundation subgrant agreement. Following her presentation, Ms. Fishkin made a motion to recommend that the BUDC Board of Directors: (i) amend its authorization to allow for the use of Community Foundation of Southeast Michigan funding to support Phase 1B of construction at Ralph Wilson Park; (ii) modify the allocation of Wilson Grant #3 funding in the First Amendment to the Subgrant Agreement from \$975,148.00 to \$935,148.00; and (iii) authorize the BUDC President or Executive Vice President to execute the Ninth Amendment to the Subgrant Agreement, as modified, and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Marton and unanimously carried (6-0-0).

- 3.0 Ralph Wilson Park – Amendment to GLC Grant Agreement** – Ms. Gandour presented her March 20, 2024 memorandum regarding a proposed amendment to the GLC grant agreement. She noted that GLC is increasing the funding award to BUDC and that all other terms and conditions of the grant agreement will remain the same. Mr. Marton made a motion to recommend that the BUDC Board of Directors: (i) approve the amendment to the Grant Agreement with GLC awarding an additional \$819,933 to BUDC to support the Phase 1 construction of shoreline elements at Ralph Wilson Park; (ii) approve the first amendment to the BUDC-City of Buffalo GLC subgrant agreement allowing BUDC to transfer this additional funding for shoreline construction; and (iii) authorize the BUDC President or Executive Vice President to execute the amendment to the Grant Agreement and first amendment to the BUDC-City of Buffalo GLC subgrant agreement, and to take such other actions as are necessary or appropriate to implement this authorization. The motion was seconded by Ms. Amdur and unanimously carried (6-0-0).
- 4.0 Ralph Wilson Park – Gardiner & Theobald Contract Amendment #3** – Ms. Gandour presented her March 20, 2024 memorandum regarding the third amendment to the BUDC project manager agreement with Gardiner & Theobald. Following her presentation, Mr. Castle made a motion to recommend that the BUDC Board of Directors: (i) approve the third amendment to the agreement between BUDC and G&T to extend G&T’s project and cost management services for an additional twelve months at a cost of \$764,000; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment to the Agreement, and take such other actions as are necessary or appropriate to implement this authorization. The motion was seconded by Mr. Marton and unanimously carried (6-0-0).
- 5.0 Ralph Wilson Park – General Update** – Ms. Cordero provided an update regarding the Ralph Wilson Park project. She began with an overview of Park construction, noting that Phase 1A work was awarded in June 2023 and Phase 1B of construction is to be awarded in April-May 2024. Costs for Phases 1A and 1B of construction are fully funded. The award for Phase 2 of construction is targeted for the end of 2024. The cost of Phase 2 of construction has yet to be determined. Ms. Cordero and Ms. Merriweather then discussed funding commitments for the Park’s shoreline. Ms. Merriweather noted that the BUDC Board of Directors accepted funding from DHSES through the City of Buffalo to complete shoreline design work. The City of Buffalo will submit an additional funding application to DHSES for shoreline construction, following the completion of the design work. The City is also submitting a funding application to BRICK for the shoreline construction. Mr. Tighe noted that a funding gap presently exists for shoreline construction elements of the Park. Construction of the shoreline is to be completed before other Park construction, due to flooding risks. Ms. Campos noted that the re-opening of the Park will occur in phases while development of other Park elements continues and that the Conservancy has been submitting grant applications for additional Park development phases.
- 6.0 Buffalo’s Race for Place – Downtown Waterfront Improvement Plan Project Update** – Ms. Merriweather presented an update regarding the Downtown Waterfront Improvement Plan project. BUDC, the City of Buffalo, and MIG will have their final meeting on March 22nd in anticipation of the Plan rollout in April. One of the first deliverables in implementing the Plan will be the completion of Erie Street improvements from the I-190 to the Marina. Empire State Development has committed ten million dollars for these improvements, and additional funding will be needed. The project team will also review the implementation, community engagement plans, and funding aspects of a number of the Plan recommendations. Ms. Merriweather indicated that the Plan is intended to create a cohesive experience along the City’s waterfront for users and to support additional development.
- 7.0 Buffalo’s Race for Place – General Update** – Ms. Merriweather presented an update regarding Buffalo’s Race for Place. BUDC is working with the City of Buffalo on implementation strategies for the Downtown Waterfront Improvement and Smart Streets Design plans. It is anticipated that implementation of these plans will require the retention of a project management firm to oversee the implementation of these plans. Queen City Pop-Up has completed its Black History Month programming,

which supported over thirty Black-owned businesses through the Downtown Dollars sweepstakes, Black Business Expo, and lunch crawl and happy hour.

- 8.0 Partner Updates** – Ms. Chernoff provided an update regarding Buffalo Place. The Cars Sharing Main Street project continues, with design work to begin shortly. Two Main Street grants are being finalized. The Downtown Country Market Survey has been completed. Buffalo Place received good feedback from the survey with ideas on where to move the market during construction on Main Street. The survey also provided information regarding work patterns of individuals who commute downtown to work.
- 9.0 Adjournment** – There being no further business to come before the Downtown Committee, the March 20, 2024 meeting of the Downtown Committee was adjourned at 12:40 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. Foundation Grant Agreement and Amendment to BUDC - City of Buffalo Wilson Foundation Subgrant Agreement

DATE: May 15, 2024

On October 31, 2023, the BUDC Board of Directors accepted a \$14,000,000 grant from the Ralph C. Wilson, Jr. Foundation (the “Wilson Foundation”) to support Phase 1 construction at Ralph Wilson Park. As the Board may recall the first phase of construction was split into two sub phases, Phase 1A and 1B.

With Phase 1A construction progressing, Phase 1B is slated to start in spring of 2024. As the project team negotiated the second guaranteed maximum price package with the construction manager Gilbane, a funding gap was discovered in Phase 1B. This led to BUDC submitting its eleventh grant proposal (R-2402-14381) to the Wilson Foundation in April 2024, to fully fund Phase 1B construction. This phase encompasses landscaping, irrigation, road paving, curbs installation, parking lots, bollards, dugouts at baseball fields, fencing, railings, handrails, and park furnishing. On April 19, 2024, BUDC received notification of the grant’s approval from the Wilson Foundation.

The Grant Agreement included two conditions:

- Confirmation of \$1,500,000 application and approval from Buffalo Erie Greenway Funds in 2025 currently advanced by the City of Buffalo.
- Initiation of the process to name a trail within Ralph Wilson Park. This requires City of Buffalo Common Council approval. BUDC will include the condition in the sub-grant agreement with the City of Buffalo.

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Rebecca Gandour, Executive Vice President • Mollie Profic, Treasurer • Atiqah Abidi, Assistant Treasurer • Kevin J. Zanner, Secretary

As we accept this eleventh grant, it is necessary that BUDC enters into a tenth amendment to the BUDC and City of Buffalo subgrant agreement to allow for the transfer of this funding to the City of Buffalo to support Phase 1B construction at Ralph Wilson Park.

ACTION:

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors: (i) accept the \$6,000,000 grant award from the Wilson Foundation for construction of Phase 1B of Ralph Wilson Park; and (ii) approve a tenth amendment to the BUDC-City of Buffalo subgrant agreement allowing BUDC to transfer \$6,000,000 from Ralph Wilson Grant 11 to the City of Buffalo to fund construction of Phase 1B of Ralph Wilson Park. (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 – Design Services and Permitting Procurement for Segment 3 of Seawall

DATE: May 15, 2024

On February 21, 2023, the BUDC Board of Directors approved a subgrant agreement between the City of Buffalo and BUDC. This agreement enabled the City of Buffalo to transfer funding through a Division of Homeland Security and Emergency Services (DHESES) Grant to BUDC. The purpose of this funding was to procure a firm for the design and permitting of segment 3 (located along the shoreline in front of the Colonel Ward Pumping Station) of the seawall at Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”). Notably, this section represents the final portion of the shoreline requiring rehabilitation.

On February 16, 2024, BUDC issued a Request for Proposal (RFP) for Design Services and Permitting, which was advertised on the New York Contract Reporter and the BUDC website. On March 12, 2024, BUDC received proposals from three firms: LaBella Associates, Michael Van Valkenburgh & Associates (MVVA), and WSP. These proposals were thoroughly reviewed and evaluated by a selection committee comprised of representatives from BUDC, the City of Buffalo, and the Ralph Wilson Conservancy.

The evaluation criteria included:

- Responsiveness to RFP provisions and requirements
- Overall approach and methodology, and understanding of project objectives
- Thoroughness and clarity of services outlined in the proposal
- Capacity, skill, and ability to perform the requested services
- Quality of performance on previous contracts
- Equity practices
- Fee proposal

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After separate scoring of the proposals, Gardiner & Theobald (G&T), the project manager, combined the results and recommended MVVA as the top-ranked firm, receiving unanimous support from all selection committee members. It is worth noting that MVVA has been the architect for previous design work on the project.

G&T recommends entering into a contract with MVVA for the amount of \$358,270. It's important to note that the cost of this contract will be covered through the subgrant with the City of Buffalo, facilitated by a DHESES grant. This grant operates on a ninety-ten split, with the funding coming from Wilson Grant 5, covering the 10 percent match in the amount of \$35,827.

ACTION

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors i) Approve BUDC entering into a \$358,270 contract with MVVA for design services and permitting related to segment 3 of the seawall located at Ralph Wilson Park. (ii) Authorize the BUDC President or Executive Vice President to execute the contract with MVVA and take such other actions as are necessary to implement this authorization.

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Item 4

MEMORANDUM

TO: BUDC Downtown Committee
FROM: Brandye Merriweather, President
SUBJECT: Downtown Waterfront Improvement Plan Contract Extension
DATE: May 15, 2024

At the December 27, 2022 meeting, the BUDC Board of Directors approved a contract with the consultant firm MIG for a BUDC and City of Buffalo collaborative effort to create a the Downtown Waterfront Improvement Plan (DWIP). The main goal of the DWIP is to better connect residents and visitors to the Downtown waterfront area through accessibility and placemaking enhancements, including improving roadways, trails, parks, signage, and lighting. A second extension was approved by the BUDC Board on July 25, 2023 in the amount of \$23,790, with BUDC and the City of Buffalo sharing the cost equally.

As the development of the plan continues to progress, there is a need for additional time and scope to complete a comprehensive final document. Through this extension, the MIG team will conduct additional project management and coordination services. This extension would add an additional \$15,000 to the project and extend the contract to June 30, 2024. It has been agreed by BUDC and the City of Buffalo that the cost of this contract extension will be shared, with BUDC funding \$7,500 and the City of Buffalo covering the remaining \$7,500.

ACTION:

I am requesting that the BUDC Downtown Committee: (i) recommend the BUDC-MIG contract extension of \$15,000, with BUDC providing an additional \$7,500 for approval by the BUDC Board of Directors; (ii) authorize the BUDC President or Executive Vice President to execute the extension and take such other actions as are necessary to implement this authorization.

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