

Buffalo Urban Development Corporation

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BUDC Downtown Committee Wednesday, August 17, 2022 City Hall – Room 901 12:00 Noon

Agenda

1. Approval of Minutes from May 18, 2022 (*Action*)(*Encl.*)
2. Ralph C. Wilson, Jr. Centennial Park – Project Update Presentation by Gardiner & Theobald (*Informational*)
3. Ralph C. Wilson, Jr. Centennial Park – MVVA Master Service Agreement Amendment: Pre-Construction Services (*Recommendation*)(*Encl.*)
4. Buffalo's Race For Place – General Update (*Informational*)
5. Partner Updates (*Informational*)
6. Adjournment (*Action*)

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

Via Video Conference Call & Live Stream Audio

**May 18, 2022
12:00 p.m.**

Committee Members Present:

Trina Burruss
Daniel Castle
Darby Fishkin
Brendan R. Mehaffy (Committee Chair)
Kimberley Minkel

Committee Members Absent:

Michael Finn
Dottie Gallagher
Darius G. Pridgen

Officers Present:

Brandye Merriweather, President
Rebecca Gandour, Executive Vice President
Mollie Profic, Treasurer
Kevin J. Zanner, Secretary
Atiqa Abidi, Assistant Treasurer

Guests Present: Thomas E. Baines, Deputy Commissioner of Planning & Economic Development, Erie County; Jeanne Beiter, Buffalo Niagara Waterkeeper; Debra Chernoff, Buffalo Place; Cristina Cordero, Gardiner & Theobald; Alexis Florczak, Hurwitz & Fine, P.C.; Kerri Gallo, Buffalo Niagara Waterkeeper; Laurie Hendrix, ECIDA Administrative Coordinator; and JJ Tighe, Ralph C. Wilson, Jr. Foundation.

Roll Call: The meeting was called to order at 12:03 p.m. A quorum of the Committee was present.

The meeting was held via Zoom in accordance with the provisions of Article 7 of the Public Officers Law, as amended effective January 14, 2022, which authorizes public bodies to conduct meetings and take such action authorized by law without permitting in public in-person access to meetings and to authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

- 1.0 Approval of Minutes of the February 16, 2022 Meeting** – The minutes of the February 16, 2022 meeting of the Downtown Committee were presented. Ms. Minkel made a motion to approve the meeting minutes. The motion was seconded by Ms. Fishkin and unanimously carried (5-0-0).
- 2.0 Ralph C. Wilson, Jr. Centennial Park – Project Update Presentation by Gardiner & Theobald** – Ms. Gandour introduced representatives from Gardiner & Theobald to present the Ralph C. Wilson, Jr. Foundation Centennial Park project update. Ms. Cordero provided an overview of the project milestones to date, noting that the 50% Construction Documents Phase has been finalized, with 100% completion anticipated in August 2022. The request for qualifications (RFQ) to select a construction manager at risk was completed, with three companies—Buffalo Construction Consultants,

Gilbane, and LiRo—selected to advance to the request for proposals (RFP) stage. The RFP was issued on April 8th, and proposals were submitted by Buffalo Construction Consultants and Gilbane. Interviews of the finalists are anticipated to begin May 24th. Ms. Cordero then provided a summary of the phase 1 construction work and detailed the funding components and status of each funding source.

- 3.0 Ralph C. Wilson, Jr. Centennial Park – Third Amendment to BUDC-City of Buffalo Subgrant Agreement** – Ms. Merriweather presented her May 18, 2022 memorandum regarding a proposed amendment to the BUDC-City of Buffalo Subgrant Agreement. Following the presentation, Ms. Burruss made a motion to recommend that the Board of Directors: (i) approve the Third Amendment to the BUDC-City of Buffalo Subgrant Agreement allowing BUDC to move funds to the City for Phases 1 and 1A construction of Centennial Park; and (ii) authorize the BUDC President or Executive Vice President to execute the Third Amendment to the Subgrant Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Minkel and unanimously carried (5-0-0).
- 4.0 Ralph C. Wilson, Jr. Centennial Park – MVVA Master Service Agreement Amendment: CMR Scope** – Ms. Gandour presented her May 18, 2022 memorandum regarding a proposed amendment to the MVVA Master Service Agreement. The proposed amendment would authorize additional work during the Construction Manager at Risk RFP submission process. Following this presentation, Ms. Fishkin made a motion to: (i) approve an amendment to the MVVA Master Service Agreement in the amount of \$11,937 for additional work to allow MVVA to answer applicant questions during the Construction Manager at Risk RFP process; and (ii) authorize the President or Executive Vice President to execute the amendment to the MVVA Master Service Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Burruss and unanimously carried (5-0-0).
- 5.0 Ralph C. Wilson, Jr. Centennial Park – MLB-MLBPA Youth Development Foundation Grant Agreement** – Ms. Gandour presented her May 18, 2022 memorandum regarding the MLB-MLBPA Youth Development Foundation Grant Agreement. Ms. Gandour noted that the Board previously authorized the acceptance of this grant funding and that Committee input is being sought with respect to the grant agreement. Specifically, there are two provisions in the grant agreement that MLBYDF is requiring as a condition to BUDC receiving the grant funding—securing naming rights to the fields from the City of Buffalo once a name has been selected by MLBYDF, and reporting obligations for a period of five years following completion of the field renovations. As part of its grant application, BUDC informed MLBYDF that BUDC would not be involved in youth sports programming at the park and explained that the programming would be undertaken by the City of Buffalo and Ralph Wilson Park Conservancy. One potential solution is for BUDC to enter into an agreement with the City and Conservancy to pass through the naming rights and post-construction reporting requirements. A discussion followed, with members of the Committee providing input regarding naming rights and commenting on whether the grant could be awarded directly to the City.
- 6.0 Buffalo Niagara Waterkeeper Update – Shoreline Resiliency Study** – Ms. Merriweather introduced representatives from Buffalo Niagara Waterkeeper for a presentation on shoreline resiliency. Ms. Beiter and Ms. Gallo discussed the City of Buffalo Coastal Resiliency Study that is currently underway. This study is separate from the Centennial Park project and will evaluate flood risks along the Lake Erie shoreline, including the City waterfront and Outer Harbor, and will help inform the City with respect to coastal climate stressors and identify solutions to mitigate threats to vulnerable areas. Throughout the study, Waterkeeper will be engaged in extensive community engagement efforts. Ms. Beiter then outlined the five tasks for the project, which will identify up to six areas for further project development, which are expected to be completed by January 2024.
- 7.0 Buffalo’s Race for Place – General Update** – Ms. Merriweather presented an update regarding Buffalo’s Race for Place. BUDC continues to coordinate with the Project for Public Spaces and GoBike Buffalo on the placemaking grant received for the Ellicott Node. BUDC is also working to progress the

Waterfront Public Realm Plan. This study is being funded by previously awarded CFA funds and ESD to better connect the Inner Harbor to Centennial Park and other public and private areas along the Inner Harbor. BUDC is also working with the City on a draft RFP on a scope for the Public Realm Plan to make the waterfront vibrant, walkable and connected. It is anticipated that this plan will be complete by October 2022.

- 8.0 Buffalo’s Race for Place – Pass-Through Agreement to City of Buffalo for Court Street Improvements** – Ms. Merriweather presented an update on the Court Street improvements project and a pass-through funding agreement with the City for the project. Ms. Merriweather noted that BUDC applied for funding through National Grid and was awarded a reimbursement-based grant in the amount of \$250,000 for the project. BUDC is working with the City on a pass-through agreement to make the grant funds available to the City once the improvements are complete. DPW will seek authorization from the Common Council to accept the grant funding.
- 9.0 BBRP Loan Program – General Update** – Ms. Merriweather presented an update regarding the BBRP loan program. The Loan Committee plans to hold a focus group session with members of the development community on May 24th to get feedback on the loan program and discuss modifications to the program.
- 10.0 Partner Updates** – Ms. Chernoff presented the Buffalo Place update. The downtown farmers market has resumed and will run every Thursday in front of Main Place Mall. The Thursday & Main outdoor concert series will begin on June 9th. The car-sharing project on lower Main Street is scheduled to be complete on June 10th and should be open to traffic soon. The Hunt Gallery has opened in the Brisbane Building, and decorative lighting will be installed in Ellicott Square, Swan Tower, and Merchants Mutual.
- 11.0 Adjournment** – There being no further business to come before the Downtown Committee, upon motion made by Ms. Minkel and seconded by Mr. Castle, the May 18, 2022 meeting of the Downtown Committee was adjourned at 12:44 p.m.

Respectfully submitted,

Kevin J. Zanner
Secretary

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Item 3

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Antonio Parker, Project Manager

SUBJECT: Ralph Wilson Park – MVVA Master Service Agreement Amendment: Pre-Construction Services

DATE: August 17, 2022

In May 2019, the BUDC Board of Directors approved a Master Service Agreement (the “MVVA Agreement”) with Michael Van Valkenburgh Associates (“MVVA”) for Schematic Design and Design Development for Ralph Wilson Park. The MVVA Agreement has been subsequently amended several times to provide for additional construction document and design costs. BUDC is once again looking to amend the contract to include pre-construction services.

As the City of Buffalo is moving into pre-construction of Ralph Wilson Park it is necessary to have MVVA on contract to assist Gilbane who is the construction manager at risk with bid & negotiations as well as limited construction administration through pre-construction. This is a 7-month contract coinciding with Gilbane’s pre-construction schedule. G&T has negotiated with MVVA the additional the pre-construction service to the sum of \$412,401, which will be paid from the Grant 5 award from the Ralph C. Wilson, Jr. Foundation. This grant currently has a contingency that the construction manager contract with the City must be signed. BUDC anticipates this contingency to be met shortly.

ACTION:

I am requesting that the BUDC Downtown Committee approve an amendment to the MVVA Master Service Agreement in the amount of \$412,401 for pre-construction services at Ralph Wilson Park; and (ii) authorize the President or Executive Vice President to execute the amendment to the MVVA Master Service Agreement and take such other actions as are necessary to implement this authorization.