

Buffalo Urban Development Corporation

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BUDC Downtown Committee Wednesday, March 20, 2024 City Hall – Room 901 12:00 Noon

Agenda

1. Approval of Minutes from November 15, 2023 *(Action)(Enclosure)*
2. Ralph Wilson Park - Modifications to 9th Amendment to BUDC-COB-Wilson Subgrant Agreement *(Action)(Enclosure)*
3. Ralph Wilson Park - Amendment to GLC Grant Agreement *(Action)(Enclosure)*
4. Ralph Wilson Park - Gardiner & Theobald Contract Amendment #3 *(Action)(Enclosure)*
5. Ralph Wilson Park - General Update *(Informational)*
6. Buffalo's Race For Place – Downtown Waterfront Improvement Plan Project *(Informational)*
7. Buffalo's Race For Place – General Update *(Informational)*
8. Partner Updates *(Informational)*
9. 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 – Modifications to Ninth Amendment to BUDC - City of Buffalo Wilson Foundation Subgrant Agreement

DATE: March 20, 2024

At its February 27, 2024 meeting, the BUDC Board of Directors meeting approved the ninth amendment to the Ralph C. Wilson, Jr. Foundation Subgrant Agreement between BUDC and the City of Buffalo (the “Subgrant Agreement”). This amendment facilitated the transfer of additional funds from the Ralph C. Wilson, Jr. Foundation to support Phase 1 construction work at Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”).

The ninth amendment has not yet been executed by the parties as correction is needed. It was previously communicated to the Board that the funding from the Community Foundation of Southeast Michigan would be allocated to fund Phase 1A construction work at Ralph Wilson Park. However, these funds are intended to support Phase 1B construction work.

The proposed amendment would also reduce the amount of funds granted to the City under Wilson Grant #3 as part of the first amendment to the Subgrant Agreement. Previously, BUDC’s project manager Gardiner & Theobald recommended decreasing the amount of this subgrant by \$40,000 in order to fund an amendment to BUDC’s environmental services contract with SJB Services, Inc. These services did not need to be performed at the time, and BUDC has since contracted with Atlantic Testing Laboratories (“ATL”) for these services, which was approved by the Board at its August 29, 2023 meeting. As ATL will be completing soil and water testing at Ralph Wilson Park, a modification to the first amendment to the Subgrant Agreement is needed in order for BUDC to pay ATL directly.

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ACTION:

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors: (i) amend its authorization to allow for the use of Community Foundation of Southeast Michigan funding to support Phase 1B 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 to \$935,148; 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.

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Item 3

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Rebecca Gandour, Executive Vice President

SUBJECT: Ralph C. Wilson, Jr. Centennial Park – Amendment to GLC Grant Agreement

DATE: March 20, 2024

On June 28, 2022, the BUDC Board of Directors approved a grant funding agreement between BUDC and the Great Lakes Commission (GLC) and the parties entered into a grant agreement dated July 22, 2022. (the “Grant Agreement”). The Grant Agreement awarded BUDC \$874,783 in funding to support the Phase 1 construction of shoreline elements at Ralph Wilson Park.

On February 21, 2024, BUDC received notification that GLC was modifying the Grant Agreement. This amendment to the Grant Agreement authorizes an additional \$819,933 in funding to BUDC as a result of cost savings from two other GLC-supported projects, bringing the total funding under the Grant Agreement to \$1,694,716.

The additional funding under the Grant Agreement, as amended, will be allocated as follows:

- \$19,933 to complete excavation work along the shoreline; and
- \$800,000 to undertake stone, rip rap and armoring construction along the shoreline.

BUDC will transfer the additional funding to the City of Buffalo through an amendment to the BUDC-City of Buffalo subgrant agreement relating to GLC funding. The transfer of this additional funding will enable the City to pay its construction manager at-risk, Gilbane Building Company, to complete the above scope of work.

All other terms of the original grant agreement between BUDC and GLC will remain the same, including the original term of the Grant Agreement with an end date of June 30, 2024. BUDC and

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its project manager, Gardiner and Theobald (G&T) and BUDC are confident that these additional funds will be utilized before the closeout of the grant.

ACTION:

I am requesting that the BUDC Downtown Committee 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 the additional funding from the amendment to the Grant Agreement 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.

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Item 4

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Rebecca Gandour, Executive Vice President

SUBJECT: Ralph C. Wilson, Jr. Centennial Park – Gardiner & Theobald Contract Amendment #3

DATE: March 20, 2024

On December 28, 2021, the BUDC Board of Directors approved the second amendment to BUDC’s agreement with Gardiner & Theobald (G&T) for project management services related to the Ralph Wilson Park project (the “Agreement”). This second amendment extended the term of the Agreement from December 20, 2021 to November 30, 2024.

As we near the expiration of the Agreement’s extended term, an additional amendment to the Agreement is needed. This extension is necessary in order for G&T to continue its project and cost management services through the construction, bid negotiations, post-construction, and final accounting phases of the Ralph Wilson Park project. The amendment would extend the Agreement for an additional twelve (12) months, all at a cost of \$764,000. The contract extension will start on December 1, 2024, and would be fully funded through the Ralph C. Wilson, Jr. Foundation Grant Agreement #10 (R-2310-13771), which was approved by the BUDC Board of Directors at its February 27, 2024 meeting.

ACTION:

I am requesting that the BUDC Downtown Committee 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 (12) months in the amount 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 necessary or appropriate to implement this authorization.

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