

**PUBLIC HEARING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**MONDAY, NOVEMBER 9, 2009 @ 2:30 P.M.**

**22 READE STREET, MANHATTAN**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.**

*Franchise and Concession Review Committee Joint Public Hearing –  
Monday, November 9, 2009 @ 2:30PM*

**NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**No. 1:**       **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to authorize the New York City Department of Parks & Recreation (Parks) to amend its current License Agreement with York Avenue Tennis, LLC (York Tennis), to operate and manage the indoor tennis facility and clubhouse at Queensboro Oval, Manhattan (Licensed Premises). The amendment provides for a change in the definition of “Indoor Tennis Season” or “Indoor Season” to mean the twelve (12) month period of each Operating Year. The period between September and April of each Indoor Tennis Season shall be the “Winter Season” and the period between May and October of each Indoor Tennis Season shall be the “Summer Season.” Starting in Operating Year 3, York Tennis will pay the City an additional minimum fee for the Summer Season versus 25% of gross receipts collected during the Summer Season, whichever is greater, as follows: Year 3: \$175,000; Year 4: \$200,000; Year 5: \$225,000; Year 6: \$250,000; Year 7: \$400,000; Year 8: \$420,000; Year 9: \$441,000; Year 10: \$463,050. During the Indoor Tennis Season, York Tennis shall reserve space on two (2) courts for free, Parks-sponsored youth instruction and development programs (Development Programs), as well as free court time at least eight (8) hours per week for the Development Programs operated by City Parks Foundation and at least four (4) hours per week for the Development Programs operated by the Yorkville Youth Athletic Association. York Tennis will also be required to make additional Capital Improvements at the Licensed Premises under the amendment, which shall cost a minimum of \$160,000.

## **NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**No. 2:**       **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to authorize the New York City Department of Parks & Recreation (Parks) to enter into a Sole Source License Agreement with Cirque du Soleil America, Inc. (Cirque) to operate, maintain and manage a Circus on Randall's Island Park, Manhattan (Licensed Premises). The agreement will be between the City of New York acting by and through Parks, Randall's Island Sports Foundation, Inc. (RISF) and Cirque. The term shall commence upon receipt of written notice to proceed and shall expire on July 16, 2010. Within the term, Cirque shall occupy the Licensed Premises from April 26, 2010 to July 16, 2010. The performance period shall commence on May 26, 2010 and end on July 4, 2010, and shall include the presentation of not more than sixty (60) performances. Cirque shall pay a License Fee of three hundred thousand United States dollars (US \$300,000).

## **NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**No. 3:**       **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to authorize the New York City Department of Parks & Recreation (Parks) to amend its current License Agreement with Central Park Boathouse, LLC for the renovation and operation of a restaurant, snack bar, and row boat and bicycle rental at the Loeb Memorial Boathouse in Central Park, Manhattan. The amended License Agreement extends the expiration date of the License Agreement from January 16, 2016 to October 31, 2021 and includes a requirement that Central Park Boathouse, LLC expend at least \$2 million for capital improvements, which shall be in coordination with the Central Park Conservancy and subject to the approval of Parks. The amendment also includes a revised schedule of annual minimum fees starting in Operating Year 10. Starting in Operating Year 10, Central Park Boathouse, LLC will pay the higher of 17% of gross receipts or the following annual minimum fees: Year 10: \$1,437,060; Year 11: \$1,437,060; Year 12: \$1,437,060; Year 13: \$1,573,440; Year 14: \$1,573,440; Year 15: \$1,620,780; Year 16: \$1,620,780; Year 17: \$1,620,780; Year 18: \$1,782,858; Year 19: \$1,782,858; Year 20: \$1,782,858; Year 21 (7/1/21 – 10/31/21): \$660,879 (this amount is prorated based on an applicable annual minimum fee of \$1,961,144).

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FRANCHISE AND CONCESSION REVIEW COMMITTEE

PUBLIC HEARING

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22 Reade Street  
New York, New York

November 9, 2009  
2:35 p.m.

P R E S E N T:  
COMMITTEE MEMBERS:

- JOEY KOCH, Chairman
- BRIAN GELLER, Mayor's Office
- TONY DELL'OLIO, Comptroller's Office
- SHARON CANTOR, ESQ., Corporation Counsel
- YVONNE QUINIAIN, Office of Management and Budget
- TONY RODRIGUEZ, Bronx Borough President
- JASON OTANO, Brooklyn Borough President
- JIMMY YAN, Manhattan Borough Preseident
- LEE COVINO, Staten Island Borough President

1 MS. KOCH: Good afternoon. The joint  
2 public hearing will now come to order. Will  
3 the clerk please call the roll.

4 THE CLERK: Mayor?

5 MS. KOCH: Present.

6 THE CLERK: Office of the Mayor?

7 MR. GELLER: Present.

8 THE CLERK: Comptroller?

9 MR. DELL'OLIO: Present.

10 THE CLERK: Corporation Counsel?

11 MS. CANTOR: Here.

12 THE CLERK: Office of Management and  
13 Budget?

14 MS. QUINIAIN: Here.

15 THE CLERK: President, Borough of the  
16 Bronx?

17 MR. RODRIGUEZ: Here.

18 THE CLERK: President, Borough of  
19 Brooklyn?

20 MR. OTANO: Here.

21 THE CLERK: President, Borough of  
22 Manhattan?

23 MR. YAN: Here.

24 THE CLERK: President, Borough of Queens?

25 (No response)

1 THE CLERK: President, Borough of Staten  
2 Island?

3 MR. COVINO: Here.

4 MS. KOCH: Welcome to this joint public  
5 hearing of the Franchise and Concession  
6 Review Committee and the New York City  
7 Department of Parks and Recreation.

8 The hearing being conducted today has  
9 been publicly advertised in City records at  
10 least fifteen days prior to this hearing in  
11 accordance to the Charter of the City of New  
12 York and the Concession Rules of the City of  
13 New York.

14 We want to be sure that everyone  
15 desiring to be heard has an opportunity to do  
16 so. All persons wishing to speak must fill  
17 out a request slip which may be obtained from  
18 the clerk.

19 Each speaker will be allotted three  
20 minutes. When you testify, please state your  
21 name and affiliation if any. Then given how  
22 many speakers we have, we may lengthen that  
23 time or shorten it.

24 Clerk, will you please call the first  
25 calendar item.

1           THE CLERK: This is a joint public  
2 hearing of the Franchising and Concession  
3 Review Committee and the New York City  
4 Department of Parks and Recreation held on  
5 November 9, 2009.

6           New York City Department of Parks and  
7 Recreation, Calendar Item No. 1, in the  
8 matter of the intent to seek Franchise and  
9 Concession Review Committee approval to  
10 utilize a different procedure, pursuant to  
11 Section 1-16 of the Concession Rules of the  
12 City of New York, to authorize the New York  
13 City Department of Parks and Recreation to  
14 amend its current License Agreement with York  
15 Avenue Tennis, LLC, to operate and manage the  
16 indoor tennis facility and clubhouse at  
17 Queensboro Oval, Manhattan.

18           The amendment provides for a change in  
19 the definition of "Indoor Tennis Season" or  
20 "Indoor Season" to mean the twelve-month  
21 period of each operating year. The period  
22 between September and April of each Indoor  
23 Season shall be the "Winter Season," and the  
24 period between May and October of each Indoor  
25 Season shall be the Summer Season.

1 Starting in Operating Year 3, York  
2 Tennis will pay the City an additional  
3 minimum fee for the Summer Season versus 25  
4 percent of gross receipts collected during  
5 the Summer Season, whichever is greater, as  
6 follows:

7 Year 3, \$175,000.

8 Year 4, \$200,000.

9 Year 5, \$225,000.

10 Year 6, \$250,000.

11 Year 7, \$400,000.

12 Year eight, \$420,000.

13 Year 9, \$,441,000.

14 Year 10, \$463,050.

15 During the Indoor Tennis Season, York  
16 Tennis shall reserve space on two courts for  
17 free Parks-sponsored youth instruction and  
18 development programs, as well as free court  
19 time at least eight hours per week for the  
20 Development Programs operated by City Parks  
21 Foundation and at least four hours per week  
22 for the Development Programs operated by  
23 Yorkville Youth Athletic Association.

24 York Tennis will also be required to  
25 make additional Capital Improvements at the

1 Licensed Premises under the amendment which  
2 shall cost a minimum of \$160,000.

3 MS. KOCH: Is there anyone who wishes to  
4 make a statement or testify regarding this  
5 matter?

6 (No response)

7 MS. KOCH: Okay. Clerk will you please  
8 read the second item on the calendar.

9 THE CLERK: Calendar Item No. 2 has been  
10 removed from the public hearing agenda and  
11 will be re-noticed at some point in the  
12 future.

13 MS. KOCH: No. 3 please.

14 THE CLERK: New York City Department of  
15 Parks and Recreation Calendar Item No. 3, in  
16 the matter of the intent to seek Franchise  
17 and Concession Review Committee approval to  
18 utilize a different procedure, pursuant to  
19 Section 1-16 of the Concession Rules of the  
20 City of New York, to authorize the New York  
21 City Department of Parks and Recreation to  
22 amend its current license agreement with  
23 Central Park Boathouse, LLC for the  
24 renovation and operation of a restaurant,  
25 snack bar, and rowboat and bicycle rental at

1 the Loeb Memorial Boathouse in Central Park,  
2 Manhattan.

3 The amended License Agreement extends  
4 the expiration date of the License Agreement  
5 from January 16, 2016 to October 31, 2021,  
6 and includes a requirement that Central Park  
7 Boathouse, LLC expend at least \$2 million for  
8 capital improvements, which shall be in  
9 coordination with the Central Park  
10 Conservancy subject to approval of Parks.

11 The amendment also includes the revised  
12 schedule of annual minimum fees starting in  
13 Operating Year 10. Starting in Operating  
14 Year 10, Central Boathouse, LLC will pay the  
15 higher of 17 percent of gross receipts or the  
16 following annual minimum fees:

17 Year 10, \$1,437,060.  
18 Year 11, \$1,437,060.  
19 Year 12, \$1,437,060.  
20 Year 13, \$1,573,440.  
21 Year 14, \$1,573,440.  
22 Year 15, \$1,620,780.  
23 Year 16, \$1,620,780.  
24 Year 17, \$1,620,780.  
25 Year 18, \$1,782,858.

1 Year 19, \$1,782,858.

2 Year 20, \$1,782,858.

3 Year 21 from 7-1-2021 to 10-31-2021,  
4 \$660,879. And this amount is prorated based  
5 on an applicable annual minimum fee of  
6 \$1,961,144.

7 MS. KOCH: Does anybody wish to make a  
8 statement?

9 (No response)

10 MS. KOCH: Okay. If nobody wants to  
11 speak, then today's hearing is concluded.  
12 Thanks.

13 (Whereupon, the public hearing was  
14 concluded at 2:24 p.m.)

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