

PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, SEPTEMBER 10, 2008 @ 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 Public Meeting –
Wednesday, September 10, 2008 @ 2:30PM*

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

No. 1: IN THE MATTER of the intent to award a concession for the operation, maintenance and management of a Circus entitled Kooza at the Harlem River Event site on Randall's Island Park, Manhattan. The agreement will be between the City of New York acting by and through the Department of Parks & Recreation, Randall's Island Sports Foundation and Cirque du Soleil America, Inc. The term shall commence upon receipt of written notice to proceed and shall expire on July 3, 2009. Within the term, Cirque du Soleil America, Inc. shall occupy the premises from March 23, 2009 to July 3, 2009. The performance period shall commence on April 16, 2009 and end on June 21, 2009, and shall include the presentation of a maximum of ninety (90) performances. Cirque du Soleil America, Inc. shall pay a License Fee of three hundred ninety eight thousand United States dollars (US \$398,000.00).

A proposed resolution was submitted, relative thereto.

RESOLUTION FOR ADOPTION.

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

No. 2: IN THE MATTER of the request for Franchise and Concession Review Committee approval to utilize different procedures, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a sole source license agreement with The Prospect Park Alliance (PPA) for the restoration, repair, maintenance and operation of the Prospect Park Carousel and Carousel Building, as well as the operation of non-motorized food, beverages and souvenir stands and/or carts at Prospect Park, Brooklyn.

A proposed resolution was submitted, relative thereto.

RESOLUTION FOR ADOPTION.

**NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION ON BEHALF OF
THE NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES**

No. 3: **IN THE MATTER** of the request for Franchise and Concession Review Committee approval to utilize different procedures, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate an occupancy permit with MMPI Piers LLC (MMPI), a subsidiary of Vornado Realty, L.P., for the use of Piers 92 and 94 and adjacent bulkhead and upland areas in the borough of Manhattan for the purpose of operating a trade and consumer show facility. The occupancy permit will be for one (1) year, commencing upon written notice to proceed with two (2) one-year renewal options, exercisable at the City's sole discretion. Additionally, the agency is requesting Franchise and Concession Review Committee approval to waive the requirement that the affected community board and borough president receive written notification at least 40 days in advance of the FCRC meeting at which agency approval for use of a different procedure is sought.

A proposed resolution was submitted, relative thereto.

RESOLUTION FOR ADOPTION.

**NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION ON BEHALF OF
THE NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES**

No. 4: **IN THE MATTER** of the request for Franchise and Concession Review Committee approval to utilize different procedures, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a sole source concession agreement with 2328 on Twelfth, LLC for the use of a portion of Marginal Street located between West 125th Street and West 132nd Street in the Borough of Manhattan, for the purpose of the accessory parking for customers of the store located at Twelfth Avenue and 132nd Street and owned by 2328 on Twelfth L.L.C. The concession agreement will be for one (1) year, commencing upon written notice to proceed with two (2) one-year renewal options, exercisable at the City's sole discretion.

A proposed resolution was submitted, relative thereto.

RESOLUTION FOR ADOPTION.

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PUBLIC HEARING
FRANCHISE AND CONCESSION REVIEW COMMITTEE
22 READE STREET
NEW YORK, NEW YORK
WEDNESDAY, SEPTEMBER 10, 2008
2:30 P.M.

1 P R E S E N T:

2 JOEY KOCH,
Chairperson, Office of the Mayor

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4 JASON OTANO,
Brooklyn Borough President's Office

5 VALERIE BUDZIK,
Comptroller's Office

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7 ROBERT CASTELLANETE,
Bronx Borough President's Office

8 LEE COVINO,
Staten Island Borough President's Office

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10 BRIAN GELLER,
Office of the Mayor

11 SHARON CANTOR,
Corporation Counsel

12
13 MARK McMILLAN,
Queens Borough President's Office

14 YVONNE QUINTIAN,
Office of Management and Budget

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16 JIMMY YAN,
Manhattan Borough President's Office

17 CHRISTIAN STOVER,
Clerk

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1 P R O C E E D I N G S

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3 CHAIRPERSON KOCH: Good afternoon.

4 Thank you for being here. The Franchise and
5 Concession Review Committee will now come to order.

6 Will the Clerk call the roll?

7 THE CLERK: Mayor?

8 CHAIRPERSON KOCH: Here.

9 THE CLERK: Office of the Mayor?

10 MR. GELLER: Here.

11 THE CLERK: Comptroller's Office?

12 MS. BUDZIK: Here.

13 THE CLERK: Corporation Counsel?

14 MS. CANTOR: Here.

15 THE CLERK: Office of Management and
16 Budget?

17 MS. QUINTIAN: Here.

18 THE CLERK: Borough President of
19 Manhattan?

20 MR. YAN: Here.

21 THE CLERK: Borough President of
22 Brooklyn?

23 MR. OTANO: Here.

24 THE CLERK: Borough President of Queens?

25 MR. McMILLAN: Here.

1 FCRC Public Meeting - 9/10/08

2 THE CLERK: Borough President of Staten
3 Island?

4 MR. COVINO: Here.

5 THE CLERK: Borough President of the
6 Bronx?

7 MR. CASTELLANETE: Here.

8 CHAIRPERSON KOCH: Will the Clerk call
9 the first calendar item?

10 THE CLERK: New York City Department of
11 Parks and Recreation, Number 1: In the matter of
12 the intent to award a concession for the operation,
13 maintenance and management of a Circus entitled
14 Kooza at the Harlem River Event site on Randall's
15 Island Park, Manhattan. The agreement will be
16 between the City of New York acting by and through
17 the Department of Parks and Recreation, Randall's
18 Island Sports Foundation and Cirque du Soleil
19 America, Inc.

20 The term shall commence upon receipt of
21 written notice to proceed and shall expire on July
22 3, 2009. Within the term, Cirque du Soleil
23 America, Inc., shall occupy the premises from March
24 23, 2009 to July 3, 2009.

25 The performance period shall commence

1 FCRC Public Meeting - 9/10/08
2 on April 16, 2009 and end on June 21, 2009, and
3 shall include the presentation of a maximum of
4 ninety performances. Cirque du Soleil America,
5 Inc., shall pay a License Fee of \$398,000.

6 A proposed resolution was submitted,
7 relative thereto. Resolution for adoption.

8 CHAIRPERSON KOCH: Is there a member
9 who wishes to make a statement or ask a question?

10 If not, will a member make a motion?

11 MR. CASTELLANETE: Moved.

12 MS. BUDZIK: Second.

13 CHAIRPERSON KOCH: Will the Clerk take
14 the vote?

15 THE CLERK: Mayor?

16 CHAIRPERSON KOCH: Yes.

17 THE CLERK: Office of the Mayor?

18 MR. GELLER: Yes.

19 THE CLERK: Comptroller's Office?

20 MS. BUDZIK: Yes.

21 THE CLERK: Corporation Counsel?

22 MS. CANTOR: Yes.

23 THE CLERK: Office of Management and
24 Budget?

25 MS. QUINTIAN: Yes.

1 FCRC Public Meeting - 9/10/08

2 THE CLERK: On behalf of the borough
3 presidents, President Borough of Manhattan?

4 MR. YAN: Yes.

5 THE CLERK: Calendar Item Number 1,
6 resolution adopted.

7 CHAIRPERSON KOCH: Will the Clerk please
8 call the next calendar item?

9 THE CLERK: New York City Department of
10 Parks and Recreation, Number 2: In the matter of
11 the request for Franchise and Concession Review
12 Committee approval to utilize different procedures,
13 pursuant to Section 1-16 of the Concession Rules of
14 the City of New York, to negotiate a sole source
15 license agreement with the Prospect Park Alliance
16 for the restoration, repair, maintenance and
17 operation of the Prospect Park Carousel and
18 Carousel Building, as well as the operation of
19 non-motorized food, beverages and souvenir stands
20 and/or carts at Prospect Park, Brooklyn.

21 A proposed resolution was submitted,
22 relative thereto.

23 CHAIRPERSON KOCH: Are there any
24 members who wish to make a statement regarding this
25 calendar item?

1 FCRC Public Meeting - 9/10/08

2 If not, will a member please make a
3 motion?

4 MR. OTANO: Moved.

5 MS. BUDZIK: Second.

6 CHAIRPERSON KOCH: Will the Clerk take
7 the vote?

8 THE CLERK: Mayor.

9 CHAIRPERSON KOCH: Yes.

10 THE CLERK: Office of the Mayor?

11 MR. GELLER: Yes.

12 THE CLERK: Comptroller's Office?

13 MS. BUDZIK: Yes.

14 THE CLERK: Corporation Counsel?

15 MS. CANTOR: Yes.

16 THE CLERK: Office of Management and
17 Budget?

18 MS. QUINTIAN: Yes.

19 THE CLERK: On behalf of the borough
20 presidents, President Borough of Brooklyn?

21 MR. OTANO: Yes.

22 THE CLERK: Calendar Item Number 2,
23 resolution adopted.

24 CHAIRPERSON KOCH: Will the Clerk please
25 call the next calendar item?

1 FCRC Public Meeting - 9/10/08

2 THE CLERK: The New York City Economic
3 Development Corporation on behalf of the New York
4 City Department of Small Business Services.

5 Number 3: In the matter of the request
6 for Franchise and Concession Review Committee
7 approval to utilize different procedures, pursuant
8 to Section 1-16 of the Concession Rules of the City
9 of New York, to negotiate an occupancy permit with
10 MMPI Piers LLC, a subsidiary of Vornado Realty, LP,
11 for use of Piers 92 and 94 and adjacent bulkhead
12 and upland areas in the borough of Manhattan for
13 the purpose of operating a trade and consumer show
14 facility.

15 The occupancy permit will be for one
16 year, commencing upon written notice to proceed
17 with two 1-year renewal options, exercisable at the
18 City's sole discretion.

19 Additionally, the agency is requesting
20 Franchise and Concession Review Committee approval
21 to waive the requirement that the affected
22 community board and borough president receive
23 written notification at least 40 days in advance of
24 the FCRC meeting at which agency approval for use
25 of a different procedure is sought.

1 FCRC Public Meeting - 9/10/08

2 A proposed resolution was submitted,
3 relative thereto. Resolution for adoption.

4 CHAIRPERSON KOCH: Is there a member who
5 wishes to make a statement or ask a question
6 regarding this matter?

7 MS. BUDZIK: The Comptroller's Office
8 has a statement on this matter. In reviewing the
9 request and the current agreements for Piers 92 and
10 94, the Comptroller's Office is concerned that the
11 original agreement, and specifically with request
12 to Manhattan Cruise Terminal, that the agreement
13 will continue in existence; should have been
14 processed in the concession agreement.

15 We've had discussions with the Law
16 Department on that issue. Those discussions are
17 ongoing. So we request the Law Department continue
18 to review the issue and consult with us on the
19 matter.

20 MS. CANTOR: Absolutely. We have talked
21 to the Comptroller's Office and EDC about this and
22 will continue to do so.

23 MS. BUDZIK: Given the request, which is
24 to authorize the sole source negotiation so that
25 the new entity can come in and make capital

1 FCRC Public Meeting - 9/10/08

2 improvements, at the request of the Fire
3 Department, we didn't want to delay this item
4 pending discussion.

5 CHAIRPERSON KOCH: Does anybody else
6 have any further comments or questions?

7 I invite a motion.

8 MR. McMILLAN: Motion.

9 MS. CANTOR: Second.

10 CHAIRPERSON KOCH: Will the Clerk take
11 the vote?

12 THE CLERK: Mayor.

13 CHAIRPERSON KOCH: Yes.

14 THE CLERK: Office of the Mayor?

15 MR. GELLER: Yes.

16 THE CLERK: Comptroller's Office?

17 MS. BUDZIK: Yes.

18 THE CLERK: Corporation Counsel?

19 MS. CANTOR: Yes.

20 THE CLERK: Office of Management and
21 Budget?

22 MS. QUINTIAN: Yes.

23 THE CLERK: On behalf of the borough
24 presidents, President Borough of Manhattan?

25 MR. YAN: Yes.

1 FCRC Public Meeting - 9/10/08

2 THE CLERK: Number 3, resolution
3 adopted.

4 CHAIRPERSON KOCH: Will you call the
5 next calendar item?

6 THE CLERK: New York City Economic
7 Development Corporation on behalf of the New York
8 City Department of Small Business Services.

9 Number 4: In the matter of the request
10 for Franchise and Concession Review Committee
11 approval to utilize different procedures, pursuant
12 to Section 1-16 of the Concession Rules of the City
13 of New York, to negotiate a sole source concession
14 agreement with 2328 on Twelfth, LLC, for the use of
15 a portion of Marginal Street located between West
16 125th Street and West 132nd Street in the Borough
17 of Manhattan, for the purpose of the accessory
18 parking for customers of the store located at
19 Twelfth Avenue and 132nd Street and owned by 2328
20 on Twelfth LLC.

21 The concession agreement will be for
22 one year, commencing upon written notice to proceed
23 with two 1-year renewal options, exercisable at the
24 City's sole discretion.

25 A proposed resolution was submitted,

1 FCRC Public Meeting - 9/10/08

2 relative thereto. Resolution for adoption.

3 CHAIRPERSON KOCH: Is there a member who
4 wishes to make a statement or ask a question on
5 this matter?

6 If not, I invite a motion.

7 MR. McMILLAN: Motion.

8 CHAIRPERSON KOCH: Second.

9 Will the Clerk call the vote?

10 THE CLERK: Mayor.

11 CHAIRPERSON KOCH: Yes.

12 THE CLERK: Office of the Mayor?

13 MR. GELLER: Yes.

14 THE CLERK: Comptroller's Office?

15 MS. BUDZIK: Yes.

16 THE CLERK: Corporation Counsel?

17 MS. CANTOR: Yes.

18 THE CLERK: Office of Management and
19 Budget?

20 MS. QUINTIAN: Yes.

21 THE CLERK: On behalf of the borough
22 presidents, President Borough of Manhattan?

23 MR. YAN: Yes.

24 THE CLERK: Calendar Number 4,
25 resolution adopted.

1 FCRC Public Meeting - 9/10/08

2 This completes the calendar.

3 CHAIRPERSON KOCH: Thank you. Meeting

4 adjourned.

5 (Time noted: 2:50 p.m.)

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1 FCRC Public Meeting - 9/10/08

2 C E R T I F I C A T I O N

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4 I, Jeffrey Shapiro, a
5 Shorthand Reporter and Notary Public, within and
6 for the State of New York, do hereby certify that I
7 reported the proceedings in the within-entitled
8 matter, on Wednesday, September 10, 2008, at the
9 offices of the FRANCHISE & CONCESSION REVIEW
10 COMMITTEE, 22 Reade Street, New York, New York, and
11 that this is an accurate transcription of these
12 proceedings.

13 IN WITNESS WHEREOF, I have
14 hereunto set my hand this _____ day of
15 _____, 2008.

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18 JEFFREY SHAPIRO
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