

PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, NOVEMBER 5, 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, November 5, 2008 @ 2:30PM*

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 1: IN THE MATTER of the intent to seek Franchise & Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, authorize the New York City Department of Transportation (“DOT”), to negotiate a Sole Source Concession Agreement with the Fashion Center Business Improvement District, (the “Fashion BID”), located at 209 West 38th Street, New York, NY 10018, to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41st and 36th Streets. The concession agreement will provide for one (1) five-year term and four (4) one-year renewal options, exercisable at the discretion of DOT.

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. 2: IN THE MATTER of the intent to seek Franchise & Concession Review Committee approval, pursuant to Section 1-16 of the Concession Rules of the City of New York, to award an occupancy permit to Industry City Associates, 551 Second Avenue, Brooklyn, New York 11232, for the use of two non-contiguous, unimproved parcels of land located within the South Brooklyn Marine Terminal (SBMT) for the purpose of work-related parking of motor vehicles for a term of one (1) year, with two (2) one-year renewal options, exercisable at the City's sole discretion. Compensation to the City will be as follows: \$563,160 for the base term. Should the City elect to exercise one or both renewal options, compensation would be \$580,055 for the first renewal period, and \$597,457 for the second renewal period.

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 intent to seek Franchise & Concession Review Committee approval, pursuant to Section 1-16 of the Concession Rules of the City of New York, to award an occupancy permit to MMPI Piers LLC, located at 222 Merchandise Mart Plaza, Suite 470, Chicago, IL 60654, for the use of Piers 92 and 94, located on the west side of Manhattan, for the purpose of operating a trade and consumer show facility. The permit provides for a term of one (1) year, with two (2) one-year renewal options, exercisable at the City's sole discretion. Compensation to the City will be as follows: a base charge consisting of an annual fee of \$360,000 per year plus 15% of the net operating income relating to the operation of Piers 92 and 94 as a trade and consumer show facility plus 50% of gross receipts above \$400,000 for the operation of the roof of Pier 92 as a parking facility.

A proposed resolution was submitted, relative thereto.

RESOLUTION FOR ADOPTION.

0001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PUBLIC HEARING
FRANCHISE AND CONCESSION REVIEW COMMITTEE
22 READE STREET
NEW YORK, NEW YORK
WEDNESDAY, NOVEMBER 5, 2008
2:30 P.M.

0002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

P R E S E N T:
JOEY KOCH,
Chairperson, Office of the Mayor
JASON OTANO,
Brooklyn Borough President's Office
VALERIE BUDZIK,
Comptroller's Office
ROBERT CASTELLANETE,
Bronx Borough President's Office
LEE COVINO,
Staten Island Borough President's Office
BRIAN GELLER,
Office of the Mayor
SHARON CANTOR,
Corporation Counsel
MARK McMILLAN,
Queens Borough President's Office
YVONNE QUINTIAN,
Office of Management and Budget
JIMMY YAN,
Manhattan Borough President's Office
CHRISTIAN STOVER,
Clerk

* * *

20
21
22
23
24
25
0003

1
2 P R O C E E D I N G S
3 CHAIRPERSON KOCH: Good afternoon.
4 Thank you all 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 MS. 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.

0004

1 Proceedings
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 THE CLERK: All are present.
9 CHAIRPERSON KOCH: Will the Clerk call
10 the first calendar item?
11 THE CLERK: New York City Department of
12 Transportation, Number 1: In the matter of the
13 intent to seek Franchise and Concession Review
14 Committee approval to utilize a different
15 procedure, pursuant to Section 1-16 of the
16 Concession Rules of the City of New York to
17 authorize the New York City Department of
18 Transportation to negotiate a sole source
19 concession agreement with the Fashion Center
20 Business Improvement District, located at 209 West
21 38th Street, New York, New York 10018, to provide
22 for the operation, management and maintenance of
23 pedestrian plazas located on Broadway between 41st

24 and 36th Streets.
25 The concession agreement will provide

0005

1 Proceedings
2 for one 5-year term and four 1-year renewal
3 options, exercisable at the discretion of the
4 Department of Transportation.

5 A proposed resolution was submitted
6 thereto.

7 Resolution for adoption.
8 CHAIRPERSON KOCH: Does any member wish
9 to make a statement or ask a question regarding
10 this item?

11 MS. BUDZIK: We're prepared to support
12 this item, but just for the record, there were
13 prior similar initiatives where we have had
14 conversations with the Administration and DOT
15 requesting that there be a public notice of these
16 opportunities, so that other interested parties
17 could participate if they desired to.

18 DOT did agree to do that advertising.
19 This particular item, DOT did do some advertising.
20 They forwarded that information to us this morning.
21 It went out in mid-October.

22 We talked to DOT and they understand
23 that on a going-forward basis, that type of public
24 notice, in terms of its of availability of
25 opportunity, would be issued even earlier in the

0006

1 Proceedings
2 process. And they agreed to do that.

3 We thank them for that.
4 CHAIRPERSON KOCH: Will a member make a
5 motion?

6 MR. CASTELLANETE: Motion.
7 MR. GELLER: Second.
8 CHAIRPERSON KOCH: Will the Clerk call
9 the vote?

10 THE CLERK: Mayor?
11 CHAIRPERSON KOCH: Yes.
12 THE CLERK: Comptroller's Office?
13 MS. BUDZIK: Yes.
14 THE CLERK: Corporation Council?
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 Manhattan.
21 MR. YAN: Yes.
22 THE CLERK: Calendar Item 1, Resolution
23 adopted.

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

0007

1 Proceedings
2 THE CLERK: New York City Economic

3 Development Corporation, on behalf of the New York
4 City Department of Small Business Services.
5 Calendar Number 2: In the matter of
6 the intent to seek Franchise and Concession Review
7 Committee approval to utilize a different
8 procedure, pursuant to Section 1-16 of the
9 Concession Rules of the City of New York, for the
10 New York City Department of Small Business Services
11 to enter into an occupancy permit with Industry
12 City Associates for the use of two non-contiguous
13 parcels of land, Block 622, Lot 1, located within
14 the South Brooklyn Marine Terminal for purpose of
15 work-related parking of motor vehicles for ICA and
16 ICA's tenants, including their respective employees
17 and invitees, for a term of one year, commencing
18 upon written notice to proceed, with two 1-year
19 renewal periods, exercisable at the City's sole
20 discretion.
21 Compensation to the City will be as
22 follows: A fee of \$563,160 for the initial period;
23 \$580,055 for the first renewal period, if
24 exercised; and \$597,457 for the second renewal
25 period, if exercised.

0008

1 Proceedings
2 A proposed resolution was submitted
3 thereto.
4 Resolution for adoption.
5 CHAIRPERSON KOCH: Is there a member who
6 wishes to make a statement or ask a question?
7 If not, I invite a motion.
8 MR. OTANO: 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: Comptroller's Office?
15 MS. BUDZIK: Yes.
16 THE CLERK: Corporation Council?
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 Brooklyn.
23 MR. OTANO: Yes.
24 THE CLERK: Calendar Item 2, Resolution
25 adopted.

0009

1 Proceedings
2 CHAIRPERSON KOCH: Will the Clerk
3 please call the next calendar item?
4 THE CLERK: Number 3, New York City
5 Economic Development Corporation on behalf of the
6 New York City Department of Small Business
7 Services.

8 In the matter of the intent to seek
9 Franchise and Concession Review Committee approval
10 to utilize a different procedure, pursuant to
11 Section 1-16 of the Concession Rules of the City of
12 New York for the New York City Department of Small
13 Business Services to enter into an occupancy permit
14 with MMPI Piers LLC for the use of Pier 92 and Pier
15 94, including the associated head house, located in
16 the Borough of Manhattan, for the purpose of
17 operating a trade and consumer show facility and
18 supporting other ancillary uses, for the term of
19 one year, commencing upon written notice to
20 proceed, with two 1-year renewal periods,
21 exercisable at the City's sole discretion.

22 Compensation to the City will be as
23 follows: A base charge consisting of \$360,000 for
24 the initial period; \$396,000 for the first renewal
25 period, if exercised; and \$435,600 for the second

0010

1 Proceedings
2 renewal period, if exercised.

3 Additional compensation will include an
4 event revenue participation charge consisting of
5 15 percent of the net operating income related to
6 the use of Pier 92 and Pier 94, other than revenue
7 generated by the operation of the parking facility
8 on Pier 92, plus a parking revenue participation
9 charge consisting of 50 percent of threshold gross
10 revenues above \$400,000 for the operation of the
11 roof of Pier 92 as a parking facility.

12 A proposed resolution was submitted
13 relative thereto.

14 This item will be held over until
15 November 12, 2008 at 1:00 p.m., at 22 Reade Street
16 in Manhattan, at a special meeting.

17 CHAIRPERSON KOCH: Does anybody else
18 have any comments or questions?

19 Thank you.

20 (Time noted: 2:45 p.m.)

21

22

23

24

25

0011

1

2

3

4

5

6

7

8

9

10

11

12

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

I, Jeffrey Shapiro, a Shorthand Reporter and
Notary Public, within and for the State of New York,
do hereby certify that I reported the proceedings in
the within-entitled matter, on Wednesday, November 5,
2008, at 22 Reade Street, New York, New York, and
that this is an accurate transcription of these
proceedings.

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

13
14
15
16
17
18
19
20
21
22
23
24
25

JEFFREY SHAPIRO