

**SPECIAL PUBLIC MEETING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**WEDNESDAY, AUGUST 19, 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 MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.**

*Franchise and Concession Review Committee Special Public Meeting –  
Wednesday, August 19, 2009 @ 2:30PM*

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**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 enter into a Sole Source License Agreement (Agreement) with the Chelsea Improvement Company, Inc. (“CIC”) to provide for the operation, management and maintenance of a pedestrian plaza located between West 14<sup>th</sup> and West 15<sup>th</sup> Streets and 9<sup>th</sup> Avenue and Hudson Street in Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or CIC, and other similar merchandise within the Licensed Plaza. CIC shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select the entity/entities, which will operate and manage such subconcessions. The selection of the entity/entities to operate and manage the subconcessions will be subject to DOT’s approval. The Agreement will provide for one (1) five-year term, commencing upon written Notice to Proceed, with four (4) one-year renewal options, exercisable at the sole discretion of DOT. CIC will be required to use any revenue generated by this concession for the maintenance, repair and/or improvement (“Services”) of the Licensed Plaza. Any revenue received by CIC in excess of the amount attributable to the Services of the Licensed Plaza and reasonable administrative costs associated with this concession shall be paid to DOT for the City’s General Fund.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

## **NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**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, for the New York City Department of Transportation (“DOT”) to enter into a Sole Source License Agreement (“Agreement”) with the Flatiron/23rd Street Partnership Business Improvement District (the “FLATIRON BID”) to provide for the operation, management, and maintenance of a pedestrian plaza located on 5th Avenue and Broadway between 22nd and 24th Streets in Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood of the FLATIRON BID, and other similar merchandise within the Licensed Plaza. The FLATIRON BID shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select the entity/entities, which will operate and manage such subconcessions. The selection of the entity/entities to operate and manage the subconcessions will be subject to DOT’s approval. The Agreement will provide for one (1) five-year term, commencing upon written Notice to Proceed, with four (4) one-year renewal options, exercisable at the sole discretion of DOT. FLATIRON BID will be required to use any revenue generated by this concession for the maintenance, repair and/or improvement (“Services”) of the Licensed Plaza. Any revenue received by the FLATIRON BID in excess of the amount attributable to the Services of the Licensed Plaza and reasonable administrative costs associated with this concession shall be paid to DOT for the City’s General Fund.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

## **NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**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, for the New York City Department of Transportation (“DOT”) to enter into a Sole Source License Agreement (“Agreement”) with the Fashion Center District Management Association, Inc. (“FASHION CENTER”) to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41<sup>st</sup> and 36<sup>th</sup> Streets in Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or FASHION CENTER, and other similar merchandise within the Licensed Plaza. FASHION CENTER shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select the entity/entities, which will operate and manage such subconcessions. The selection of the entity/entities to operate and manage the subconcessions will be subject to DOT’s approval. The Agreement will provide for one (1) five-year term, commencing upon written Notice to Proceed, with four (4) one-year renewal options, exercisable at the sole discretion of DOT. FASHION CENTER will be required to use any revenue generated by this concession for the maintenance, repair and/or improvement (“Services”) of the Licensed Plaza. Any revenue received by FASHION CENTER in excess of the amount attributable to the Services of the Licensed Plaza and reasonable administrative costs associated with this concession shall be paid to DOT for the City’s General Fund.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION**

## **NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**No. 4:** **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, for the New York City Department of Transportation (“DOT”) to enter into a Sole Source License Agreement (“Agreement”) with the 34<sup>th</sup> Street Partnership, Inc. (the “PARTNERSHIP”) to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway and 6<sup>th</sup> Avenue between West 33<sup>rd</sup> and West 36<sup>th</sup> Streets in Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the PARTNERSHIP, and other similar merchandise with the Licensed Plaza. The PARTNERSHIP shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select the entity/entities, which will operate and manage such subconcessions. The selection of the entity/entities to operate and manage the subconcessions will be subject to DOT’s approval. The term of the Agreement shall be up to and including December 31, 2009, commencing upon written Notice to Proceed, with one (1) five-year renewal option and four (4) one-year renewal options, exercisable at the sole discretion of DOT. The PARTNERSHIP will be required to use any revenue generated by this concession for the maintenance, repair and/or improvement (“Services”) of the Licensed Plaza. Any revenue received by the PARTNERSHIP in excess of the amount attributable to the Services of the Licensed Plaza and reasonable administrative costs associated with this concession shall be paid to DOT for the City’s General Fund.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

## **NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**No. 5:** **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, for the New York City Department of Transportation (“DOT”) to enter into a Sole Source License Agreement (“Agreement”) with the Times Square District Management Association, Inc. (“TSA”) to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway and 7<sup>th</sup> Avenue between West 41<sup>st</sup> and West 47<sup>th</sup> Streets in Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or TSA, and other similar merchandise with the Licensed Plaza. TSA shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select the entity/entities, which will operate and manage such subconcessions. The selection of the entity/entities to operate and manage the subconcessions will be subject to DOT’s approval. The term of the Agreement shall be up to and including December 31, 2009, commencing upon written Notice to Proceed, with one (1) five-year renewal option and four (4) one-year renewal options, exercisable at the sole discretion of DOT. TSA will be required to use any revenue generated by this concession for the maintenance, repair and/or improvement (“Services”) of the Licensed Plaza. Any revenue received by TSA in excess of the amount attributable to the Services of the Licensed Plaza and reasonable administrative costs associated with this concession shall be paid to DOT for the City’s General Fund.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

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

- - - - - X

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION  
FRANCHISE AND CONCESSION REVIEW COMMITTEE

- - - - - X

22 Reade Street - 2nd Floor  
New York, New York  
August 19, 2009  
2:30 p.m.

P R E S E N T:

- CHARLES HOLLOWAY, Mayor
- JOEY KOCH, Office of the Mayor
- VALERIE BUDZIK, Comptroller
- HOWARD FRIEDMAN, Corporation Counsel
- MANAGEMENT & BUDGET OFFICE, Yvonne Quintian
- BRONX BOROUGH PRESIDENT, Absent
- BROOKLYN BOROUGH PRESIDENT, Jason Otano
- MANHATTAN BOROUGH PRESIDENT, Jimmy Yan
- QUEENS BOROUGH PRESIDENT, Mark McMillan
- STATEN ISLAND BOROUGH PRESIDENT, Lee Covino
  
- CLERK, Adam Buchanan

1 THE CHAIRMAN: Good afternoon, and thank you  
2 all for being here. The Franchise and Concession  
3 Review Committee will now come to order. Will the  
4 clerk please call the roll.

5 THE CLERK: Mayor.

6 THE CHAIRMAN: Here.

7 THE CLERK: Office of the Mayor.

8 MS. KOCH: Here.

9 THE CLERK: Comptroller.

10 MS. BUDZIK: Here.

11 THE CLERK: Corporation Counsel.

12 MR. FRIEDMAN: Here.

13 THE CLERK: Office of Management and Budget.

14 MS. QUINTIAN: Here.

15 THE CLERK: President, Borough of the Bronx.

16 (No response)

17 THE CLERK: President, Borough of Brooklyn.

18 MR. OTANO: Here.

19 THE CLERK: President, Borough of Manhattan.

20 MR. YAN: Here.

21 THE CLERK: President, Borough of Queens.

22 MR. McMILLAN: Here.

23 THE CLERK: President, Borough of Staten  
24 Island.

25 MR. COVINO: Here.

1           THE CHAIRMAN:   Thanks very much.  This hearing  
2           will now get under way.  Will the clerk please call  
3           the first calendar item.

4           THE CLERK:    New York City Department of  
5           Transportation.  In the matter of the intent to seek  
6           Franchise and Concession Review Committee approval to  
7           utilize a different procedure, pursuant to Section  
8           1-16 of the Concession Rules of the City of New York,  
9           to enter into a Sole Source License Agreement with the  
10          Chelsea Improvement Company, Inc., to provide for the  
11          operation, management and maintenance of a pedestrian  
12          plaza located between West 14th Street and West 15th  
13          Street and 9th Avenue and Hudson Street in Manhattan,  
14          including through DOT approved events, sponsorships  
15          and subconcessions, including but not limited to  
16          providing for the sale of any of the following:  
17          prepared food, flowers, locally grown produce or  
18          locally manufactured products, merchandise, such as  
19          souvenirs or T-shirts, that helps brand or promote the  
20          neighborhood or CIC and other similar merchandise  
21          within the Licensed Plaza.  CIC shall issue  
22          solicitations in the basic form of a Request for  
23          Proposals or a Request for Bids to select the  
24          entity/entities, which will operate and manage such  
25          subconcessions.  The selection of the entity/entities

1 to operate and manage the subconcessions will be  
2 subject to DOT's prior written approval. The  
3 Agreement will provide for one five-year term,  
4 commencing upon written notice to proceed, with four  
5 one-year renewal options, exercisable at the sole  
6 discretion of DOT. CIC will be required to use any  
7 revenue generated by this concession for the  
8 maintenance, repair, and/or improvement ("Services")  
9 of the Licensed Plaza. Any revenue received by CIC in  
10 excess of the amount attributable to the Services of  
11 the Licensed Plaza and reasonable administrative costs  
12 associated with this concession shall be paid to DOT  
13 for the City's General Fund.

14 A proposed resolution was submitted relative  
15 thereto and this resolution is for adoption.

16 THE CHAIRMAN: Thank you very much. Is there a  
17 member that wishes to ask a question or make a  
18 statement on this item?

19 MR. YAN: I have a question and a statement that  
20 applies to this concession and the others as well. We  
21 are, of course, in support of these concessions, which  
22 is bringing in these mostly Business Improvement  
23 District or other entities to maintain these public  
24 properties.

25 We appreciate the Department of Transportation

1           for also agreeing to create a public notice procedure  
2           to give community boards timely notice of any  
3           applications for the subconcessions. Regarding the  
4           subconcessions, we, at this office, feel that it's  
5           important to maintain a good balance of businesses in  
6           these neighborhoods. The balance of businesses in the  
7           public -- potential businesses in these public spaces  
8           with the surrounding businesses, and I wanted to  
9           ask -- want the DOT to consider the needs of the  
10          surrounding businesses and impacts of subconcessions  
11          on them.

12                   And in the context of the computation and the  
13           sustainability of the local businesses, I hope DOT  
14           can consider that as an important factor when you  
15           review and approve the subconcessions. If DOT could  
16           comment on that.

17                   MR. SCHWARTZ:   Andy Weilly Schwartz, Assistant  
18           Commissioner, Planning and Sustainability, Department  
19           of Transportation. We haven't created a new notice  
20           procedure, but we do have to provide notice for the  
21           RFP as a public notice provision to the RFP. We have  
22           to agree to make sure that the community boards are  
23           aware that we have sent the notice to the City Record,  
24           and we will notify them as well. So, it's not a new  
25           notice provision, but we have agreed to make sure that

1 the community boards are aware.

2 MR. YAN: Which means you will notify the  
3 community boards; you will be giving community boards  
4 direct notice?

5 MR. SCHWARTZ: We will be sending them copies of  
6 what we sent to the City Record.

7 THE CHAIRMAN: They will be getting the same  
8 notices that will be sent to the City Record, so in  
9 effect, they will be getting notice of every  
10 subconcession.

11 MR. SCHWARTZ: Right. To your second point, we  
12 agree that it's important to consider the balance of  
13 businesses in the area, and we will work with partners  
14 on their -- the subconcessions that they're  
15 contemplating, and we will certainly review the  
16 applications with that in mind.

17 MS. BUDZIK: This is a pilot program. When do  
18 you plan on reviewing the pilot?

19 MR. SCHWARTZ: Pilot applies to two of the five  
20 licensed areas that we are contemplating today, Times  
21 Square and Herald Square. They're going to be  
22 considered on January 1st. Pilot will begin to be  
23 reviewed formally for the backers, and that is when is  
24 the first term of those agreements expires.

25 THE CHAIRMAN: I guess at this point, just to --

1 I would like to comment on a couple of things,  
2 following up on comments made at the public hearing on  
3 Monday. First, that the agreements that -- they're  
4 versions of the agreements that we're voting on today  
5 that have been circulated. There have been three  
6 changes made that have been circulated to the members  
7 of the committee, and I want to note very briefly what  
8 they are. One has to do with the definition of  
9 revenue, and specifically whether the action,  
10 including the advertising, certain advertising from  
11 the definition of revenue, which I think people here  
12 have seen.

13 The second is the requirement that  
14 suconcessionaires provide monthly reports to their  
15 primary concessionaires, and finally, a limitation on  
16 the amount that concessionaires can accrue. That  
17 accrual is based on the size of the budget that the  
18 concessionaire has submitted. That is limited to  
19 three times the budget over the lifetime of the  
20 concession.

21 I don't know if anybody here has any follow-up  
22 questions on that. Some of those were both comments  
23 and suggestions we received from the Comptroller's  
24 Office, and thank you very much for working on that  
25 with us.

1           MR. DAMASHEK:   Philip Damashek, General Counsel  
2           for DOT.   Just one clarification on the definition of  
3           revenue.   It's not just narrowed to just advertising,  
4           it's non-monetary considerations, such as advertising.

5           THE CHAIRMAN:   Non-monetary consideration is  
6           excluded from the definition of revenue for  
7           calculating what the revenue is.

8           On Monday also, there were three comments, two of  
9           which were at the meeting; one circulated in a letter  
10          from Community Board 5, and asking for an opportunity  
11          for input from the board, and the Department of  
12          Transportation is doing an annual meeting with the  
13          board to review the concessions for the prior year.  
14          And I've also spoken personally to the transportation  
15          commissioner to make sure that the feedback from those  
16          meetings is actually provided to the Business  
17          Improvement Districts, and that will be available for  
18          incorporation into whatever they're going to do in the  
19          subsequent year.

20          Secondly, we received comments from Con Edison  
21          expressing concern about their ability to get access  
22          to their facility, and they have been assured, from  
23          the first deputy commissioner, that none of the  
24          procedures are changing for Con Ed's access.   These  
25          are all temporary structures, so there should not be a

1           problem. Con Ed will have the same access that it  
2           always had. This concessionaire is no different than  
3           any other concessionaire in New York City.

4                       Finally, there is the notice issue that the  
5           Manhattan borough president representative brought  
6           up. I think those are some meaningful changes.  
7           Again, thank you to the Comptroller's Office and  
8           Borough President's Office and all the feedback that  
9           we got on these. I know that the Department of  
10          Transportation, for the department, this is a very  
11          important milestone. Not only are the partnerships  
12          good and important for these public spaces, it's going  
13          to be a substantial boon to ensuring that they're  
14          maintained and that they really can quickly become the  
15          public amenities that they're designed to be.

16                      MS. BUDZIK: We thank the Department of  
17          Transportation and Administration for responding.

18                      MR. YAN: Quick question. While we want to  
19          thank the Department of Transportation for being very  
20          accessible and very forthcoming, briefing us on this  
21          concession, and being very responsive to us, we want  
22          to stress that we believe it's the DOT's intent to do  
23          so. We want to stress that it's important, in looking  
24          at these potential subconcessions for these plazas, to  
25          limit the inappropriate proliferation of commercial

1 activity in these public plazas and maintain the open  
2 purpose and nature of these spaces.

3 Our understanding is any events happening in  
4 these areas will go through the normal street activity  
5 permit process, and I hope DOT will strongly consider  
6 the nature of the commercial activity that may occur  
7 in these spaces in the future. So, based on the  
8 conversations with you earlier, we understand that you  
9 will -- those are important factors for you as well.  
10 I just want to add that.

11 Also, I just want to confirm that for the  
12 immediate vicinity around the public plazas, there  
13 will be measures for cleaning those spaces, as well,  
14 through the existing Business Improvement Districts or  
15 other entities responsible for maintaining those  
16 areas. I want to confirm that that is correct.

17 MR. SCHWARTZ: Yes. The areas around all those  
18 plazas fall within the Business Improvement District,  
19 and in the case of Chelsea Improvement Corp., they are  
20 not a BID core, they are sweeping streets around the  
21 plaza. However, the revenue and all the terms of the  
22 agreement apply only to the licensed area that is  
23 outlined in the improvement agreement.

24 MR. YAN: These concessions only require  
25 maintenance in the actual public plaza?

1 MR. SCHWARTZ: That's correct.

2 MR. YAN: But there will be measures for  
3 maintenance to the existing organizations for the  
4 immediate surrounding areas. Okay. I just want to  
5 clarify those things, and again, thank the DOT for  
6 your responsiveness.

7 THE CHAIRMAN: I can confirm that the street  
8 activity permit offices also signed off on the events  
9 in these plazas.

10 With that, any other member who wishes to ask a  
11 question or make a statement on this item? If not, is  
12 there a motion?

13 I will say that perhaps all of the comments that  
14 were made with respect to the one we are about to vote  
15 on, and I'll just say it now since all of the  
16 plazas -- since they're all similar, apply equally to  
17 those plazas as well any other questions or statements  
18 on this item.

19 MR. YAN: I'll clarify; my comment applies to  
20 all the concessions as well.

21 THE CHAIRMAN: Is there a motion?

22 MR. COVINO: So move.

23 MS. KOCH: Second.

24 THE CLERK: Mayor.

25 THE CHAIRMAN: Yes.

1 THE CLERK: Office of the mayor.

2 MS. KOCH: Yes.

3 THE CLERK: Comptroller.

4 MS. BUDZIK: Yes.

5 THE CLERK: Corporation Counsel.

6 MR. FRIEDMAN: Yes.

7 THE CLERK: Office of Management and Budget.

8 MS. QUINTIAN: Yes.

9 THE CLERK: On behalf of the Borough Presidents,  
10 President, Borough of Manhattan.

11 MR. YAN: Yes.

12 THE CLERK: Calendar Item Number 1 is adopted.

13 THE CHAIRMAN: Will the clerk please call the  
14 next item.

15 THE CLERK: Calendar Item Number 2, New York  
16 City Department of Transportation. In the matter of  
17 the intent to seek Franchise and Concession Review  
18 Committee approval to utilize a different procedure,  
19 pursuant to Section 1-16 of the Concession Rules of  
20 the City of New York, for the New York City Department  
21 of Transportation to enter into a Sole Source License  
22 Agreement with the Flatiron/23rd Street Partnership  
23 Business Improvement District to provide for the  
24 operation, management and maintenance of a pedestrian  
25 plaza located on 5th Avenue and Broadway between 22nd

1 and 24th Streets in Manhattan, including through  
2 DOT-approved events, sponsorships and subconcessions,  
3 including but not limited to providing for the sale of  
4 any of the following prepared food, flowers, locally  
5 grown produce or locally manufactured products,  
6 merchandise, such as souvenirs or T-shirts, that helps  
7 brand or promote the neighborhood to the Flatiron BID,  
8 and other similar merchandise within the Licensed  
9 Plaza. The Flatiron BID shall issue solicitations in  
10 the basic form of a Request for Proposals or a Request  
11 for Bids to select the entity/entities which will  
12 operate and manage such subconcessions. The selection  
13 of the entity/entities to operate and manage the  
14 subconcessions will be subject to DOT's prior written  
15 approval. The Agreement will provide for one  
16 five-year term, commencing upon written Notice to  
17 Proceed, with four one-year renewal options,  
18 exercisable at the sole discretion of DOT. Flatiron  
19 BID will be required to use any revenue generated by  
20 this concessions for the maintenance, repair and/or  
21 improvement, ("Services") of the Licensed Plaza. Any  
22 revenue received by the Flatiron BID in excess of the  
23 amount attributable to the Services of the Licensed  
24 Plaza and reasonable administrative costs associated  
25 with this concession shall be paid to DOT for the

1 City's General Fund.

2 A proposed resolution was submitted relative  
3 thereto and the resolution is for adoption.

4 THE CHAIRMAN: Thank you. Is there a member  
5 who wishes to ask a question or make a statement on  
6 this?

7 MR. YAN: My comments apply to all the concession  
8 agreements.

9 THE CHAIRMAN: Is there a motion?

10 MR. YAN: Motion.

11 MR. McMILLAN: Second.

12 THE CHAIRMAN: Will the clerk please take a  
13 vote.

14 THE CLERK: The Mayor.

15 THE CHAIRMAN: Yes.

16 THE CLERK: Office of the Mayor.

17 MS. KOCH: Yes.

18 THE CLERK: Comptroller.

19 MS. BUDZIK: Yes.

20 THE CLERK: Corporation Counsel.

21 MR. FRIEDMAN: Yes.

22 THE CLERK: Office of Management and Budget.

23 MS. QUINTIAN: Yes.

24 THE CLERK: On behalf of the Borough Presidents,  
25 President, Borough of Manhattan.

1 MR. YAN: Yes.

2 THE CLERK: Calendar Item Number 2, resolution  
3 is adopted.

4 THE CHAIRMAN: Please call the third calendar  
5 item.

6 THE CLERK: New York City Department of  
7 Transportation, Calendar Item Number 3 is in the  
8 matter of the intent to seek Franchise and Concession  
9 Review Committee approval to utilize a different  
10 procedure, pursuant to Section 1-16 of the Concession  
11 Rules of the City of New York, for the New York City  
12 Department of Transportation to enter into a Sole  
13 Source License Agreement with the Fashion Center  
14 District Management Association, Inc., to provide for  
15 the operation, management and maintenance of  
16 pedestrian plazas located on Broadway between 41st and  
17 36th Streets in Manhattan, ("Licensed Plaza"),  
18 including through DOT-approved events, sponsorships  
19 and subconcessions, including but not limited to  
20 providing for the sale of any of the following:  
21 prepared food, flowers, locally grown produce or  
22 locally manufactured products, merchandise, such as  
23 souvenirs or T-shirts, that helps brand or promote the  
24 neighborhood or Fashion Center, and other similar  
25 merchandise within the Licensed Plaza. Fashion Center

1 shall issue solicitations in the basic form of a  
2 Request for Proposals or a Request for Bids to select  
3 the entity/entities which will operate and manage such  
4 subconcessions. The selection of the entity/entities  
5 to operate and manage the subconcessions will be  
6 subject to DOT's prior written approval. The  
7 Agreement will provide for one five-year term,  
8 commencing upon written Notice to Proceed, with four  
9 one-year renewal options, exercisable at the sole  
10 discretion of DOT. Fashion Center will be required to  
11 use any revenue generated by this concession for the  
12 maintenance, repair and/or improvement ("Services") of  
13 the Licensed Plaza. Any revenue received by Fashion  
14 Center in excess of the amount attributable to the  
15 Services of the Licensed Plaza and reasonable  
16 administrative costs associated with this concession  
17 shall be paid to DOT for the City's General Fund.

18 A proposed resolution was submitted relative  
19 thereto. The resolution is for adoption.

20 THE CHAIRMAN: Thank you. Is there a member who  
21 wishes to ask a question or make a statement on this  
22 item?

23 (No response)

24 Is there a motion?

25 MR. McMILLAN: Motion.

1 THE CHAIRMAN: Second?

2 MR. YAN: Second.

3 THE CHAIR: Will the clerk please take the  
4 vote.

5 THE CLERK: Mayor.

6 THE CHAIRMAN: Yes.

7 THE CLERK: Office of the Mayor.

8 MS. KOCH: Yes.

9 THE CLERK: Comptroller.

10 MS. BUDZIK: Yes.

11 THE CLERK: Corporation Counsel.

12 MR. FRIEDMAN: Yes.

13 THE CLERK: Office of Management and Budget.

14 MS. QUINTIAN: Yes.

15 THE CLERK: On behalf of the Borough  
16 Presidents, President, Office of the Borough of  
17 Manhattan.

18 MR. YAN: Yes.

19 THE CLERK: Resolution Number 3 is adopted.

20 THE CHAIRMAN: Thank you. Will the clerk please  
21 call the forth calendar item.

22 THE CLERK: New York City Department of  
23 Transportation, Calendar Item Number 4. In the matter  
24 of the intent to seek Franchise and Concession Review  
25 Committee approval to utilize a different procedure,

1           pursuant to Section 1-16 of the Concession Rules of  
2           the City of New York, for the New York City Department  
3           of Transportation to enter into a Sole Source License  
4           Agreement with the 34th Street Partnership, Inc., to  
5           provide for the operation, management and maintenance  
6           of pedestrian plazas located on Broadway and 6th  
7           Avenue between West 33rd and West 36th Streets in  
8           Manhattan, including through DOT-approved events,  
9           sponsorships and subconcessions, including but not  
10          limited to providing for the sale of any of the  
11          following: prepared food, flowers, locally grown  
12          produce or locally manufactured products, merchandise,  
13          such as souvenirs or T-shirts, that helps brand or  
14          promote the neighborhood or the partnership, and other  
15          similar merchandise with the Licensed Plaza. The  
16          Partnership shall issue solicitations in the basic  
17          form of a Request for Proposals or a Request for Bids  
18          to select the entity/entities, which will operate and  
19          manage such subconcessions. The selection of the  
20          entity/entities to operate and manage the  
21          subconcessions will be subject to DOT's prior written  
22          approval. The term of the Agreement shall be up to  
23          and including December 31, 2009, commencing upon  
24          written Notice to Proceed, with one five-year renewal  
25          option and four one-year renewal options, exercisable

1 at the sole discretion of DOT. The Partnership will  
2 be required to use any revenue generated by this  
3 concession for the maintenance, repair and/or  
4 improvement ("Services") of the Licensed Plaza. Any  
5 revenue received by the Partnership in excess of the  
6 amount attributable to the Services of the Licensed  
7 Plaza and reasonable administrative costs associated  
8 with this concession shall be paid to DOT for the  
9 City's General Fund.

10 A proposed resolution was submitted relative  
11 thereto and the resolution is for adoption.

12 THE CHAIRMAN: Is there any member who wishes to  
13 make a statement or ask a question on this matter? If  
14 not, is there a motion?

15 MS. BUDZIK: Motion.

16 MR. McMILLAN: Second.

17 THE CLERK: Mayor.

18 THE CHAIRMAN: Yes.

19 THE CLERK: Office of the Mayor.

20 MS. KOCH: Yes.

21 THE CLERK: Comptroller.

22 MS. BUDZIK: Yes.

23 THE CLERK: Corporation Counsel.

24 MR. FRIEDMAN: Yes.

25 THE CLERK: Office of Management and Budget.

1 MS. QUINTIAN: Yes.

2 THE CLERK: On behalf of the Borough Presidents,  
3 President, Borough of Manhattan.

4 MR. YAN: Yes.

5 THE CLERK: Calendar Item Resolution Number 4 is  
6 adopted.

7 New York City Department of Transportation,  
8 Calendar Item Number 5. In the matter of the intent  
9 to seek Franchise and Concession Review Committee  
10 approval 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  
13 Transportation to enter into a Sole Source License  
14 Agreement with the Times Square District Management  
15 Association, Inc. ("TSA") to provide for the  
16 operation, management and maintenance of pedestrian  
17 plazas located on Broadway and 7th Avenue between West  
18 41st and West 47th Streets in Manhattan, including  
19 through DOT-approved events, sponsorships and  
20 subconcessions, including but not limited to providing  
21 for the sale of any of the following: prepared food,  
22 flowers, locally grown produce or locally manufactured  
23 products, merchandise, such a souvenirs or T-shirts,  
24 that helps brand or promote the neighborhood or TSA,  
25 and other similar merchandise with the Licensed Plaza.

1 TSA shall issue solicitations in the basic form of a  
2 Request for Proposals or a Request for Bids to select  
3 the entity/entities which will operate and manage such  
4 subconcessions. The selection of the entity/entities  
5 to operate and manage the subconcessions will be  
6 subject to DOT's prior written approval. The term of  
7 the Agreement shall be up to and including December  
8 31, 2009, commencing upon written Notice to Proceed,  
9 with one five-year renewal option and four one-year  
10 renewal options, exercisable at the sole discretion of  
11 DOT. TSA will be required to use any revenue  
12 generated by this concession for the maintenance,  
13 repair and/or improvement ("Services") of the Licensed  
14 Plaza. Any revenue received by TSA in excess of the  
15 amount attributable to the Services of the Licensed  
16 Plaza and reasonable administrative costs associated  
17 with this concession shall be paid to DOT for the  
18 City's General Fund.

19 THE CHAIRMAN: Thank you. Is there a member  
20 who wishes to ask a question or make a statement on  
21 this item? If not, can I have a motion?

22 MR. McMILLAN: Motion.

23 THE CHAIRMAN: Second?

24 MR. OTANO: Second.

25 THE CLERK: Mayor.

1 THE CHAIRMAN: Yes.

2 THE CLERK: Office of the Mayor.

3 MS. KOCH: Yes.

4 THE CLERK: Comptroller.

5 MS. BUDZIK: Yes.

6 THE CLERK: Corporation Counsel.

7 MR. FRIEDMAN: Yes.

8 THE CLERK: On behalf of the Borough Presidents,  
9 President, Borough of Manhattan.

10 MR. YAN: Yes.

11 THE CHAIRMAN: Calendar Item Number 5,  
12 resolution is adopted, and ask that the reporter  
13 please make the entire special public meeting agenda  
14 part of the record of this proceeding. That completes  
15 the calendar.

16 Thank you very much. The special meeting is  
17 closed.

18 (Time noted: 3:00 p.m.)

19

20

21

22

23

24

25

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

CERTIFICATION

STATE OF NEW YORK)  
 )  
COUNTY OF SUFFOLK)

ss:

I, JUDI GALLOP, a Stenotype Reporter  
and Notary Public for the State of New  
York, do hereby certify:

THAT this is a true and accurate transcription  
of the Special Public Meeting of the Franchise and  
Concession Review Committee meeting held on August  
19, 2009.

I further certify that I am not  
related, either by blood or marriage, to  
any of the parties in this action; and

I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 8th day of September, 2009.

\_\_\_\_\_  
JUDI GALLOP

