

New York City Commission on Government Efficiency

Bronx Hearing 2:

Improving Franchises and Concessions

Moderated by Patrick Gaspard, Chair

Wednesday, July 1, 2026

5:21 p.m.

Lehman College

250 Bedford Park Boulevard West

Bronx, NY 10468

Reported by: Paul Grasso

JOB NO: 8289040

A P P E A R A N C E S

List of Attendees:

Emma Wolfe, Vice Chair

Susan Kang, Secretary

Ana Oliveira, Commissioner

Ruth Messinger, Commissioner

Dawn Pinnock, Commissioner

Carlina Rivera, Commissioner

Barika Williams, Commissioner

Marco Carrion, Commissioner

Marc Shaw, Commissioner

Kapil Longani, Commissioner

Henry Garrido, Commissioner

Kathryn Wylde, Commissioner

Esther Rosario, Commissioner

Matthew Bridge, Franchise and Concession Review
Committee

Katherine Wunningham, Expert

Katie Denny Horowitz, Executive Director, North
Brooklyn Parks Alliance

Rebecca Macklis, Director of Urban Design and Policy,
Municipal Arts Society

Heather Lubov, Executive Director, City Parks
Foundation

Anna Berlanga, Transportation Alternatives

A P P E A R A N C E S (Cont'd)

Deborah Kirschner, Vice President of Communications
and External Relations, Prospect Park Alliance

Pedro Suarez, Executive Director, Third Avenue
Business Improvement District

Eric Soriano Perez, Public Attendee

Belkis Perez, Public Attendee

Michael Tagriella, Public Attendee

Bre Doldron, Public Attendee

James Goebel, Public Attendee

Juan Carlos Castaneda, Language Interpreter

Joy Harris, ASL Interpreter

Cory Watson, ASL Interpreter

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

2 THE CHAIR: Good evening, everyone. We
3 are sorry that we kept that you waiting. Had some
4 challenges, but we've overcome all of them. And all
5 of you have overcome the heat, so we appreciate your
6 attendance here.

7 Welcome to this hearing on the
8 Commission of -- on Government Efficiency. My name is
9 Patrick Gaspard. I'm honored to be the chair of this
10 Commission. We are here today because we are
11 determined to help construct a 21st century government
12 that New Yorkers deserve: one that makes it far
13 easier to build essential infrastructure, to promote
14 small business growth, and to make the city more
15 livable and more accessible for all.

16 The task that we're undertaking is an
17 entire top-to-bottom review of the charter of the City
18 of New York. And once we've conducted that review and
19 we've managed to get inputs from New Yorkers like
20 yourselves, this Commission will make a set of
21 recommendations to the Mayor, to the city
22 administration for a ballot initiative that will take
23 up fundamental questions about the government that we
24 intend to help reform towards efficiency and
25 excellence.

1 And only if the voters of the -- of New
2 York City agree with us and vote for those charter
3 amendments will they come into effect with the full
4 force of the law. I know that I speak for all of my
5 fellow commissioners when I say that we are determined
6 to speak to a diverse set of New Yorkers in order to
7 get the very best ideas that are available to us in
8 the city.

9 This is an independent, non-partisan
10 commission. We intend to take up ideas irrespective
11 of who advances them and who is in support of them,
12 which is why we have been so excited that, over the
13 course of several hearings that we've already been
14 able to help lead, we've heard from over 700 New
15 Yorkers.

16 We've received at this point about 17
17 hours of testimony. And over 250 New Yorkers have
18 submitted testimony in writing to this Commission,
19 which we'll review in its entirety in order to make
20 sure that we are, again, getting the best ideas from
21 New Yorkers and from those who are privileged to lead
22 city agencies right now.

23 I'm joined in this Commission by some
24 extraordinary fellow New Yorkers who are committing
25 their time, who are doing everything that they can in

1 order to build the city that we are all desirous of.

2 Joining me in this task are 14 other
3 commissioners: Vice Chair Emma Wolfe, Marco Carrion,
4 Ruth Messinger, Ana Oliveira, Dawn Pinnock, Carlina
5 Rivera, Marc Shaw, Barika Williams. And joining us as
6 well but only virtually tonight are commissioners
7 Susan Kang, who serves as the secretary of this
8 commission; Henry Garrido; Kapil Longani, Esther
9 Rosario, Kathryn Wylde. And joining us as a
10 commissioner but not present in person or virtually
11 tonight is Theodore Moore.

12 Although, as I said, we will be
13 considering the charter in its entirety, this
14 Commission is looking in particular at the processes
15 and procedures built into our charter that could be
16 updated to create efficient government. Today in the
17 Bronx, in Lehman, we are focused on improving
18 franchises and concessions.

19 The City has inalienable rights to its
20 streets, roads, parks, and other public property. And
21 the charter permits franchisees and concessionaires to
22 use public property to provide public benefits.

23 A franchise is a grant by an agency of
24 a right to occupy or use city property to provide a
25 public service. A concession is a grant made by an

1 agency for the private use of city-owned property for
2 which the City receives fair compensation. Together,
3 franchises and concessions provide essential and
4 beloved functions for the people of this city, from
5 cable TV lines to skating rinks to outdoor markets.

6 The charter establishes the Franchise
7 and Concession Review Committee to review and approve
8 the selection of franchises and concessions. And
9 today we're focusing on this process to see if there
10 are any efficiencies to be found within it.

11 That said, as I see some of you looking
12 with -- quizzically at me, that said, even though
13 that's the particular focus of this hearing, we intend
14 to invite testimony from New Yorkers who have any
15 concerns that can be addressed with the reform of the
16 city charter.

17 At this point, we've heard from dozens
18 of New Yorkers who have questions, concerns, who have
19 testified about changes that they want to see in the
20 city and its government. Some of those changes, some
21 of those recommendations are not implicated by the
22 charter; but they're being taken up by the staff of
23 this Commission as well, and they'll be shared with
24 city agencies and the leadership of this
25 administration.

1 I'd love to press into this meeting.
2 As I said, we are going to invite testimony from
3 residents who are here in this room and some who are
4 joining us online. But we're also privileged tonight
5 to be joined by experts who will speak with some real
6 specificity and clarity about the issue that we've
7 elevated as central to one of the reforms that we are
8 pursuing here.

9 So tonight we're privileged to have
10 Katherine Winningham, former senior counsel at the Law
11 Department, sharing expert testimony on intellectual
12 property. Katherine will have five minutes to present
13 testimony, followed by questions from our Commission.

14 But for members of the public, when you
15 have an opportunity to bring your testimony, you will
16 have three minutes to make your terribly important
17 intervention. There's a clock there that you can see
18 that we'll, all of us together, pay close attention to
19 and adhere to. If we respect that clock, we'll be
20 able to hear from everyone who wants to testify
21 tonight in person and those who are joining us
22 virtually as well.

23 We're determined that we are going to
24 conclude this meeting by 8 p.m. You can hang out
25 somewhere else, but Lehman College will have us out in

1 this room by eight o'clock tonight. I believe that
2 we're not --

3 Daniel, I believe that we're at core
4 now? Great. Fantastic.

5 So before we move into the testimony, I
6 just want to ask my commissioners to take up a bit of
7 internal business and approve the minutes from the
8 Commission meetings on June 22nd in Queens and June
9 23rd in Staten Island. Is there a motion to do so?

10 MS. MESSINGER: So moved.

11 THE CHAIR: Is there a second?

12 MS. PINNOCK: Second.

13 THE CHAIR: Any discussions on the
14 motion? All those in favor, please say "aye."

15 MULTIPLE SPEAKERS: Aye.

16 THE CHAIR: Any opposed? Any
17 abstentions?

18 Fantastic. The minutes are approved.

19 So with that, I want to get to our
20 first testimony from our expert, Katherine Winningham.
21 And I really hope that, as Katherine testifies and we
22 go through the rest of this hearing, that somebody
23 turns up the fan.

24 UNIDENTIFIED SPEAKER 1: Matthew's
25 online.

1 THE CHAIR: Oh, Matthew --

2 Apologies, Matthew.

3 Matthew Bridge, senior counsel at the
4 Law Department, will also be joining us online.

5 Thank you, Katherine.

6 MR. BRIDGE: So is -- is Katherine
7 going to testify first or me?

8 THE CHAIR: No, Matthew. You're -- I
9 think you're making the first presentation to give us
10 an overview on franchise and concessions.

11 MR. BRIDGE: Perfect. My apologies.

12 So I'll try to make this quick. I
13 didn't realize I only had five minutes. But as a
14 disclaimer, I am testifying in my capacity as the
15 Corporation Counsel's designee on the Franchise and
16 Concession Review Committee, solely in order to
17 describe the processes from my perspective and purely
18 for informational purposes.

19 I'll begin with a brief overview of
20 what the Franchise and Concession Review Committee, or
21 FCRC, is and what we do. And then I'll briefly go
22 into franchises and then get a little more detail as I
23 go into concessions.

24 So the Franchise and Concession Review
25 Committee is composed of six members: a designee of

1 the mayor, a designee of the director of the Office of
2 Management and Budget, a designee of the Corporation
3 Counsel, a designee of the comptroller, one additional
4 appointee of the mayor, and a designee from the
5 borough president for the borough in which the
6 franchise or concession is located. Note that four of
7 the six members are mayoral appointees.

8 The FCRC holds each month a public
9 hearing and, at a later date, a public meeting. At
10 the public hearing, members of the public have the
11 opportunity to submit written or oral testimony,
12 either in support of or in opposition to the franchise
13 or concession.

14 At the public meeting, the FCRC votes
15 on whether to approve or reject the franchise or
16 concession agreement or whether to allow an agency to
17 enter into a sole source concession. The number of
18 votes needed to pass a particular item depends on the
19 item in question.

20 So the definition of a franchise has
21 already been given. I'll just recoup real quick.
22 Franchise shall mean grant by agency of a right to
23 occupy or use the inalienable property of the City to
24 provide a public service. Prior to even beginning a
25 solicitation for a franchise, an authorizing

1 resolution adopted by the city council is required,
2 pursuant to the charter. The franchise agreement that
3 ultimately results from the solicitation must conform
4 with all the provisions of the authorizing resolution.

5 Franchises require a public hearing at
6 the FCRC and must be approved by at least five members
7 of the FCRC at a public meeting, pursuant to Charter
8 373(c). Examples of franchises include DOT's bus stop
9 shelters, OTI's telecommunication-structured
10 franchises, and OTI's LinkNYC kiosks that you've
11 probably seen all over the city streets.

12 So now I'll get into concessions. As
13 was previously stated, concessions shall mean a grant
14 made by an agency for the private use of City-owned
15 property for which the City receives compensation
16 other than in the form of a fee to cover
17 administrative costs, except that concessions shall
18 not include franchises, revocable consents, and
19 leases.

20 Examples of recent concessions include
21 the Wollman ice skating rink in Central Park, which
22 was a Parks RFP; a kiosk for e-bike charging and
23 repair at City Hall Park, which was a Parks sole
24 source; mobile food units, such as mobile food trucks,
25 food parks, and push carts, at various parks citywide,

1 which was a Parks bid; the Downtown Manhattan
2 heliport, which was a Department of Small Business
3 Services and Economic Development Corporation, EDC --
4 a food beverage and/or merchandise concession at
5 Fordham Plaza in the Bronx, which was a DOT RFP; and
6 parking lots for Silvercup Studios in Long Island
7 City, Queens, which was a DOT sole source.

8 For concessions, the FCR -- FCRC
9 process primarily depends on the solicitation method
10 used by the agency, with one exception: If the term
11 of the concession agreement is for more than 20 years,
12 the FCRC must first unanimously approve the
13 solicitation before it even gets released, regardless
14 of the solicitation method.

15 So concessions can be solicited via a
16 bid, or RFB. And they do not need to go to the FCRC
17 for a hearing or meeting, again, unless the term is
18 more than 20 years. So that's very straightforward.

19 Concessions can also be solicited via
20 an RFP or a competitive sealed proposal. Most of
21 these do not need to go to the FCRC either, unless
22 they are what called a "significant concession."

23 And a significant concession is any
24 concession which has a term of ten years or greater,
25 including renewal option periods, or a projected

1 annual income to the City of more than \$100,000 or if
2 it's a major concession pursuant to definitions
3 established elsewhere.

4 Significant concessions require a
5 public hearing but no public meeting. So there's no
6 vote on them. It's just, the public has a chance to
7 submit testimony for or against the proposed
8 concession.

9 Another method that's used is
10 negotiated concessions. These are only permissible in
11 certain instances. I'm not going to go into it now
12 because I don't think I have time.

13 But the FCRC must vote to approve the
14 negotiated concession agreement at an FCRC public
15 meeting when the value of that concession and all
16 other concessions, franchises, and contracts between
17 that concessionaire and the City is \$100,000 or more.

18 At least four affirmative votes are
19 required to approve the concession agreement. And
20 negotiated concession agreements that are also
21 significant concessions also need to go to the FCRC
22 for a public hearing.

23 And lastly, perhaps the most
24 complicated solicitation means is a sole source
25 concession. So a sole source concession is a

1 concession granted by an agency without competition
2 when an agency determines that there is either only
3 one source for the required concession or that it is
4 to the best advantage of the City to grant the
5 concession to one source.

6 The decision to enter into a sole
7 source concession must first be approved by the FCRC
8 at a meeting. At least four affirmative votes are
9 required to approve the decision to enter into a sole
10 source.

11 Secondly, when the value of this and
12 all other concessions, franchises, and contracts
13 between the concessionaire and the City is \$100,000 or
14 more, the FCRC must then approve the sole source
15 concession agreement at a subsequent FCRC meeting,
16 which is usually done the next month.

17 At least four affirmative votes, again,
18 are required to approve the sole source concession
19 agreement. And, again, sole source concession
20 agreements that are significant concessions also need
21 to go to the FCRC for a hearing.

22 There are a few notable exceptions to
23 this whole FCRC process: One, concessions that are
24 not subject to renewal and that have a term of less
25 than 30 days, these do not need to go to the FCRC.

1 Agencies can enter into them on their own.

2 Two, small concessions which involve
3 compensation to the City of not more than \$249,999 and
4 a term of one year or maximum of two years with
5 renewal option, those do not need to go to the FCRC.

6 And lastly, in lieu of a concession,
7 agencies may issue a permit for the use of city
8 property for a period of over 30 days for a fee to
9 cover administrative costs. So the key there is that
10 the fee can just cover administrative costs. The
11 City's not really making money off of it.

12 So that's a brief overview that I have
13 the whole FCRC process from my perspective. And, I
14 guess, if there are questions, I'd be happy to help.

15 THE CHAIR: Thank you so very much.
16 I'm going to turn to Katherine now.

17 MS. WINNINGHAM: My name is Katherine
18 Winningham. I formerly was a senior counsel at the
19 New York City Law Department for 20 years in the legal
20 counsel division. Five years -- before that, I
21 litigated for five years. Before that, I was in
22 private practice, doing transactions involving
23 intellectual property -- trademarks, copyrights,
24 patents, any intangible property -- and registering
25 and protecting intangible property.

1 I'm going to skip over a lot of what
2 Matt has already covered. I'm speaking here in my
3 personal capacity -- hold it closer. I'm speaking in
4 my personal capacity based on over 30 years of working
5 in this area and trying to kind of thread a needle by
6 getting transactions that do not involve real property
7 through a process designed to cover real property to
8 which exclusive rights are being granted.

9 So you've heard about news stops --
10 it's newsstands, bus stop shelter, long-term parks,
11 concessions, restaurants, skating rinks, golf courses.
12 These all require millions of dollars of capital
13 improvements by a third party.

14 They need some security and a certain
15 term of performance. And they probably have to post a
16 bond in order to ensure that what the City expects to
17 complete and then to derive revenue from is going to
18 happen; right?

19 The bus stop shelters don't fall down
20 and kill someone. You can skate on the ice skating
21 rink. Everything's improved and looks nice and works
22 as it's supposed to.

23 In contrast, the kinds of things that I
24 am working on are the police, fire, Parks leaf logo --
25 all of the famous icons that generate goodwill that

1 people want to show enthusiasm for, affiliation with.

2 And I think of those as kind of most
3 correlating with sports teams, universities. People
4 feel a sense of attraction to these things; and they
5 want to display that with baseball caps, t-shirts,
6 footwear, sporting equipment, model vehicles, die-cast
7 vehicles.

8 And how this really came about is,
9 after September 11, 2001, it became apparent that the
10 City needed to protect its rights. These rights are
11 valuable. No one was really looking out for them.

12 We had counterfeits being sold at
13 ground zero in Chinatown by illegal vendors. We were
14 looking at -- City's losing revenue. In order to
15 protect rights in these designs, acronyms, words, we
16 needed to register them with the U.S. Patent and
17 Trademark and in foreign jurisdictions. And we wanted
18 revenue derived from selling merchandise to come back
19 to the City, not to be going into pockets of
20 counterfeiters.

21 So two major goals -- protect the
22 rights, revenue to City. In order to do those things,
23 you need a licensing program.

24 So the way these rights work is they're
25 use or lose. You have to have active use. And you

1 want a robust licensing program. You want to license
2 to the best sorts of brands out there.

3 You're sure they're safe for children.
4 They comply with consumer product commission
5 standards. They're co-brands that align with the
6 image the City wants to portray.

7 Or the City has certain goals, and it
8 wants licensing to align with those. If you don't
9 want to promote smoking, you don't license ashtrays.
10 If you don't want bottles taken into parks or beaches,
11 you don't want to put a mark on a glass container
12 that's sold at a park or beach.

13 So we went about registering all of the
14 top-line city marks, which was a substantial
15 undertaking. And registration allows us to obtain
16 treble damages in the event of infringement.

17 We file with Customs and Border
18 Protection. Any unlicensed merchandise is seized at
19 the border. We get a call; and we're asked, "What do
20 you want done with it?"

21 The -- so we -- we looked at best
22 possible means of protection using a model I'd used in
23 private sector for large-scale brands that everybody
24 here would be familiar with. We did a brand asset
25 study that said that anything branded "New York City"

1 was going to be among the most popular and iconic --
2 New York City was up there with Disney among the top
3 five recognized brands to consumers.

4 We started to run into problems in
5 2006. The Department of Education selected Snapple as
6 an exclusive beverage partner under an RFP. And they
7 followed all the FCRC process to award the right to
8 sell beverages, which is a concession, like what Matt
9 talked about. Buy your ticket to skate. Buy a drink
10 at a vending machine. Those are concessions.

11 In addition, with -- and added at
12 the -- at a late date, the City awarded the right to
13 Snapple to be the official beverage partner of the
14 City. The Comptroller's Office sued the Mayor's
15 Office. The case went all the way to the Court of
16 Appeals.

17 And the Court of Appeals determined
18 that all city property, real or intangible, is subject
19 to the same FCRC process that Matt described. I won't
20 repeat the -- the definition of it. Matt already
21 talked about that. But franchise, concession, and
22 lease processes apply to IP the same way that they
23 apply to inalienable Parks property, inalienable
24 street property.

25 Merchandise licenses typically do not

1 last 20 years. They don't involve infrastructure.
2 They do not involve capital outlay or risk by the City
3 of that nature.

4 We do not award exclusive rights. So
5 when Matt says that there's a concession for Wollman
6 Rink, we don't let three people vie to see how many
7 skating tickets they can sell at Wollman Rink.

8 With the merchandise licensing program,
9 it's a bit different. We want merchandise that's
10 widely available. We want it at a range of price
11 points; right?

12 If we can find multiple licensees and
13 one wants to sell to a market that is Walmart, one
14 wants to sell at a mid-market, or we have a company
15 like Nike or J.Crew come in and say, "We want to run a
16 Parks leaf shoe. We want to do a limited-run FDNY
17 shirt to show that we think the fire department's
18 great," we're -- we're -- they're not exclusive.

19 They usually last -- the standard terms
20 are four to six years, with two renewal periods. I
21 don't think, in 30 years, I've seen a license
22 agreement that exceeds 6 years, maybe 8 years.

23 Or we go back and amend and go through
24 a full FCRC process to do an additional term
25 extension. We started out trying to do this by RFP

1 and -- and treating these like franchises and
2 concessions. The process doesn't lend itself to this.

3 When we tried to do an RFP, we get some
4 people wanting exclusive rights. Some want
5 non-exclusive rights. And trying to compare what type
6 of deal is best for the City becomes really, really
7 difficult. You're --

8 THE CHAIR: Katherine, I may have to
9 ask you to try to just kind surf over your remaining
10 top lines.

11 MS. WINNINGHAM: Okay. So --

12 THE CHAIR: And then let's see if we
13 can take the rest up in questions.

14 MS. WINNINGHAM: I'm --

15 THE CHAIR: Sorry to do that to you.
16 I'm trying to --

17 MS. WINNINGHAM: I'm going to go
18 with -- currently, there is only one substantial
19 concession involving a license. We'd like to see more
20 at that level. The process is onerous.

21 Many are sole source because of the
22 nature of the product produced. If J.Crew wants to
23 produce a t-shirt that's co-branded, you can't go
24 someplace else to have J.Crew sell a shirt in its
25 store. It's J.Crew and our brand, and that's it. But

1 we would license to 15 other brands for apparel if
2 they come to us or -- or it's an opportunity that
3 looks good.

4 What I want to emphasize is that
5 merchandise licensing, like what I've worked on for so
6 long, just doesn't involve the same kind of property,
7 degree of risk, or capital exposure. We -- in these
8 deals, we have the right to terminate immediately. If
9 the licensee does something that we think doesn't
10 align with City values or doesn't cast the City in a
11 good light, we can terminate.

12 Unlike a concession or franchise, we
13 don't owe them any money. We are terminating. It's
14 effective immediately. City's not out anything. We
15 have oversight of every product produced. We have an
16 online approval system. Goes to multiple layers to
17 get a product approved.

18 The type of businesses we work with are
19 not used to going to public hearing -- hearings on
20 public notice, having to plan six to nine months in
21 advance to get on a public hearing calendar to do a
22 deal. The capital outlay isn't the same for toys,
23 housewares, water bottles as it is for a bus stop
24 shelter. So we're -- we're imposing incredibly high
25 hurdles to these businesses who would love to do

1 business with us but look at the process and it
2 becomes a "no way."

3 Basically, there are thoroughly
4 adequate means of protecting the City's interest in
5 this area without trying to shoehorn licensing of
6 non-tangible IP into a process that's really for real
7 estate. And we're looking for a really easy amendment
8 that just says FCRC applies to City-owned real
9 property.

10 And I'm sorry. I thank everyone for
11 listening to me. I know it's an obscure topic. And
12 I'm happy to take questions.

13 THE CHAIR: We do have questions for
14 you. Thank you so much, Katherine, for how thorough
15 you're being. And I apologize that we just have not
16 enough time for everything that you and Matthew are
17 bringing to bear tonight.

18 But let's take some questions from our
19 commissioners.

20 Emma, please.

21 MS. WOLFE: Thank you so much. Can you
22 say -- I -- I think this is not part of the charter
23 change, but it will be a question if the charter will
24 change the way you're suggesting and recommending.
25 What is the optimal "merchandising" -- merchandise

1 licensing regime that would take place immediately
2 after such a charter implementation change?

3 MS. WINNINGHAM: So there are several
4 provisions and existing charter provisions that would
5 give the authority to prescribe a different method
6 under DCAS authority. The City does this all the
7 time, and we've actually done a rule change that --
8 via DCAS that covers the ability to charge more than
9 scrap value for city memorabilia.

10 So normally, when you deaccession city
11 property, you want best possible price. But it's --
12 it's for, like, we're getting rid of old computers or
13 police cars without the insignias on them.

14 There is catchall authority in multiple
15 charter sections where you could -- an agency would
16 have the ability, like the FCRC does, via rule-making
17 to set out the process it wants to see from
18 merchandise licensing.

19 MS. WOLFE: Got it. Thank you.

20 MS. WINNINGHAM: But it's a CAPA
21 process, so that would involve a charter --

22 MS. WOLFE: "It's a capital process,"
23 you said?

24 MS. WINNINGHAM: Yes, ma'am.

25 MS. WOLFE: Merchandise would be

1 capital -- capital?

2 MS. WINNINGHAM: CAPA, City
3 Administrative Procedures Act. It's a rule change.
4 Sorry.

5 MS. WOLFE: Oh, okay. Got it.

6 MS. WINNINGHAM: It's hard to take your
7 city lawyer hat off after --

8 THE CHAIR: Dawn, and I -- and then I
9 think Ruth has a question.

10 Please.

11 MS. PINNOCK: Thank you for your
12 testimony. I might have missed this, so, please, my
13 apologies if I did. I'm trying to understand what the
14 cycle time was because I know you talked about the
15 hearing, how onerous it is. So what do you estimate
16 the current cycle time to be? And then, with this
17 proposed change, how more efficient can the process
18 be?

19 MS. WINNINGHAM: So Matt is the expert
20 on FCRC process. And to hear him tell it, the
21 possibility that a contract might have to go through
22 an initial public hearing and a second meeting, it
23 doesn't actually work -- and I'm not -- that's the way
24 it works legally.

25 What it looks like to whoever you're

1 doing business with is they're floating a proposal to
2 us. We're talking generally about terms. We're not
3 offering anything exclusive. So we're getting a feel.

4 The Law Department has approved certain
5 form contracts. I've worked with contracts and -- for
6 years to do that. We kind of try to get to, yes, we
7 have a term sheet. That's normal for anybody.

8 And then we start to -- we have to --
9 30 days in advance of one of the monthly calendared
10 hearings, we have to put the deal on the calendar.
11 And we won't really have a final deal. We're going to
12 the FCRC to bless it, to say, "We will authorize you
13 now to negotiate for this kind of deal with this
14 party," and go off and negotiate.

15 So we don't -- it doesn't work that --
16 deal comes in; we get it on the next calendar; and the
17 next calendar, it gets blessed. Then we're going
18 back. We have authority to negotiate specific terms.

19 We're putting the terms in the
20 contract. We're sending it to the proposed licensee.
21 They may have questions. They may have -- and we're
22 limited -- Law Department has to approve any deviation
23 to form contracts. If it's a business term, that's
24 something that everybody discussed.

25 So it could be two or three more months

1 until you get to yes. You have to have the final
2 contract you want to sign ready to get on the second
3 calendar. It has -- and that has to also be submitted
4 30 days before the meeting at which the deal will be
5 approved.

6 THE CHAIR: Thirty days?

7 MS. WINNINGHAM: Yes, sir. So 30 days
8 in advance, the first one, 30 days -- what happens in
9 between? Some -- a licensee could change -- they have
10 an idea in mind. Everybody talks about it. We may
11 send a mock-up to the agency whose mark is being used.
12 We always do that, actually.

13 Everybody sees what people think. Is
14 the agency happy with it? How do we think it aligns?
15 And then we could have a dead stop, where the licensee
16 said: "We contemplated putting this in our fall
17 launch. It's an apparel item."

18 And now we're realizing that if we
19 can't get back to a hearing -- we don't have a final
20 contract, can't get on for a hearing until November --
21 we can't sell this for Christmas. Orders have to go
22 in by X day.

23 And we either have to completely
24 reevaluate what the launch is -- that can become a
25 problem, especially if the -- the licensee envisions a

1 particular season. Like, they don't really want to
2 launch parks merchandise unless it's a skating hat
3 or -- in the middle of winter. They want to do it at
4 a nice season.

5 MS. PINNOCK: So we're talking about 30
6 days before the first meeting, 30 days before the
7 second. But your contract has to be final before you
8 can get to that point. So we're saying, at the
9 minimum, it's two months in the perfect situation
10 because the negotiation takes a very long time?

11 MS. WINNINGHAM: Actually, at a minimum
12 it's going to look more like three or four months
13 because of the notice requirements but --

14 MS. PINNOCK: Okay.

15 MS. WINNINGHAM: So the first time --
16 so usually, when we offer stuff, they see all the
17 standard City terms. But you can imagine, when a
18 licensee sees a comptroller audit provision, which is
19 in every one of our deals, you can imagine what
20 happens. And we cannot negotiate off that. We won't.

21 THE CHAIR: Yep. Great. Thank you.

22 Ruth, Marco, then Kapil.

23 MS. MESSINGER: I have two very
24 different questions. So the first one, I think, has
25 pretty much been addressed by people here. But what

1 we need to know is -- these bureaucratic steps just
2 grow and grow and grow. And then, as you say, it
3 takes too long and it's out of season.

4 And so I think lots of clarity, whether
5 it's a charter activity or not, will be a lot of
6 clarity for us to say, like, if these three things
7 were changed, this system would actually work better
8 and more in the City's interest. And I'd like to know
9 what those are, whether or not they're in the charter.

10 MS. WINNINGHAM: So the charter -- and
11 Matt may be more appropriate to discuss. In my view
12 and having had worked years ago on the City
13 procurement packages, there is authority in other
14 charter sections delegated to DCAS. There is
15 authority available to say -- I mean, you could do a
16 charter --

17 MS. MESSINGER: No. But what I'm
18 saying is we -- we have one obligation, which is to
19 find things that we like that have to be -- that
20 require a charter change, so they have to be on the
21 ballot. It seems to me, if the rest of the Commission
22 agrees, that we also have the leeway to say, in the
23 interest of simplifying City government and making it
24 more efficient, here are some things that should
25 happen and it would be really useful. It sounds like

1 yours just keep growing steps in the bureaucracy.

2 MS. WINNINGHAM: So this -- this needs
3 a charter change to move to only have FCRC process
4 cover realty, real property: parks, streets,
5 street -- blah. The other changes that would be
6 needed is you could recommend a particular process via
7 the right agency.

8 MS. MESSINGER: Katherine, I'm just
9 suggesting you should submit that to us.

10 MS. WINNINGHAM: Oh, yes, ma'am. I'm
11 sorry. I didn't --

12 MS. MESSINGER: No. I'm just saying it
13 now, and somebody has to take notes on it. I'm asking
14 for you to submit what would be things that would --
15 that are charter-related. And I gather that -- I get
16 that one thing. But in the other point, what would be
17 things that would make this process move more
18 smoothly?

19 And my other question is just -- I
20 don't know. I guess it's a metaphysical one. But
21 when you were talking about merchandising and stuff,
22 my -- my question is, is this in an area that the City
23 has consistently espoused as a way to make money for
24 the City? Or does it just happen accidentally? And
25 if -- if it happens accidentally, how do we make it

1 more profitable for the City?

2 MS. WINNINGHAM: It absolutely didn't
3 happen accidentally. It was this kind of outlier and
4 had happened kind of without a lot of oversight,
5 without any centralization, without any review by the
6 Law Department of what kind of deals, what kind of
7 contracts are being done and without any review by
8 City Hall, MOCS, or any other official entity of what
9 the deal --

10 MS. MESSINGER: I'm just saying, for
11 the Commission, this is another thing that we might
12 think about. If this is a -- if we put -- if we have
13 that good a brand, that's fine whether we approve it
14 or not. If we have that good a brand, then there's
15 merchandise people might want. And then there should
16 be a City way of selling it which is not impossibly
17 bureaucratic.

18 MR. CARRION: So what I hear you
19 saying or I believe you're saying is that there's
20 missed opportunity; right? There's potential partners
21 who walk away because of this, as you described,
22 onerous process. If that's the case, is there
23 estimate as to how much potential revenue the City is
24 missing out on?

25 MS. WINNINGHAM: So in terms of

1 forecasting, I did -- I got questions on that over the
2 years. I am being told that -- and I am not an expert
3 in the business end. I know what standard terms
4 should look like and what we want to see.

5 But I am personally aware of people --
6 of potential deals that have walked away when they've
7 seen the FCRC process. And I have been told by the --
8 by current people who are working on this that we
9 could, theoretically, substantially raise the revenue
10 that we're earning if we had -- if we could be more
11 nimble and come up with a better way to do this.

12 MR. CARRION: Any best guess at a
13 number?

14 MS. WINNINGHAM: I can't really do
15 that. I just -- I can't really set a number on it.

16 THE CHAIR: Kapil? Kapil?

17 MR. LONGANI: Thank you, Chair.

18 I had the same question as Marco,
19 actually. I think it would be great if we could get a
20 sense from anybody as to, if we are losing major
21 deals, how much it's costing the City on account of
22 the FCRC process. So I know Katherine said that she
23 doesn't have a number, but I agree with Marco. I
24 think it's a really important thing to know how
25 significant these losses are.

1 Separately, Katherine or Matt, you
2 know, I'm a big believer generally in laws and
3 regulations that treat people the same. But in the
4 case of FCRC approvals for concessions and franchises,
5 it does seem that there could be some common-sense
6 changes made to streamline the system by not treating
7 all entities the same way without increasing the
8 City's legal risk.

9 Katherine or Matt, I know you guys
10 think about this a lot. Do you have any suggestions
11 in terms of how we could further streamline that
12 system by potentially not treating all applicants the
13 same?

14 MS. WINNINGHAM: I want to first say
15 we -- as far as the licensing program goes, we don't
16 treat people substantially differently. Different
17 deals may mean different terms based on the nature of
18 the product, where it's sold; right? But we don't
19 look and say, "We don't want to do business with you,"
20 if you're somebody that's otherwise responsible, that
21 the City would do business with.

22 And I don't know that it makes sense in
23 the framework of a merchandise license to say
24 different deal for substantial, different from sole
25 source, both of which require two calendared meetings.

1 And we pretty much end up reverting to the
2 administrative category. And it's -- we're limiting
3 revenue on some of these deals to \$11,000 over two
4 years just to get them through because we can't wait
5 nine -- nine months to go through FCRC. Does that
6 answer your question?

7 MR. LONGANI: Yeah. I -- I mean, I
8 think so. I mean, I was trying to get more at what
9 Matt was saying about how, you know, if you're a
10 nonprofit or you're not -- I mean, I -- I just think
11 there's different entities. And we're talking about
12 the onerous nature of these public hearings, that
13 there's a case to be made for treating some of these
14 entities differently because the process seems onerous
15 and it also seems stuck in a different era, frankly.

16 And so, you know, our job, our mandate,
17 is to create more efficiencies. And I'm trying to
18 figure out what we can do here, based on what you and
19 Matt have said, to increase those efficiencies.

20 THE CHAIR: Matt, do you have any --

21 MR. LONGANI: By the way, and,
22 Katherine, I just want to say it's great to see you
23 again. You're a real -- just a tremendous public
24 servant. So it's really nice to see you again.

25 THE CHAIR: Matt, any quick response to

1 Kapil's observation and --

2 MR. BRIDGE: Yeah. I think it would
3 be --

4 THE CHAIR: And, Marc Shaw, I know that
5 you have a question as well after.

6 MR. BRIDGE: It -- it would have to be
7 something that needs look at very carefully to make
8 sure we're not treating certain entities better or
9 worse than others just, you know, based on the fact
10 that they are nonprofit or anything. But it is
11 certainly something that could be, you know, looked
12 into to try to set certain categories based on the
13 kind of services being performed or the type of entity
14 that's performing the services.

15 You know, we have to look at analogies
16 in other areas of local law where, okay, here we do
17 carve out, you know, nonprofits are not subject to
18 these provisions. So it's -- it's certainly possible,
19 but it would need to be carefully looked at.

20 THE CHAIR: I'm going to turn to
21 Barika.

22 Katherine, you seem to have a quick
23 point you wanted to make?

24 MS. WINNINGHAM: No. It's -- it's --
25 I'm kind of a stickler for you do treat everyone the

1 same. And what you're looking at in these
2 transactions is more, what's the threshold level of
3 the value, how much risk is the City taking; right?
4 And then we still want everyone to be somebody
5 responsible with whom the City would feel comfortable
6 doing business. That's all.

7 THE CHAIR: Great. So we'll conclude
8 this portion with your responses to Barika's question
9 or intervention.

10 MS. WILLIAMS: Yes. I appreciate you
11 all have shared. I think my question is specifically
12 on the treating everybody the same. Not necessarily
13 specific to licensing, but I know this is coming up
14 especially around concessions and a number of times
15 where highest and best use -- highest bid has now gone
16 to a new entity that feels like it is displacing or
17 gentrifying out a longstanding concession owner.

18 This was particularly the case in an
19 area in Brooklyn where there was a operator, a
20 concession operator, who had invested more than \$1
21 million in a set of tennis courts over the course of
22 five years and then was pushed out by a higher bid.
23 So also want to think about how, in evaluating
24 concessions and treating everybody the same, that
25 we're not allowing other people to, like, capitalize

1 on community investment and -- and prioritizing --
2 like, thinking about the different priorities.

3 Now we have a new concession entity who
4 is charging very high prices to access these
5 facilities, whereas the previous operator ensured
6 keeping things at a price that was affordable to the
7 community.

8 MS. WINNINGHAM: I'm going to turn
9 that -- I definitely have thoughts and feelings,
10 having worked on parks and concessions for so long.
11 But I think that's more appropriate for Matt. For the
12 licensing program, as long as somebody continues to
13 earn money for us, we're not going to toss them aside.

14 MR. BRIDGE: Yes. Off the top of my
15 head, I don't know how much a charter revision could
16 address that. To me that seems like it would more
17 have to be done through the FCRC rules.

18 But, you know, now as it is, when an
19 agency does a competitive solicitation, they are
20 obligated to pick whoever wins the -- you know, it's
21 like a blind kind of challenge. We -- okay. They --
22 they're the best. They got the most points. They get
23 it, you know.

24 They would consider the previous
25 concessionaire's evaluation as part of that. But if

1 the other person wins it, they -- if the other entity
2 wins it, they win.

3 So, you know, off the top of my head, I
4 don't know if that's something that really could be
5 addressed through the charter provisions dealing with
6 concessions. Because other than the definition, it
7 basically says, okay, here's how the FCRC is
8 constituted. The FCRC shall -- shall promulgate
9 rules. And those rules govern and nitty-gritty of the
10 process, like, similar to what you're describing.

11 MS. WILLIAMS: I mean, I understood
12 that it may not fall into the charter. I would say
13 that sounds like the FCRC needs to reevaluate some of
14 how they're assessing this, especially in light of now
15 new racial equity commissions that would probably add
16 additional elements for evaluation.

17 MR. BRIDGE: Yeah. They -- they
18 routinely update their rules. And it's, you know,
19 it's a public process and a citywide process. So the
20 next time that happens, that'll be the opportunity
21 to -- to try to get some change in there, I think.

22 THE CHAIR: You can make the very last
23 point.

24 MS. WINNINGHAM: I just want to thank
25 everyone so much for considering this. It has

1 absolutely been a real challenge over the course of my
2 public law career that would be a wonderful thing to
3 solve.

4 THE CHAIR: Well, I want to really
5 thank both you and Matthew for taking the time to join
6 us. Your --

7 MS. WINNINGHAM: -- nice to see people
8 on the panel who are fully familiar with this topic,
9 so.

10 THE CHAIR: Absolutely. But your
11 expertise is more than useful, so thank you for
12 joining us in your personal capacity.

13 And, Matthew, thank you for your
14 participation as well.

15 MR. BRIDGE: Thank you.

16 THE CHAIR: So now we're going to turn
17 to the public portion of our hearing. And I want to
18 invite testimony first from two online participants
19 and then from those of you who are here in this room.

20 I hope that Katie Denny Horowitz and
21 Rebecca Macklis can both hear me and they're both
22 present on Zoom and ready and willing to weigh in.

23 Katie? Katie, can you hear?

24 MS. HOROWITZ: I am. I was just
25 unmuted. Can you hear me?

1 THE CHAIR: Great. Yes. You can
2 begin, and you are now on the three-minute clock.

3 MS. HOROWITZ: Great. Well, good
4 evening. It's close enough to evening. Thank you for
5 putting this conversation together.

6 My name is Katie Denny Horowitz. I'm
7 the executive director of the North Brooklyn Parks
8 Alliance. We're a nonprofit conservancy that manages
9 parks and public spaces across Greenpoint and
10 Williamsburg in partnership with NYC Parks and NYC
11 DOT.

12 I urged the Commission today to
13 consider one simple but, in -- in the mind of many
14 parks organizations like myself, truly transformative
15 charter revision as it relates to concessions; and
16 that is allowing NYC parks to retain the revenue -- a
17 meaningful share of the revenue, specifically --
18 generated by concessions in the parks where that
19 revenue is created.

20 So today, as you all know, concession
21 revenue flows into the general fund, which means that
22 the neighborhoods that experience the impact of these
23 concessions, many of which are incredibly
24 successful -- they increase visitorship to park
25 spaces, they create enjoyment, they create services;

1 but they also lead to greater maintenance needs and
2 heavier use of our parks.

3 And the revenue generated from those
4 concessions actually doesn't stay to help offset that
5 very impact that they're having in those parks.

6 I -- again, I'm from the North Brooklyn
7 Parks Alliance, so I wanted to talk about two local
8 concessions here in North Brooklyn.

9 We see something like this at the the
10 McCarren Parkhouse. It's become a tremendous public
11 asset, a highly used and highly valuable restaurant
12 and -- and cultural location in the heart of McCarren
13 Park, a 35-acre park in North Brooklyn.

14 Bringing all those people in, the
15 revenue generated actually doesn't go back to McCarren
16 Park, which is chronically underfunded -- serious
17 sanitation issues and maintenance issues -- that don't
18 have a source of revenue despite having a successful
19 concession directly in the middle.

20 On the capital side of -- of
21 concessions and parks, I wanted to focus on another
22 local issue north -- in North Brooklyn, which is the
23 WNYC Transmitter Building. That is a dilapidated
24 waterfront building that has been vacant for decades.

25 And in the last single decade, there

1 have been two RFPs that have been released. And not a
2 single concessionaire has been able to actually
3 successfully secure -- successfully secure that
4 concessionaire, the reason being that -- that, in
5 part, the capital requirements are too onerous for the
6 concessionaire to be able to successfully propose a
7 business model that serves the purposes.

8 And there's no local incentive for a
9 concessionaire because the -- again, the revenue would
10 not go back to, in this case, Transmitter Park, which
11 has also seen chronic under-funding and -- and high
12 maintenance needs. So if you could just imagine that
13 these successful concessions actually help pay for the
14 park that makes those concessions possible, we would
15 be able to better fund our gardeners, our tree care,
16 our maintenance, our programs, and even the capital
17 improvements there.

18 So, you know, while we agree that
19 others in -- we agree with others in the park world
20 who would be testifying or -- or recommending
21 concession reform, we strongly feel that parks should
22 be retaining a portion of the concession revenue.
23 This is a classic example of a lot of nonprofits that
24 have sole source concessions. They reinvest that
25 revenue back in parks successfully.

1 And we feel this is a common sense
2 reform that aligns -- and aligns incentives and
3 improves parks maintenance. And it really gives
4 neighborhoods, on a local level, a direct return on
5 the activity and the impact that they're feeling from
6 concessions. So with that, I thank you for the
7 opportunity to testify, and I give back any time I
8 might have left.

9 THE CHAIR: Thank you so very much,
10 Katie.

11 Rebecca?

12 MS. MACKLIS: Thank you so much.

13 On behalf of Municipal Arts Society of
14 New York, thank for the opportunity to testify. I'm
15 Rebecca Macklis, director of urban design and policy
16 at the organization.

17 I know tonight we're focused on Chapter
18 14 FCRC, but before we dive into MAS's testimony on
19 that, I just would like to reiterate MAS's
20 longstanding advocacy for comp planning, which we
21 believe is critical to provide a long-term road map to
22 enable capital projects to be strategic and not
23 reactive for the City and maximize the co-benefit --
24 sorry. My 1-year-old is screaming in the background.

25 Major cities across the country use

1 comp planning to align long-term goals with capital
2 investment, and New York City remains an outlier.
3 This is not merely an inconvenience. We feel
4 strongly -- it's expensive, and we feel strongly that
5 a charter mandate for comp planning is simply not
6 planning reform; it's fiscal reform. It's -- you
7 know, in the spirit of COGE and this revision
8 commission, it is, I would say, peak government
9 efficiency.

10 So now to our focus today, making it
11 easier to access, activate, and partner on the public
12 realm by revising FCRC to support civic stewardship --
13 you know, just to caveat, I am, by no means, a
14 franchise and concession expert.

15 But through MAS's exposure to the -- of
16 accessing and activating the public realm through our
17 partners in the Alliance for Public Space Leadership,
18 of which MAS is a founding member, from our
19 participants in the Livable Neighborhoods Program and
20 our Enduring Culture community partners, we've heard
21 time and time again that there are unnecessary
22 roadblocks for groups who want to access, program, and
23 maintain our public space area and we've come to
24 understand that much of this red tape lives within the
25 FCRC.

1 From our understanding, the current
2 framework requires a nonprofit programming a plaza to
3 go through the same channels as a private company
4 operating a revenue-generating concession. The FCRC
5 should be revised to acknowledge that these are
6 fundamentally different activities with different
7 scales of public benefit versus commercial gain.

8 We believe that, specifically, the
9 commission should explore the following: Number one,
10 create a new category for public realm stewardship
11 agreements. This distinction would give partners a
12 more streamlined review than revenue-generating
13 concessions.

14 Other cities, such as London, San
15 Francisco, and Seattle, are formalizing community
16 stewardship as a type of public asset management; and
17 this could be a way that New York takes a step to do
18 the same.

19 Number two, raise review thresholds for
20 low-value agreements, volunteer stewardship, temporary
21 activations, and pilots. If the FCRC was revised to
22 maintain its reviews solely for arrangements with
23 substantial financial implications, it would be a
24 start that the City could take in right-sizing risk
25 and liability concerns and balancing them with public

1 benefit.

2 Number three, authorize standardized
3 stewardship agreements to mitigate having to
4 renegotiate public realm partnerships from scratch
5 each time. Templates themselves -- as I think some
6 folks have mentioned before, not everything is in the
7 charter. This could live in -- but the mandate or
8 request to have standard templates could live within
9 FCRC.

10 Another way is to authorize pilot
11 project authority, allowing certain pilots -- such as
12 open streets, community markets, and other methods of
13 tactile urbanism -- to have running approvals lasting
14 for some duration of time, such as three years. And
15 at the end, there could be a path to permanency.

16 Finally, MAS recommends that, in
17 concert with FCRC reform, the Commission strongly
18 encourage the City to review public space permanent
19 systems, including the Street Activation and Permit
20 Office [sic], SAPO. Improving permitting processes in
21 conjunction with charter reform would go a long way
22 toward making it easier for civic organizations to
23 steward and activate public spaces.

24 In terms of charter, FCRC --

25 THE CHAIR: Rebecca, I've hesitated to

1 cut you off.

2 MS. MACKLIS: Oh, sorry. Just my last
3 sentence.

4 THE CHAIR: You're well past three
5 minutes.

6 MS. MACKLIS: Yeah. Sorry.

7 Just that FCRC could mandate that SAPO
8 process be reviewed every five years or so to ensure
9 that it's right-sized to enable public space and
10 public --

11 THE CHAIR: Thank you, Rebecca. Thank
12 you.

13 MS. MACKLIS: Yeah. Thank you. Sorry.

14 THE CHAIR: With that --

15 No worries.

16 I'd like to see if there are any
17 questions for Katie or Rebecca? Commissioners? No.

18 Katie, Rebecca, we thank both of --

19 Oh, Henry? Sorry. Sorry, Henry. Did
20 not see your hand raised online.

21 MR. GARRIDO: Thank you, Mr. Chair.
22 Thank you for the opportunity.

23 Katie, the question's for you. Thank
24 you for your testimony. I -- I couldn't agree with
25 you more.

1 One could argue that this is almost
2 like a reverse tax on parks, having to provide the
3 services without keeping any of the revenue. But my
4 question is are you proposing a percentage of the
5 amount that would be kept by parks 50 percent?
6 Seventy percent? A -- a specific amount?

7 MS. HOROWITZ: Thank you for your
8 patience. I -- I just unmuted, if you could hear me.

9 You know, I mean, as a -- as a parks
10 advocate, I would say, you know, it should fully go
11 to -- to the park to be able to pay for -- for the
12 services there; but I understand that's probably
13 unrealistic. And there are proposals on the table for
14 at least a significant portion to be -- to stay in the
15 park where the concession is and -- and the other
16 portion going to the general fund, as it does now.

17 MR. GARRIDO: In -- in the case, for
18 instance, on the -- on the North Brooklyn Park
19 Alliance where you represent -- right? -- how much of
20 that concession would be generated -- would go to
21 those specific parks cover on the your advocacy?

22 MS. HOROWITZ: Well, you know, we --
23 my -- my nonprofit actually doesn't have a concessions
24 agreement with the Parks department. But --

25 MR. GARRIDO: No. No. That's not --

1 I'm sorry. Sorry to interrupt you. That's not what I
2 meant. What I meant is, in the area where there are
3 concessions within the jurisdiction of the parks that
4 your nonprofit represents -- right? I know you are --
5 you advocate for all parks -- do you estimate how much
6 of that would go to the parks under your jurisdiction?
7 I'm not suggesting you have a concession.

8 MS. HOROWITZ: Well, I mean, at the --
9 at the moment, the McCarren Parkhouse is -- is the
10 only active F&B concession, in part because the
11 Transmitter Park concession which was part of the
12 2005 -- part of the 2010 waterfront master plan is --
13 has not been able to have a concessionaire.

14 But there's a third concession
15 contemplated through that plan in Bushwick Inlet Park.
16 And so there could potentially be three concessions
17 that would be able to retain funding for those parks,
18 if that answers your question.

19 MR. GARRIDO: It does. Thank you.

20 Thank you, Mr. Chair.

21 THE CHAIR: Thank you, Henry.

22 I think we have one last question from
23 Ana.

24 MS. OLIVEIRA: Katie, I wanted to ask
25 you, could this -- is the revenue to stay in the park

1 where it's generated or in the Parks department
2 budget? The reason I ask is because parks are in
3 different neighborhoods with different economic
4 levels.

5 And I'm wondering if we could have an
6 unintentional discrepancy in parks that are in
7 neighborhoods with higher economic -- you -- you know,
8 people that use the concessions, the revenues would be
9 bigger. And parks seeing more modest, economically,
10 users of concessions, you know, buyers, the revenue
11 would be smaller. Would that unintentionally create
12 more discrepancy in the investment in the parks?

13 MS. HOROWITZ: I mean, there are few
14 proposals on the table to address some of the inequity
15 concerns that you're getting at, whereas, you know,
16 if -- if you do have a successful concession in, say,
17 an anchor park that is well funded, can that be
18 redirected locally to lesser-resourced parks and green
19 spaces in -- in the area?

20 I think the first step, at the very
21 least, is to keep it within parks; right? Keep it
22 within parks. And, you know, if proportion goes to
23 that particular park where the impact is had, you
24 know, there -- there are certainly well-resourced,
25 well-funded parks that have really successful

1 concessions. You know, there are also -- as in, you
2 know, the case I'm familiar with, which is the
3 McCarren Parkhouse -- right? -- they have the
4 concession there and the -- the park remains
5 underfunded.

6 And so, you know, it's not
7 necessarily -- Williamsburg and Greenpoint, in that
8 area, aren't necessarily, you know, low income
9 neighborhoods. There are certainly parks that fare
10 worse than McCarren Park. But, you know, the -- the
11 funding -- the revenue raised there could at least pay
12 for better maintenance of that park.

13 Like I said, in other areas, the needs
14 might be greater in other parks outside of the park
15 where the concession is being held. But, again, keep
16 at least -- at the very least, keep it in parks.

17 THE CHAIR: Thank you. Thank you for
18 your testimony.

19 Thank you for your questions,
20 commissioners.

21 We're going to now move to in-person
22 testimony from Heather Lubov and Anna Berlanga.

23 MS. LUBOV: Hi. I'm Heather Lubov.
24 I'm the executive director of City Parks Foundation.
25 And for 37 years, we've connected New Yorkers to their

1 parks through free programming, including arts,
2 sports, and environmental education.

3 Through partnerships with parks in the
4 Parks and Open Space Partners coalition, we support
5 and convene hundreds of community park groups and
6 nonprofit partners across the five boroughs. So we
7 have a very unique perspective on how parks -- and the
8 challenges they face working in public spaces around
9 negotiating license agreements, managing insurance
10 requirements, permitting, capital processes, and more.

11 NYC Parks has a long history of
12 partnering with nonprofits and has had a very
13 forward-thinking approach. But even with our nearly
14 40-year working relationship, there are still
15 challenges. So I have two examples to offer to you
16 today.

17 The first is the Swedish Cottage
18 Marionette Theater, a historic house in Central Park
19 that we have co-managed with NYC Parks since 1996,
20 when we jointly raised money for its renovation. The
21 renovation included a new event space that gave us the
22 opportunity to host birthday parties for families for
23 a small fee.

24 We would raise about \$80,000 a year.
25 And we used that money to hire part-time puppeteers to

1 staff the traveling PuppetMobile, which presents free
2 puppet shows in parks across the city, particularly
3 those that have less access to programming.

4 We first had an MOU with NYC Parks
5 during the renovation, but that expired in 2003. And
6 about five years ago, we were told that because we
7 didn't have an active license agreement, we could no
8 longer hold the birthday parties and generate that
9 revenue for the PuppetMobile, which is \$80,000.

10 So as a result, instead of 110
11 PuppetMobile performances and 22,000 audience members,
12 we had to drop to 40 shows and 4,000 audience members.

13 I will point out that everyone is
14 perfectly happy to have us raise philanthropic dollars
15 for the Cottage, just not birthday party money, even
16 though they're both being used to pay the same thing.

17 Today, after more than 30 years of this
18 partnership with the Parks department at the Cottage,
19 the Law Department continues to question whether or
20 not we bring enough value to warrant a sole source
21 license agreement, so we remain in limbo.

22 Next is SummerStage, a 40-year-old arts
23 festival presenting more than 50 free concerts across
24 the city and for which we do have a license agreement.
25 Even though our shows are free, we pay market rates

1 for artists and for production so that our shows,
2 while free for audiences, are of equal quality to
3 those you might see anywhere.

4 As prices keep rising, we have to
5 figure out how to identify new revenue. And one
6 option was going to Capital One, our longtime sponsor,
7 and offer them the title to the festival, meaning that
8 they would name the festival "The Capital One
9 SummerStage Festival," which is very common. Because
10 SummerStage --

11 THE CHAIR: Heather, you're at three
12 minutes, so I hope you can get to --

13 MS. LUBOV: Oh, yes. SummerStage is
14 official city property. We almost lost the
15 sponsorship because we had to go through the Law
16 Department. And not being able to offer exclusivity,
17 not being able to offer the right name, we nearly lost
18 \$1 million a year.

19 So I actually support what Katie and
20 MAS both recommend, which is treating nonprofits
21 differently than for-profits.

22 THE CHAIR: Thank you so much, Heather.
23 Anna?

24 MS. BERLANGA: Thank you for the
25 opportunity to testify today. My name is Anna

1 Berlanga. I'm the Bronx and Uptown organizer for
2 Transportation Alternatives. We're an organization
3 helping to bring Vision Zero to New York City and the
4 United States because we know that every traffic
5 fatality is a design, infrastructure, or policy
6 failure. I'm here to talk about the need for New York
7 City to speed up safety redesigns in our streets.

8 Every year, more than 200 New Yorkers
9 are killed in preventable traffic crashes. This is a
10 public health crisis that demands urgency. But overly
11 bureaucratic processes and red tape keep our streets
12 dangerous.

13 We know how to save lives on New York
14 City streets. We have the data -- data. We know
15 which street designs work best. We know which designs
16 prevent crashes. The issue is too many lifesaving
17 designs and infrastructure solutions are put on ice or
18 watered down before they're built.

19 And some neighborhoods have had hardly,
20 like mine, any safety infrastructure at all. I live
21 here in the Bronx by Crotona Park, where it's not
22 surprising to see a project on hold for over a decade.

23 There's a DDC project on Tremont that
24 was first brought up in 2008, designed in 2014, funded
25 in 2017. And now it's halfway through 2026, and it

1 still hasn't broken ground. The project is just three
2 tenths of 1 mile long, and three previous
3 administrations weren't able to get it done. And
4 there's more delays as we speak.

5 How about protected bike lanes, which
6 are proven to produce crashes and save lives for
7 everyone, including pedestrians and drivers? Over 75
8 percent of households in Central Harlem are car-free,
9 but Central Harlem has zero protected bike lanes.
10 Community proposals to build one on Adam Clayton
11 Powell Boulevard have languished for years. It's time
12 to finally get this project moving.

13 Or take another example in Central
14 Harlem, the 116th Street. On 116th Street, buses go 4
15 miles per hour. A lot of New Yorkers walk faster than
16 that; yet, Harlem residents are still waiting for the
17 same bus improvements that are already speeding up
18 commutes in other parts of the city and in other
19 neighborhoods.

20 Even though this is a standard design
21 that has already been successfully implemented in many
22 other neighborhoods, DOT still has to present the plan
23 to the community board, whose membership is
24 disproportionately composed of drivers, despite the
25 fact that most Manhattanites don't even own a car. So

1 how is this fair to the New Yorkers that rely on the
2 bus?

3 We see this dynamic play out in
4 neighborhoods across the city. And the communal
5 effect under previous administrations has been that
6 street safety projects and bus priority projects get
7 slowed down or sometimes shelved entirely.

8 And so that's what I want to say. And
9 taking off that hat for my org, I just want to say
10 Matt mentioned the Fordham Concession Plaza. Those
11 kiosks were built in 2017, and there's still no
12 concession there in the kiosks and the cafe and parks.

13 I love what you were saying. Randall's
14 Island batting cages, they don't exist.

15 THE CHAIR: Thank you. Thank you for
16 the testimony. And, Anna, thank you for the
17 additional bit of editorializing at the end here.
18 It's appreciated.

19 MS. BERLANGA: I am both a
20 representative and a human being.

21 THE CHAIR: Yeah.

22 Questions, comments, observations from
23 our commissioners?

24 Council Member?

25 MS. RIVERA: Hello.

1 MS. BERLANGA: Hi.

2 MS. RIVERA: Thank you to both of you.
3 I just wanted to be clear, your testimony is for,
4 like, faster buses; right? In terms of buses?

5 MS. MACKLIS: It's basically to speed
6 up the major transportation projects, major
7 transportation --

8 MS. RIVERA: Got it. Obviously. Yeah.
9 Something charter-related. Brilliant.

10 Okay. Second is for Heather. I just
11 want to thank you for your service because I think
12 that the City Parks Foundation is fabulous. Charlie
13 Parker Jazz Festival, we did that many years.

14 I wanted to ask, you mentioned some of
15 the costs that you encounter, like you pay market rate
16 for artists, some of the legal fees. Generally, are
17 you proposing that there's a separate and apart fee
18 for not-for-profits?

19 What -- what did you -- what would you
20 find would be easiest for your organization to sort
21 of -- to thrive and -- and work with the City?
22 What -- what are, like, best practices, your
23 recommendations exactly?

24 MS. LUBOV: Not about the fees at all.
25 It's really about how we are treated in terms of

1 negotiating our license agreements. And, I mean, I
2 certainly agree with Katie that keeping concessions in
3 parks would be great. I don't know how feasible that
4 is, so I'd rather start a little bit smaller and just
5 say that some of the rules that apply to for-profit
6 entities don't really apply to nonprofit entities. So
7 breaking -- breaking down some of those barriers would
8 make it much easier.

9 MS. WILLIAMS: So to clarify, I think
10 you're maybe building on what Rebecca from MAS said,
11 which is to -- the recommendation being nonprofit
12 entities would go through a different public
13 stewardship process for concessions that is maybe
14 distinct from for-profit entities. Is that what
15 you're proposing?

16 MS. LUBOV: It's not exclusively
17 concessions. Most of the license agreements that --
18 that I have and that others have, I guess, are
19 considered franchises --

20 MS. WILLIAMS: Franchises.

21 MS. LUBOV: -- rather than concessions.
22 So it's not really about concessions. Most park
23 organizations don't actually operate concessions.

24 MS. WILLIAMS: Got it.

25 MS. LUBOV: So it's mostly franchise

1 issues

2 THE CHAIR: Great. Great. Thank you
3 so much, both of you, for your testimony.

4 Deborah Kirschner, Pedro Suarez, both
5 on Zoom, can you hear and are you ready to testify?

6 Deborah?

7 MS. KIRSCHNER: Yes. Hello. Thank you
8 so much.

9 I am Deborah Kirschner. I'm vice
10 president of communications and external relations for
11 Prospect Park Alliance. I'm submitting a testimony on
12 behalf of myself and my colleagues. I will say right
13 now, I may not be able to directly answer your
14 questions. But if I can't, I will take good notes and
15 make sure we follow up with written responses.

16 Just to give a little background,
17 Prospect Park Alliance is a nonprofit organization
18 that was established in 1987 to operate Prospect Park
19 in partnership with the City. We've had a very
20 productive and very beneficial working relationship
21 with the City for almost 40 years now. And I'm
22 looking forward tonight just to give some -- some
23 insight on things that are sort of top of mind to us
24 that we'd love for COGE to consider.

25 I do want to start with FCRC as I

1 understand that's the topic for this evening's
2 presentations. In speaking with my colleagues, we
3 wanted to first acknowledge the fact that FCRC has
4 worked in -- in the past -- in recent years to help
5 improve the processes. And we particularly appreciate
6 the fact that the committee now meets virtually, which
7 makes it much more accessible and easier to engage in
8 that process.

9 We do just want to raise -- some of our
10 colleagues have -- whatever the City can do to
11 recognize sort of the differences between nonprofit
12 entities and for-profit entities and doing whatever
13 steps they can take to make it easier for nonprofits
14 to do business with the City, given the fact that we
15 are -- our reason of being is to -- is to serve the
16 public and the work that we're doing in particular
17 from the nonprofit partners of the City is to help
18 improve the ability of the City to -- to serve the
19 public.

20 Our recommendations include creating a
21 guide for nonprofits to help prepare for the FCRC
22 process, keeping in mind that many nonprofits have
23 minimal resources for general counsel and legal
24 support, and also just engaging nonprofits with the
25 understanding that nonprofits are -- are providing

1 with public good and are not commercial enterprises
2 and having that designation in mind in terms of how we
3 engage one another contract negotiations.

4 We also recommend the City consider
5 using streamlined contract templates that help
6 right-size the nature of the agreement with the
7 nonprofit's scope of work. Some groups don't need a
8 license agreement and can benefit from a simple
9 memorandum of -- of understanding. So getting people
10 through the right-size door efficiently would help
11 improve processes.

12 I also wanted to touch upon another
13 topic which I know is a topic of another session that
14 we were unfortunately unable to attend, and that --

15 THE CHAIR: You can if you do so very
16 briefly because you're at three minutes.

17 MS. KIRSCHNER: Oh, my gosh. That goes
18 really quickly.

19 Very, very quickly, I wanted to talk
20 about the current processes for infrastructure and
21 public works, in particular, recent legislation from
22 the city council to help reduce the time frame for
23 capital projects and also to enable more agencies to
24 use Design-Build. I think, in a nutshell, we are very
25 big advocates of all city agencies, in particular, New

1 York City Parks, being -- exploring different types of
2 Design-Build that can help reduce timelines and -- and
3 costs for capital projects.

4 THE CHAIR: Thank you, Deborah. I'm
5 sorry. I have to --

6 MS. KIRSCHNER: That's okay. My own
7 fault. I didn't realize how quickly it was going.

8 THE CHAIR: It's all right. Stay with
9 us in case our commissioners have questions. I always
10 kid that Abraham Lincoln managed to get in the entire
11 Gettysburg Address in less than two minutes, so
12 there's a lot of time to get the information in.

13 Pedro, please.

14 MR. SUAREZ: Yeah. I'm Pedro Suarez,
15 the executive director of the Third Avenue Business
16 Improvement District in South Bronx, which is a
17 501(c)(3) organization. I just want to double-tap on
18 what many of my colleagues have said here today,
19 including Deborah just recently, that nonprofits
20 shouldn't go through a separate process or at least be
21 treated differently from for-profit entities.

22 We are a plaza partner with DOT, which
23 is a separate process from the Parks department.
24 There's currently only one DOT-operated food
25 concession that I know of, which is Bogardus Plaza in

1 Manhattan.

2 And so we would like to do something
3 similar because, as you probably know, it's very
4 difficult to activate plazas for smaller organizations
5 on a regular basis. And a food concession is one of
6 the best ways, we believe, to activate that plaza and
7 make sure that it's used in a positive way. And so
8 that's something that we're currently exploring with
9 DOT.

10 But from everyone that I've spoken to,
11 the process is very onerous: the legal counsel, the
12 contracts, negotiation process. And, also, the food
13 concessions typically are not designed through DOT
14 with a bathroom, which is a major problem for
15 Department of Health. And so we usually have to
16 figure out some kind of bathroom option for the
17 employees that operate that concession.

18 So that's something that we also think
19 needs to be revisited so that we can do projects like
20 this, and it's something that we're exploring over the
21 next year. So that's really what I wanted to say.
22 Thank you.

23 THE CHAIR: Thank you, Pedro.

24 Questions from our commissioners?

25 Great.

1 Thank you so much, Deborah and Pedro.
2 Soriano Perez and Belkis Perez, please
3 join us. Thank you so much.

4 MR. PEREZ: I'll start. So good
5 evening. I'm Eric Soriano Perez, Lehman College
6 graduate turned civil servant. I don't have anything
7 on concessions or licensing, but I've got other things
8 I'd like to comment on.

9 But, first, I want to commend the
10 Mayor's Office and the Commission on Government
11 Efficiency for holding public sessions like this. I
12 think this is exactly the kind of civic engagement our
13 city needs more of.

14 When our city government invites people
15 into the conversation, it doesn't just build trust, it
16 makes government more effective. Residents often know
17 where the problems are and can help identify practical
18 solutions before they become bigger issues. Their
19 involvement also lessens the burdens on our city
20 agencies. That said, I want our city government to
21 meet people where they are.

22 Services like 311 are an incredible
23 resource. At any time, residents can call and be
24 connected to city services. But for decades, many of
25 our most vulnerable neighbors have remained

1 disconnected from those resources.

2 Too often, government has expected
3 people to come looking for help instead of bringing
4 information and support directly into the community.
5 If we want to restore trust in government, we have to
6 do more than issue press releases. We have to make
7 the work visible.

8 I encourage the City to partner with
9 trusted community spaces -- spaces -- barbershops,
10 salons, recreation centers, gyms, and other places
11 where people naturally gather -- put up bulletin
12 boards with city updates, provide resource guides,
13 have outreach staff or trained volunteers available on
14 certain days to answer questions and connect residents
15 with services.

16 These same locations can also become
17 hubs for opportunity by sharing information about
18 jobs, apprenticeships, scholarships, workforce
19 training, and other programs that many people never
20 hear about. Social media should absolutely --
21 absolutely be part of the strategy, but it shouldn't
22 be the only strategy.

23 I also encourage the City to build a
24 stronger pipeline for talent by recruiting from our
25 universities and from the private sector. We should

1 make public service an attractive destination for
2 skilled professionals who want to make a difference.
3 I'll just quickly mention, the Civil Service Pathways
4 Fellowship does a decent job to that end.

5 And where the data supports it, I
6 encourage the City to extend the work-from-home pilot
7 available to city employees indefinitely if it
8 improves -- only if it improves productivity, saves
9 money, and helps retain talents and employees.

10 We should also look for more
11 opportunities to produce goods and services ourselves
12 instead of always purchasing them from outside
13 vendors. We've already seen the savings that can come
14 from producing our own asphalt. We should continue
15 identifying similar opportunities to increase
16 self-sufficiency and reduce procurement costs.

17 Finally, I ask that the City's job
18 postings be reorganized. Positions open only to
19 current city employees should be separated from those
20 open to the public. Right now they're mixed together,
21 which wastes time for applicants and creates
22 unnecessary work for hiring departments.

23 THE CHAIR: Thank you.

24 MS. PEREZ: Hello, everyone. My name
25 is Belkis Perez. Hello, everyone. My name is Belkis

1 Perez, former -- of City of New York for 27 years. I
2 came to this country in 1979. I became citizen in
3 1987.

4 At that time I was so happy because I
5 earned the right to vote. But this one, it was not
6 long lasting because I decide not to be in Party A or
7 B. I don't plan to say which are they.

8 I was belong to one of them for more
9 than 25 years. When I believed that they don't longer
10 represent what I think is the best for New York or the
11 best for my country that I decide I choose for, I
12 decided to be independent.

13 When I went to vote the first time,
14 they said I'm not allowed to vote because I'm not
15 belong to Party A or B. I left. The second time,
16 when I returned, I said: "No. I'm going to vote."
17 And I stood there.

18 And they says: "Well, what we're going
19 to do is we're going to give it to you, a envelope.
20 You're going to vote in this one, and we're going to
21 send it to central office."

22 I don't know what central office was.
23 But they took it, and I was so happy about that. I
24 thought that I just had the right to vote. But it
25 wasn't true. A month later, I received a letter

1 saying that I was not allowed to vote because I'm not
2 belong to Party A or B.

3 I really want to be -- or to choose
4 what is the party that I want to be, who represent the
5 best for my -- for my state. I would like to -- to go
6 when it's -- everybody goes. Why I cannot? I think
7 that I earned the right to vote when I became citizen,
8 not to be cut off just because I'm not belong to Party
9 A or B.

10 I hope that in the near future, I have
11 the right to vote again. That -- this is one of the
12 best things that I decide to become a citizen of the
13 United States: to vote, to be part of the people that
14 are here to say, "I can vote; and I can decide for
15 whom I'm going to vote, no" -- "nobody to choose me
16 who's the one that I have to do it." I want the best
17 for the United States.

18 THE CHAIR: Thank you so very much for
19 your testimony and for that patriotic sentiment.

20 Questions, comments, commissioners?

21 Ruth?

22 MS. MESSINGER: I'd like to ask the
23 young man -- I appreciate you beginning by saying you
24 weren't on any of these issues but you decided to
25 come. I would love to know where you heard about this

1 commission and what made you decide to come because
2 there are people that we expected to hear from and
3 show up at various hearings who aren't here.

4 MR. PEREZ: Yes. So I -- I actually
5 frequent my community board meetings. And, you know,
6 I hear from elected officials, nonprofit
7 organizations. And so my community board is what I
8 would give credit to.

9 THE CHAIR: Questions? Comments?

10 Thank you, both, for your testimony.

11 Michael Tagriella and "Bre" or "Bre"
12 Doldron -- I believe that these were the last two
13 witnesses that have signed up to testify this evening.
14 If you believe that we have -- we actually have one
15 more person who signed on virtually. Great.

16 Good evening.

17 MR. TAGRIELLA: Good evening,
18 commissioners. My name is Mike Tagriella. I am a New
19 Yorker. I volunteer on two block associations, which
20 are really vital connections for neighborhoods to the
21 local government.

22 I'm also a veteran, a registered voter
23 who shows up in every election I can. And I am an
24 independent currently volunteering with the nonprofit
25 and nonpartisan Veterans for All Voters.

1 In the military, I served alongside
2 Americans of every background. We did not ask each
3 other what party we belong to. We served together and
4 met our responsibilities together. And it's in that
5 spirit that I come here tonight.

6 Right now, more than 1 million New
7 Yorkers are shut out of the primary elections that
8 decide who governs the city. And among New York
9 City's over 200,000 veterans, data suggests over
10 100,000 don't identify with either party.

11 These are people who served, came home,
12 raised families, and kept serving in quieter ways in
13 their communities. These New Yorkers should not be
14 kept out of elections. I believe voting is a civic
15 responsibility, but our current system tells too many
16 New Yorkers that they can live with the results and
17 pay for the elections and be governed by the winners,
18 but they still lack a meaningful voice in the election
19 that matters most.

20 But I am hopeful because last year,
21 reforms to this voting system were not expected to be
22 a central issue of that commission. Then New Yorkers
23 showed up, and it became one of the issues most
24 discussed. And it's happening again this year.

25 I think that matters because it shows

1 that this isn't an abstract reform. It's an ask from
2 New Yorkers who want to take responsibility for the
3 future of their city.

4 Nonpartisan primary reform is about the
5 legitimacy of governance for all New Yorkers. Parties
6 do have a role here. People should be free to join
7 them and organize through them. But city elections
8 should put all voters first, and the election should
9 be open to the public they are meant to give voice to,
10 not add burdens on them to associate with one group or
11 another to have their voice heard.

12 I ask this Commission to put a reform
13 before voters that gives independent New Yorkers a
14 meaningful vote in the elections that decide our
15 city's future. Thank you very much.

16 MS. DOLDRON: Hello. Good afternoon or
17 evening, members of the committee. My name is Bre
18 Doldron. I was born and raised in Bed-Stuy. And I'm
19 here today to ask you to open our primary elections.

20 I'm here before you as a member of the
21 most independent generation in the history of our
22 country, and that's Gen Z. Personally, I'm tired of
23 the endless partisan gridlock, the constant red versus
24 blue; and my generation is as well.

25 We're currently trapped in this rigid

1 binary that simply doesn't reflect who are or how we
2 live our lives. And we don't see productive arguments
3 anymore, only opposition, polarization, and division.

4 We want real, structured solutions,
5 something we've seen so little of that, sadly,
6 American ideals like fairness, compromise, or
7 collaboration are mostly abstract. And that is why I
8 believe people are leaving the two-party system in
9 droves.

10 Right now, 45 percent of Americans
11 identify as independent and a striking 56 percent of
12 my peers in Gen Z refuse to align with either party.
13 We refuse to treat party loyalty as a given,
14 especially when issues that plague our generation,
15 like the climate crisis and the crushing weight of
16 affordability, threaten to destroy our planet and our
17 future without us having a fair chance or a meaningful
18 say in who is elected to represent us.

19 Our identities and our experiences are
20 far too complex to be forced into these two
21 restrictive boxes; yet, because of our closed primary
22 system, choosing independence, choosing to
23 unaffiliate, or simply choosing to say "enough is
24 enough" means that we're stripped of our right to vote
25 in the elections that matter most.

1 It hurts me deeply to know that New
2 York City alone, over 1.2 million independent voters,
3 a majority of whom are people of color, are completely
4 barred from having a say and are therefore silenced
5 from participating. This is a voting rights violation
6 that hurts those who have the most at stake, silences
7 my generation, proud independent voters, veterans, and
8 communities of colors -- color. Excuse me.

9 And when we lock independents out, we
10 lock marginalized communities out. And there's no way
11 around this.

12 I often wonder why we are so afraid of
13 these populations of voters having a voice. What are
14 we afraid of in opening these primaries? That the
15 people, the voters, would be returned power?

16 I think if we truly want to build a
17 representative future, we have to end this exclusion.
18 So I urge you to open primaries and thank you so much
19 for your time and your consideration.

20 THE CHAIR: Thank you, both, for your
21 testimony and to your commitment to the issue.

22 Questions, comments, commissioners?

23 None.

24 Thank you both.

25 James Goebel, if you are still on air

1 and able to hear me, the microphone is yours.

2 MR. GOEBEL: Hello. My name is James
3 Goebel. Well, I do want to be clear that I -- I do
4 work on franchise and concession agreements at the
5 Mayor of -- Mayor's Office of Contract Services. I'm
6 here speaking in my personal capacity.

7 I just want to note a couple things and
8 correct one or two that I -- I've heard spoken here.
9 First of all, I want to point out that the -- the
10 Franchise and Concession Review Committee does not
11 meet virtually, unfortunately. I believe we're
12 constrained by open meetings laws regarding that.

13 Second, with respect to cycle times --
14 I think that was brought up earlier -- there have been
15 some changes made recently to the city concession
16 rules to allow for greater efficiency of concession
17 and franchise -- concession agreements. Excuse me.
18 One of those is small concessions, which I think Matt
19 Bridge mentioned briefly.

20 Those are agreements that can be done
21 for up to one year or two years, including renewals.
22 Those can be for anything under \$250,000. And those
23 do not require Franchise and Concession Review
24 Committee meetings or hearings to approve them. They
25 also do not require registration with the comptroller.

1 They're intended to be a fast, more
2 efficient option for these agreements to take the
3 place of things like administrative permits that are
4 limited to \$11,000, which I think is something that
5 the representative from the Law Department or New York
6 City Tourism mentioned.

7 Additionally, there are program-based
8 concessions. Program-based concessions are things
9 that are going to be done essentially as template
10 agreements. So these can be kind of a broad
11 concession plan that can then be spun off into
12 separate subsequent concession agreements that kind of
13 eliminates the need for one proceeding.

14 So there are changes to efficiency --
15 changes to improve efficiency that have been made to
16 the concession rules recently. As far as the
17 abilities of this committee, I think maybe one
18 potential area of change could be making the public
19 hearing requirements for franchises a little bit less
20 onerous.

21 The advertising requirements for those
22 are much more stringent than those for concessions,
23 and those could potentially be loosed to be more in
24 line with the requirements for concessions and
25 potentially speed the process up. Thank you.

1 THE CHAIR: Great. Thank you, James.
2 Questions from commissioners? No
3 questions.

4 James, thank you so very much for
5 joining us this evening.

6 Thank you to all who came to testify,
7 who joined us in person, who joined us virtually.
8 Special thanks to our stenographer; our staff here at
9 Lehman College; and our phenomenal sign language
10 interpreters, who helped to make this an inclusive and
11 accessible evening for all of us.

12 The next hearing of this Commission
13 will be held on Staten Island on July 6th at 5 p.m. at
14 Snug Harbor Cultural Center Great Hall, 1000 Richmond
15 Terrace, Building R Lobby in Staten Island. It will
16 focus on speeding up procurement; but like today, we
17 welcome testimony from all New Yorkers on topics
18 related to the charter.

19 This is the end of our meeting. Is
20 there a motion to adjourn?

21 MULTIPLE SPEAKERS: Moved.

22 THE CHAIR: Is there a second?

23 MS. KANG: Second.

24 THE CHAIR: All in favor?

25 MULTIPLE SPEAKERS: Aye.

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THE CHAIR: We are adjourned.
(Whereupon, at 6:57 p.m., the
proceeding was concluded.)

CERTIFICATE

I, PAUL GRASSO, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



PAUL GRASSO

Notary Public in and for the
State of New York

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