

Franchise and Concession Review Committee Public Hearing
June 11, 2018

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PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE

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June 11, 2018
2:38 p.m.
2 Lafayette Street
14th Floor Auditorium
New York, New York

Julia M. Speros
Court Reporter

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A P P E A R A N C E S :

Mayor:

Peter Hatch

Office of the Mayor:

Benjamin Furnas

Corporation Counsel:

Amrita Barth

Office of Management and Budget:

Yvonne Quintian

Comptroller:

Jennifer Conovitz

Borough President of Brooklyn:

Tonya Cantlo-Cockfield

Borough President of Manhattan:

James Caras

Borough President of Queens:

Allan Swisher

Borough President of Staten Island:

Lashay Young

NYC Department of Parks and Recreation

Alessandro Oliveri

Alexander Ham

Clerk:

Stephanie Ruiz

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PROCEEDINGS

MR. HATCH: Good afternoon. The public hearing will now come to order. Will the Clerk please call the role?

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

MR. FURNAS: Here.

THE CLERK: Comptroller.

MS. CONOVITZ: Here.

THE CLERK: Corporation Counsel.

MS. BARTH: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: President, Borough of the Bronx.

(No response.)

THE CLERK: President, Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan.

MR. CARAS: Here.

THE CLERK: President, Borough of

1 Queens.

2 MR. SWISHER: Here.

3 THE CLERK: President, Borough of
4 Staten Island.

5 MS. YOUNG: Here.

6 MR. HATCH: Welcome to this public
7 hearing of the Franchise and Concession
8 Review Committee. The hearing being
9 conducted today has been publicly
10 advertised in accordance with the New
11 York City Charter and Concession Rules
12 of the City of New York.

13 We want to be sure that anyone
14 desiring to be heard has the opportunity
15 to do so. All persons wishing to speak
16 must fill out a request slip, which may
17 be obtained from the Clerk. Each
18 speaker will be allotted approximately
19 three minutes.

20 When you testify, please state your
21 name and affiliation. You may also
22 submit written testimony to the Clerk
23 which will be made part of the record.
24 Any written submissions must be given to
25 the Clerk before the close of the public

1 hearing.

2 Will the Clerk please call the first
3 calendar item?

4 THE CLERK: New York City Department
5 of Parks and Recreation, Calendar item
6 number 1: In the matter of the intent
7 to seek Franchise and Concession Review
8 Committee approval to utilize a
9 different procedure, pursuant to Section
10 1-16 of the Concession Rules of the City
11 of New York, to enter into a Sole Source
12 License Agreement with the Hudson
13 Yards/Hell's Kitchen Business
14 Improvement District, Inc., for a
15 potential 17 year term, for the
16 operation of various food concessions,
17 farmers and winter holiday markets, and
18 to receive the revenue from certain
19 third party events in Hudson Boulevard
20 Park, Manhattan.

21 MR. HATCH: Do any members of the
22 Committee wish to make a statement on
23 this matter?

24 (No response.)

25 MR. HATCH: And are there any

1 members of the public who want to offer
2 testimony?

3 (No response.)

4 MR. HATCH: All right. Then will
5 the Clerk please call the second
6 calendar item?

7 THE CLERK: New York City Department
8 of Parks and Recreation, Calendar item
9 number 2: In the matter of the intent
10 to award as a concession for the
11 development, operation, and maintenance
12 of a snack bar at John Street Service
13 Building on the East River Waterfront
14 Esplanade, Manhattan for a 10 year term,
15 to South Street Seaport Limited
16 Partnership.

17 MR. HATCH: Are there any members of
18 the Committee who wish to make a
19 statement on this matter?

20 MR. CARAS: (Indicating.)

21 MR. HATCH: Manhattan.

22 MR. CARAS: So the Borough
23 Presidents Office has been really,
24 really active at the South Street
25 Seaport pretty much since the day that

1 we walked in the door four-and-a-half
2 years ago, and one of our concerns is
3 that the Seaport not be viewed as sort
4 of a company town -- you know, Howard
5 Hughes running of the Seaport -- and
6 we've had issues in the past about the
7 programming of public space.

8 So I've asked -- but, you know, this
9 was competitively done -- Howard Hughes
10 was the, you know, the first ranked
11 respondent -- responder -- but I've just
12 asked Howard Hughes and the Department
13 of Parks if they would sit down with the
14 Community Board and, you know, listen to
15 their input in terms of the -- you know,
16 the type of operator they're thinking --
17 you know, their plans for the concession
18 -- and work with the community.

19 You know, I understand that a couple
20 of things in the response -- in the
21 proposal that I saw that were sort of
22 the kind of issue we had sort of
23 previously had with the people of Howard
24 Hughes in charge of the Seaport earlier,
25 where it said things like, you know, "We

1 program all the -- the entire South
2 Street Seaport". Well, that's not -- we
3 don't think anyone, other than the City,
4 programs public space in the South
5 Street Seaport; and perhaps the museum,
6 which is supposed to have a role in
7 cultural programming in the Seaport.

8 So it's just things like that. We
9 want to be very sure that when Howard
10 Hughes does -- you know, is operating
11 something, that they're doing it in --
12 with open dialogue with the community
13 and with the Community Board.

14 So I thank them and the Parks
15 Department for a great event. I was
16 just on the phone with the Community
17 Board. They would love to have a
18 meeting, you know, in short order with
19 you guys; maybe either the Chairs or
20 members of Seaport -- they have South
21 Street Seaport Committee, Community
22 Board 1 -- so I appreciate that.

23 MR. HATCH: Thank you.

24 Are there any other members of the
25 Committee who have statements?

1 (No response.)

2 MR. HATCH: If not, any members of
3 the public?

4 (No response.)

5 MR. HATCH: All right. Then will
6 the Clerk please call the third calendar
7 item?

8 THE CLERK: New York City Mayor's
9 Office of Contract Services, Calendar
10 item number 3: In the matter of the
11 intent to host a public hearing on
12 Agency Annual Concession Plans for
13 Fiscal Year 2019, pursuant to the
14 Concession Rules of the City of New
15 York. At this public hearing, the
16 Franchise and Review Committee, or the
17 FCRC, will solicit comments about the
18 provisions of the Concession Rules from
19 the vendor community, civic groups, and
20 the public at large. The FCRC shall
21 consider the issues raised at the public
22 hearing in accordance with the
23 procedures set forth in the Charter
24 under the City Administrative Procedure
25 Act.

1 MR. HATCH: Would any members like
2 to make a statement on this matter?

3 MS. CONOVITZ: Yes, thank you.

4 MR. HATCH: Recognizing the
5 Comptroller then.

6 MS. CONOVITZ: Thank you. Thank you
7 for sharing the Annual Agency Concession
8 Plan for Fiscal Year 2019. For those
9 concessions that may be expiring in this
10 year, we request that the City and
11 relevant agencies build in enough time,
12 prior to expiration, to allow Community
13 Board and FCRC review, and further
14 action as a result of that review, in
15 connection with those concessions.
16 Thank you.

17 MR. HATCH: Thank you. Any
18 additional members?

19 (No response.)

20 MR. HATCH: All right. If no one
21 else wishes to speak, that concludes
22 today's hearing.

23 We ask that the reporter make the
24 entire public hearing agenda, which was
25 made publically available and

1 distributed at this hearing, part of the
2 final record of the proceeding.

3 The hearing is now closed. Thank
4 you.

5 (Time noted: 2:44 p.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of June, 2018.



Julia M. Speros

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, JUNE 11, 2018 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via e-mail at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 788-0010. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least three (3) business days in advance of the hearing to ensure availability. 

*Franchise and Concession Review Committee Joint Public Hearing
Monday, June 11, 2018 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into a Sole Source License Agreement ("License Agreement") with the Hudson Yards/Hell's Kitchen Business Improvement District, Inc. ("HY/HK BID"), for a potential seventeen (17) year term, for the operation of various food concessions, farmers and winter holiday markets, and to receive the revenue from certain third party events in Hudson Boulevard Park, Manhattan. Such concessions will include a food concession at the existing kiosk building and seating area; mobile food trucks and/or carts; farmers markets and winter holiday markets that do not materially displace other public park uses and are limited in duration to a few weeks per year (or, in the case of farmers markets, a few days per week), and other such similar uses as may be approved in advance by Parks. Under the License Agreement, Parks also grants to HY/HK BID the right to receive the fees generated by certain third party events (no more than 12 times per year and twice per month). In lieu of a license fee, HY/HK BID will use all gross receipts received by it from or in connection with its operations at the Licensed Premises exclusively to provide for the management, maintenance, operation and programming of Hudson Boulevard Park, in accordance with the terms of the M&O Agreement (as defined in the License Agreement) and as otherwise set forth in this License Agreement.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: **IN THE MATTER** of the intent to award as a concession for the development, operation and maintenance of a snack bar at the John Street Service Building on the East River Waterfront Esplanade, Manhattan for a ten (10) year term, to South Street Seaport Limited Partnership. Compensation will be as follows: for each operating year of the license, South Street Seaport Limited Partnership shall pay a fee consisting of the higher of a minimum annual fee

(Year 1: \$100,000; Year 2: \$105,000; Year 3: \$110,250; Year 4: \$115,763; Year 5: \$121,551; Year 6: \$127,628; Year 7: \$134,010; Year 8: \$140,710; Year 9: \$147,746; Year 10: \$155,133) vs. 10% of Gross Receipts.

NEW YORK CITY MAYOR’S OFFICE OF CONTRACT SERVICES

No. 3: **IN THE MATTER** of a public hearing on Agency Annual Concession Plans for Fiscal Year 2019, pursuant to Section 1-10 of the Concession Rules of the City of New York (Concession Rules). At this public hearing, the Franchise and Concession Review Committee (FCRC) will solicit comments about the provisions of the Concession Rules from the vendor community, civic groups and the public at large. The FCRC shall consider the issues raised at the public hearing in accordance with the procedures set forth in the Charter under the City Administrative Procedure Act.