

Franchise and Concession Review Committee Special Public Meeting
May 29, 2018

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SPECIAL PUBLIC MEETING
FRANCHISE AND CONCESSION REVIEW COMMITTEE

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2 Lafayette Street,
14th Floor Auditorium
New York, New York

Tuesday, May 29, 2017
3:10 p.m.

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APPEARANCES:

Mayor:
Peter Hatch

Clerk:
Stephanie Ruiz

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Michael D'Ambrosio
Jennifer Conovitz

Borough President of Manhattan:
James Caras

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Queens:
Allan Swisher

Borough President of Staten Island:
Lashay Young

Borough President of the Bronx:
Tom Lucania

Department of Information Technology &
Communications:
Michael Pastor

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MR. HATCH: Good afternoon and thank you all for being here. The Franchise and Concession Review Committee Special Public Meeting will now come to order. Will the clerk please call the roll.

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

MR. FURNAS: Here.

THE CLERK: Comptroller.

MR. D'AMBROSIO: Here.

THE CLERK: Corporation Counsel.

MS. CANTOR: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: President Borough of the Bronx.

MR. LUCANIA: Here.

THE CLERK: President Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President Borough of

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Manhattan.

MR. CARAS: Here.

THE CLERK: President Borough of Queens.

MR. SWISHER: Here.

THE CLERK: President Borough of Staten Island.

MS. YOUNG: Here.

MR. HATCH: Will the clerk please call the first calendar item?

THE CLERK: New York City Department of Information Technology and Telecommunications, Calendar Item No. 1: In the matter of the intent to seek Franchise and Concession Review Committee approval relating to a proposed second amendment to a public communications structure franchise agreement between the City of New York and CityBridge, LLC that will modify (1) the schedule and deployment of Structures to be installed, (2) the criteria applicable to siting of each structure, (3) the provision of

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ancillary services, and (4) the timing of franchise compensation payments. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: Michael Pastor, will read into the record changes that have been made since its distribution to the FCRC.

MR. PASTOR: Okay. Here are the changes. On Page 18 of the amendment, Caption 1 Exhibit 4 Section E, "in the criteria or labor of modification quadrants," the bottom left quadrant, "Bus stop clearance," will be struck from the amendment, and bottom right quadrant, "minimum 50 feet in the bus stop marker within the bus stop zone," will be struck from the amendment as well.

Additionally, on the signature line, below the form of this, language will be added. Certified as to legal authority, and below the signature line, before

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"corporation counsel," the word "acting" will be added.

MR. HATCH: Is there a member who wishes to make a statement or ask a question on this matter?

MR. CARAS: Well, first, one question. The proposed language that was underlined in the last draft you got, is no longer in there, right?

MR. PASTOR: That's right. We're referring to the changes to the document that was last distributed.

MR. CARAS: Right.

I want to thank all of the administration and my colleagues from the FCRC, for coming together in perhaps the last second to make these changes. We've always been supportive of this LinkNYC franchise. But we have had concerns that the siting be done appropriately with community input. And for that reason, the siting -- especially the bus stop issues, were very important to us.

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And I do have to say, I hope that next -- that we don't let it happen again, that if we find out about another meeting, a Friday before a three-day weekend, that's occurring the Tuesday after a three-day weekend. Sometimes we joke around and we say these meetings last two minutes. They're very routine, but they're not routine, we're really trying to do our homework and we listen to concerns raised by others and we try to bring them into the discussion, and it's hard to do that if we're not aware of a special meeting.

But, I really want to thank everyone for coming together and for addressing our concerns and this changed agreement, as well as the commitment on the additional siting flexibility really does address our issues.

Thank you.

MR. HATCH: Any other members? If not, will a member please make a motion to move this item.

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MS. CANTOR: So moved.

MR. HATCH: Will another member
please second that motion.

MR. CARAS: Second.

MR. HATCH: Will the clerk please
take the vote.

THE CLERK: Mayor.

MR. HATCH: Yes.

THE CLERK: Office of the Mayor.

MR. FURNAS: Yes.

THE CLERK: Comptroller.

MR. D'AMBROSIO: Yes.

THE CLERK: Corporation Counsel.

MS. CANTOR: Yes.

THE CLERK: Office of Management and
Budget.

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the
Borough Presidents, President Borough of
Manhattan.

MR. CARAS: Yes.

THE CLERK: Calendar Item 1
Resolution is adopted.

MR. HATCH: Will the clerk please

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call the second calendar item?

THE CLERK: New York City Department of Parks and Receptions, Calendar Item No. 2: In the matter of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into a Sole Source License Agreement with operation of food concessions, special events, a carousel, newsstands, seasonal markets, an ice-skating rink and other visitor services and events authorized by Parks. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: Is there a member who wishes to make a statement or ask a question on this behalf?

MS. CONOVITZ: Yes, this is an instance where the short notice of this meeting makes a difference in the comptroller's office. They hit the

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comptroller's office with additional provisions to propose further tracking with respect to funds that originate from the Bryant Park Management corporation that supports Bryant Park.

We had hoped to work through these issues prior to the next FCRC meeting, and we appreciate very much BPC's efforts to work with the city. However, we did receive notice about this meeting late Friday morning and our recommendations about the desirability for the contract language have not yet been addressed by Parks.

Thank you.

MR. HATCH: Any other members?

(No response.)

MR. HATCH: If not, will a member please make a motion to move this item.

MS. CANTOR: So moved.

MR. HATCH: Will another member please second the motion.

MS. CANTLO-COCKFIELD: Second.

MR. HATCH: Will the clerk please

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take the vote.

THE CLERK: Mayor.

MR. HATCH: Yes.

THE CLERK: Office of the Mayor.

MR. FURNAS: Yes.

THE CLERK: Comptroller.

MS. CONOVITZ: No.

THE CLERK: Corporation Counsel.

MS. CANTOR: Yes.

THE CLERK: Office of Management and
Budget.

MS. QUINTIAN: Yes.

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

MR. CARAS: Yes.

THE CLERK: Calendar Item 2
resolution is adopted.

MR. HATCH: Will the clerk please
call the third calendar item?

THE CLERK: New York City Department
of Transportation, Calendar Item No. 3:
In the matter of the intent to seek
Franchise and Concession Review

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Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession rules of the City of New York; to negotiate a Sole Source License Agreement with the HUB-Third Avenue Merchants District Management Association, Inc., or "Third Avenue BID," to provide for the operation, management, and maintenance, of pedestrian plaza located at Third Avenue, East 149th Street, Willis Avenue and East 148th Street in the borough of the Bronx, including through DOT-approved events, sponsorships, and subconcessions, including but not limited to, providing for the sale of any of the following: Prepared food, flowers, locally grown produce or locally manufactured products, merchandise, such as souvenirs or T-shirts, that promotes the neighborhood or the Third Avenue BID, and other similar merchandise within the Licensed Plaza. Please be advised that at the

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request of the agency this item will be held over to a subsequent FCRC public meeting.

MR. HATCH: Will the clerk please call the fourth calendar item?

THE CLERK: New York City Department of Transportation, Calendar Item No. 4: In the matter of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York; to negotiate a Sole Source License Agreement with the Grand Central District Management Association, Inc., to provide for the operation, management and maintenance of a pedestrian plaza located at Park Avenue West and Pershing Square East between East 41st Street and East 42nd Street in the borough of Manhattan, including through DOT-approved events, sponsorships, and subconcessions, including but not limited to, providing for the sale of

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any of the following: Prepared food, flowers, locally grown produce or locally manufactured products, merchandise, such as souvenirs or T-shirts that promotes the neighborhood or the Grand Central Partnership and other similar merchandise within the Licensed Plaza. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: Is there any member who wishes to comment on this item?

(No response.)

MR. HATCH: If not, will a member please make a motion to move this item?

MR. CARAS: So moved.

MR. HATCH: Will another member please second the motion?

MS. CANTOR: Second.

MR. HATCH: Will the clerk please take the vote.

THE CLERK: Mayor.

MR. HATCH: Yes.

THE CLERK: Office of the Mayor.

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MR. FURNAS: Yes.

THE CLERK: Comptroller.

MS. CONOVITZ: Yes.

THE CLERK: Corporation Counsel.

MS. CANTOR: Yes.

THE CLERK: Office of Management and
Budget.

MS. QUINTIAN: Yes.

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

MR. CARAS: Yes.

THE CLERK: Calendar Item 4
resolution is adopted.

MR. HATCH: Will the clerk please
call the fifth calendar item?

THE CLERK: New York City Department
of Parks and Recreation, Calendar Item
No. 5: In the matter of the intent to
seek Franchise and Concession Review
Committee approval to utilize a
different procedure, pursuant to Section
1-16 of the Concession Rules of the City
of New York, to authorize the New York

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2 City Department of Parks and Recreation
3 to enter into an amendment to the
4 existing license agreement between Parks
5 and Statue Cruises, LLC for the
6 operation of three landing slips at The
7 Battery for the purposes of embarking
8 and discharging passengers on a regular
9 schedule in the operation of passenger
10 ferries between The Battery and Liberty
11 and Ellis Islands, embarking and
12 discharging passengers of vessels on
13 sightseeing cruises and other ferry
14 operations, which may include but are
15 not limited to, ferry service to
16 Governors Island, and day and night
17 charters of vessels, owned, operated, or
18 chartered by Statue Cruises, LLC. A
19 proposed resolution was submitted
20 relative thereto, and the resolution is
21 calendared for adoption.

22 MR. HATCH: The comptroller's office
23 has a statement on this matter.

24 MS. CONOVITZ: Thank you. We have
25 some high level issues with Parks

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concerning the concessions that we hope will be resolved between now and registration.

Thank you.

MR. HATCH: Any other members?

(No response.)

MR. HATCH: If not, will a member please make a motion to move this item.

MR. FURNAS: Moved.

MR. HATCH: Will another member please second the motion.

MS. CANTOR: Second.

MR. HATCH: Will the clerk please call the vote?

THE CLERK: Mayor.

MR. HATCH: Yes.

THE CLERK: Office of the Mayor.

MR. FURNAS: Yes.

THE CLERK: Comptroller.

MS. CONOVITZ: Abstained.

THE CLERK: Corporation Counsel.

MS. CANTOR: Yes.

THE CLERK: Office of Management and Budget.

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MS. QUINTIAN: Yes.

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

MR. CARAS: Yes.

THE CLERK: Calendar Item 5 resolution is adopted.

We ask that the reporter make the entire special public meeting agenda, which was made publicly available and distributed at this meeting, part of the final record of this proceeding.

That completes the calendar.

MR. HATCH: Thank you.

Meeting adjourned.

(Thereupon, the meeting was concluded at 3:21 p.m.)

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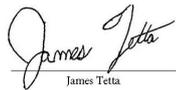
C E R T I F I C A T E
STATE OF NEW YORK)
: ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 30th day of May, 2017.



James Tetta

& 2:20	again 7:4	available 18:11	8:17 11:12 15:8 17:25 (6)	charters 16:17
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SPECIAL PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

TUESDAY, MAY 29, 2018 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, N.Y. 10007 (212) 788-0010, NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE SPECIAL PUBLIC MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Special Public Meeting
Tuesday, May 29, 2018 @ 2:30 P.M.*

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS**

No. 1 **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval relating to: a proposed second amendment to a public communications structure franchise agreement between the City of New York and CityBridge, LLC ("CityBridge") that will modify (1) the schedule and deployment of Structures to be installed (2) the criteria applicable to siting of each Structure, (3) the provision of ancillary services, and (4) the timing of franchise compensation payments.

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

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into a Sole Source License Agreement ("Agreement") with the Bryant Park Corporation ("BPC") for the operation and maintenance of Bryant Park in Manhattan, including the operation of food concessions, special events, a carousel, newsstands, seasonal markets, an ice-skating rink and other visitor services and events authorized by Parks. BPC shall operate and maintain Bryant Park for the use and enjoyment of the general public in accordance with the terms of the Agreement and to the reasonable satisfaction of the Commissioner. All gross receipts received by BPC will be used exclusively to pay all costs incurred by BPC in operating, repairing, maintaining and managing Bryant Park and in performing BPC's obligations and providing services required or permitted by the Agreement ("Expenses"). If the gross receipts received by BPC for any Fiscal Year exceed such costs ("Excess Revenues"), any Excess Revenues shall be used exclusively to pay: i) accumulated

Expenses incurred in the prior Fiscal Year that exceed gross receipts for that Fiscal Year, or ii) Expenses incurred in any subsequent Fiscal Year, subject to submission to Parks of an annual income and expense statement with a certification that all of BPC's gross receipts, including Excess Revenues, to the extent expended, were applied solely to pay Expenses, or remain available to pay for future Expenses. Any Excess Revenues not applied to Expenses at the end of the term, shall be remitted to the City in accordance with the Agreement. The term of this Agreement shall be ten (10) years with up to two (2) five (5)-year renewal options, by mutual agreement, and shall commence on Parks' giving written notice to proceed to BPC.

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

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 3: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source License Agreement (Agreement) with the HUB-Third Avenue Merchants District Management Association, Inc., (“Third Avenue BID”), to provide for the operation, management and maintenance of a pedestrian plaza located at Third Avenue, East 149th Street, Willis Avenue and East 148th Street in borough of the Bronx (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that promotes the neighborhood or the Third Avenue BID, and other similar merchandise within the Licensed Plaza.

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

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 4: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source License Agreement (Agreement) with the Grand Central District Management Association, Inc., (“Grand Central Partnership”), to provide for the operation, management and maintenance of a pedestrian plaza located at Park Avenue (west) and Pershing Square East between East 41st Street and East 42nd Street in the borough of Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that promotes the neighborhood or the Grand Central Partnership, and other similar merchandise within the Licensed Plaza.

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

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 5: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to authorize the New York City Department of Parks and Recreation (Parks) to enter into an amendment to the existing license agreement between Parks and Statue Cruises, LLC (“Licensee”) for the operation of three landing slips at The Battery for the purposes of embarking and discharging passengers on a regular schedule in the operation of passenger ferries between The Battery and Liberty and Ellis Islands, embarking and discharging passengers of vessels on sightseeing cruises and other ferry operations, which may include but are not limited to ferry service to Governors Island, and day and night charters of vessels, owned, operated or chartered by Licensee. The amendment, among other things, extends the agreement through September 30, 2019; with two (2) one (1)-year renewal options to be exercised at the sole discretion of Parks. Compensation to the City will be as follows: Licensee shall pay to the City license fees consisting of the greater of a guaranteed minimum annual fee versus a percentage of gross receipts. (January 1, 2018 – December 31, 2018): \$2,500,000 vs. 8.5%; (January 1, 2019 – September 30, 2019): \$1,875,000 vs. 8.5%; First Option Year (October 1, 2019 – September 30, 2020): \$2,500,000 vs. 8.5%; Second Option Year (October 1, 2020 – September 30, 2021): \$2,500,000 vs. 8.5%.

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