

Franchise & Concession Review Committee Public Hearing  
December 10, 2018

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FRANCHISE & CONCESSION REVIEW COMMITTEE  
PUBLIC HEARING

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2 Lafayette Street  
New York, New York

Monday, December 10, 2018  
2:38 p.m.

FCRC PUBLIC HEARING/MEETING DESIGNEES

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- Mayor/Chair - Peter Hatch
- Office of the Mayor - Benjamin Furnas
- Corporation Counsel - Sharon Cantor
- Office of Management and Budget - Yvonne Quintian
- Comptroller - Jennifer Conovitz
- Bronx BP - Mithra Camille Sabio
- Brooklyn BP - Tonya Cantlo-Cockfield
- Manhattan BP - James Caras (not in attendance)
- Queens BP - Allan Swisher
- Staten Island BP - Lashay Young
- The Clerk - Gemayel Jean-Paul

1 CHAIR: Good afternoon. The Public  
2 hearing will now come to order. Will the clerk  
3 please call the roll.

4 THE CLERK: Mayor?

5 CHAIR: Here.

6 THE CLERK: Office of the Mayor?

7 MR. FURNAS: Here.

8 THE CLERK: Comptroller?

9 MS. CONOVITZ: Here.

10 THE CLERK: Corporation Counsel?

11 MS. CANTOR: Here.

12 THE CLERK: Office of Management and  
13 Budget?

14 MS. QUINTIAN: Here.

15 THE CLERK: President of the Borough of  
16 the Bronx?

17 MS. SABIO: Here.

18 THE CLERK: President of the Borough of  
19 Brooklyn?

20 MS. CANTLO-COCKFIELD: Here.

21 THE CLERK: President Borough of  
22 Manhattan?

23 (No reply.)

24 (Brief recess held.)

25 CHAIR: All right. We're going to

1 recommence.

2 (Hearing reconvened at 2:59 p.m.)

3 CHAIR: Welcome to this public hearing of  
4 the Franchise and Concession Review Committee.

5 The hearing that is being conducted today  
6 has been publically advertised in accordance  
7 with the New York City Charter and the  
8 Concession Rules of the City of New York.

9 We want to be sure that anyone desiring to  
10 be heard has an opportunity to do so.

11 All persons wishing to speak must fill out  
12 a request slip, which may be obtained from the  
13 clerk.

14 Each speaker will be allowed approximately  
15 three minutes. When you testify, please state  
16 your name and affiliation, if any.

17 You may also submit written testimony to  
18 the clerk, which will be made part of the  
19 record. Those submissions must be given to the  
20 clerk before the close of the public hearing.

21 Will the clerk please call the first  
22 calendar item.

23 THE CLERK: New York City Department of  
24 Parks and Receptions, Calendar Item No.: 1:

25 In the Matter of the intent to seek

1 "Franchise and Concession Review Committee"  
2 approval to utilize a different procedure,  
3 pursuant to § section: 1-16 of the Concession  
4 Rules of the City of New York, to enter into an  
5 amended and restated license agreement between  
6 the City of New York - acting by and through  
7 the Department of Parks and Recreation - and  
8 Randall's Island Park Alliance, formally known  
9 as: Randall's Island Sports Foundation  
10 Incorporated, and Sportime Clubs, LLC, formally  
11 known as: Island Tennis, L.P., doing business  
12 as: Sportime, for the construction, expansion,  
13 renovation, operation, maintenance, and  
14 management of a year-round tennis facility at  
15 Randall's Island Park, Manhattan.

16 The license agreement, among other things,  
17 provides for the renovation and expansion of  
18 the current licensed premises to include, after  
19 construction: ten additional full-size tennis  
20 courts adjacent to the current licensed  
21 premises and related amenities, and extends he  
22 term by 25 years from the date the expanded  
23 facility opens. Compensation shall be  
24 determined under the terms of the proposed  
25 license agreement.

1 CHAIR: Before we continue, I'm going to  
2 ask the Clerk to go back and just complete the  
3 roll call for a couple of our members. We need  
4 to hit our post-Manhattan members.

5 THE CLERK: President of the Borough of  
6 Queens?

7 MR. SWISHER: Here.

8 THE CLERK: President of the borough of  
9 Staten Island?

10 MS. YOUNG: Here.

11 THE CLERK: The Manhattan Borough  
12 President has advised that he will not be  
13 attending the hearing today.

14 CHAIR: Thank you.

15 Changes to the Concession agreements were  
16 distributed last week, and the Department of  
17 Parks and Recreation will read those changes  
18 for the record.

19 MR. ABRAMSON: Thank you.

20 There was an edit to the "licensee special  
21 events" definition in §section: 2.1L for  
22 clarity, namely, that any special event that  
23 will close any portion of the U10 courts or  
24 courts required to be made available to permit  
25 holders or the café would require Park's prior

1 written approval.

2 Further, there was an edit to a 3.3A to  
3 reorder the events of default for clarity,  
4 since the former section: 3.3A7 was out of  
5 place in the middle of the other events of  
6 default was moved to the other end of that  
7 provision.

8 Further, we introduced a new -- new  
9 defined term lender of record for brevity in  
10 the provision and also require for the first  
11 time that the licensee provide the lender's  
12 name and address to the City.

13 There was an edit in section: 4.5 to  
14 clarify the type of reporting that is provided  
15 currently. It should be required of licensee.

16 Further, there were edits to section: 14.2  
17 on assignments sub-licenses to clarify that the  
18 statement being required of a certified public  
19 accountant is not the one indicating that the  
20 financial net worth of the proposed  
21 sub-licensee assignee is acceptable to the  
22 Commissioner, but, rather, is one stating the  
23 financial net worth following which the  
24 proposed sub-licensee assignee will certify  
25 that its financial net worth will permit it to

1           comply with its obligations under the  
2           agreement.

3                     There was an edit to section: 30.1 to  
4           address that licensee has engaged the services  
5           of a registered lobbyist in connection with  
6           their proposal.

7                     Um, there was an edit to Article 41 to  
8           change the defined term "force majeure" event.  
9           We instead added a new concept of renegotiation  
10          event, which in a different form was in  
11          section: 6.1C, and that section has since been  
12          removed.

13                    Further, there was an edit to Exhibit D2  
14          to clarify that the walkway need not be glass,  
15          and that edit was also made in the RFA memo.  
16          And Exhibit D2 also clarified what is included  
17          in the other section of the capital  
18          improvements.

19                    We added a number one for Phase-2 capital  
20          improvement as well as number 2, other capitol  
21          improvements to clarify that the ball-field  
22          lighting is another capital improvement and not  
23          a Phase-2 capital improvement.

24                    Thank you.

25                    CHAIR: Thank you. We'll welcome

1 testimony from the public. But first, we'd  
2 like to ask our members of the committee if  
3 they have any statements or questions.

4 We recognize the Comptroller.

5 COMPTROLLER: Thank you, Mr. Chair.

6 We would just like to pose some questions  
7 to Park in order to make -- put on the public  
8 record aspects of the deal so that the public  
9 can understand better the extraordinary nature  
10 of this particular project.

11 So, um, first, we would very much  
12 appreciate if Parks could give us an outline of  
13 what will be included in the new facility and  
14 the project when it is completed as well as the  
15 minimal capital contribution to be provided by  
16 the proposed concessionaire.

17 MR. ABRAMSON: Thank you. Yes, this is,  
18 um, an extraordinary capital investment  
19 proposed by the concessionaire of a minimum  
20 \$20 million to significantly reconstruct and  
21 expand, um, the existing Sportime Facility on  
22 Randall's Island.

23 Specifically, it would involve the  
24 construction of 10 additional full-sized tennis  
25 courts with 6 of those courts, um, being housed

1 in a new, permanent indoor building.

2 In addition, new construction will involve  
3 a support building, a connector structure,  
4 renovations to the existing clubhouse, as well  
5 as U10 learning courts, which are 4  
6 smaller-sized courts that are specifically  
7 geared for children first learning the game  
8 under 10 years of age.

9 An overlook will be constructed on the  
10 side of an existing berm, transforming it from  
11 a rarely-visited landscape into an inviting  
12 shaded lawn.

13 Increased parking and an existing, um --  
14 the relocation of the existing basketball court  
15 will also be included. That's within the  
16 20 million capital commitment.

17 In addition to that, Sportime is  
18 committing to spend approximately \$750,000 to  
19 light 2 ball fields on Randall's Island to  
20 compensate for the ball field that will be  
21 constructed on.

22 And that work will be done -- the lighting  
23 will be done prior to the ball field-30 that is  
24 being constructed on and is being taken  
25 offline.

1           There's others as well. Sportime has, um  
2           -- it is increasing their community outreach,  
3           their instructional programs to children, the  
4           free youth instructions.

5           Currently, 2,500 hours is offered. That  
6           will be increased to 6,000 hours per year of  
7           instruction. There will be an increase in  
8           scholarships provided to their training  
9           academy, um, as -- as well.

10           So, there are many aspects of this, um --  
11           of this proposed expansion that we're pleased  
12           to present before you today.

13           COMPTROLLER: Just a few additional points  
14           that would be helpful if you could amplify  
15           upon, which is: there is an extensive  
16           renovation of the clubhouse; is that correct?

17           MR. ABRAMSON: That is correct, yes.

18           COMPTROLLER: And could you just describe  
19           that just a bit.

20           MR. ABRAMSON: Sure. As the -- indicates,  
21           the second floor of the existing outdoor  
22           bleachers will be removed and diverted into an  
23           indoor space, and it will be connected to the  
24           existing clubhouse via walkway.

25           And the new second-floor space will have a

1 substantial lounge/viewing area looking out  
2 onto the exhibition courts with an adjoining  
3 pantry, bathrooms, and a conference room as  
4 well.

5 COMPROLLER: Thank you. Can you also  
6 tell us a bit about lighting access to the  
7 public in terms of lighted courts in the  
8 evening and evening hours?

9 MR. ABRAMSON: Yes. So, one thing I  
10 didn't mention before was we will be increasing  
11 the number of hours that Park and permit  
12 holders may use the facility.

13 Um, and, currently, permit holders do not  
14 have access to outdoor lighted courts but that  
15 will change under this new plan. Permit  
16 holders will have access beginning at -- well,  
17 throughout day, but during the evening hours  
18 from 7 p.m. until closing, they will be able to  
19 play under the lighted courts that Sportime is  
20 providing.

21 COMPROLLER: Thank you. And with respect  
22 to the U10 courts, the youth courts, those  
23 courts will not be revenue-generating.

24 MR. ABRAMSON: That's correct. Those will  
25 not be revenue-generating. Those courts will

1 be available for the public at no expense.

2 COMPROLLER: And with respect to  
3 scholarship, there's going to be a dedicated  
4 sum throughout the course of the term of the  
5 contract that goes toward the scholarship?

6 MR. ABRAMSON: That's correct. There will  
7 be a minimum figure written into the contract  
8 for the number of scholarships that Sportime  
9 will be providing youth each year. Actually,  
10 yes.

11 COMPROLLER: And can you also give us  
12 some sense of a minimum guarantee with the City  
13 every year during the course of the contract?

14 MR. ABRAMSON: Sure. So, there is an  
15 increase, um, with the fee offer.

16 Basically, there is a, um, a fee structure  
17 during the construction period to ensure that,  
18 um, there is no negative impact, um, while the  
19 work is going on.

20 And then, during the, um -- the Phase-2,  
21 um, there is a significant increase whereas  
22 starting at a minimum of a million dollars in  
23 year one increasing 5 percent through the end  
24 of the term.

25 In addition, the percentages increase

1 starting at 10 percent of gross receipts, which  
2 is what's currently in the contract, but then  
3 escalating, um, through, I believe, 13 percent  
4 at the final year of the term.

5 COMPROLLER: So, there is a minimum  
6 guarantee for the City in the event that there  
7 is more construction than anticipated or if  
8 there was any impact to gross receipts --

9 MR. ABRAMSON: Yes.

10 COMPROLLER: -- to the proposed  
11 concessionaire --

12 MR. ABRAMSON: Right.

13 COMPROLLER: -- then the City is  
14 protected from that guarantee.

15 MR. ABRAMSON: Right; that's -- that's  
16 correct. That's correct. So, basically,  
17 during the construction period, Sportime is  
18 committed to paying the City at least  
19 \$1 million.

20 And if the, um -- if the, um -- if the --  
21 if -- if it winds up being less than that with  
22 regard to the minimum versus gross receipts,  
23 then the difference will be paid at the end of  
24 that year so that the City does receive the  
25 million dollars.

1           COMPTROLLER: And can you talk about the  
2 period of construction that you anticipated in  
3 the agreement?

4           MR. ABRAMSON: The, um, the construction  
5 period -- is, um --

6           COMPTROLLER: I think it's 18 to 24  
7 months.

8           MR. ABRAMSON: I believe so.

9           Ben, do you want to chime in? Do you  
10 recall --

11          MR. SCHLANSKY: Yes. It's -- it's 18 to  
12 24 months. It's -- it's 24 months from the  
13 effective date, which is the registration.

14          The contractor is subject to "force  
15 majeure" if there's some reason that there's a  
16 delay beyond our control.

17          COMPTROLLER: And when is it anticipated  
18 opening?

19          MR. SCHLANSKY: September, 2020.

20          COMPTROLLER: And, again, the guaranteed  
21 minimum is intended to cover that --

22          MR. ABRAMSON: Yes, yes.

23          COMPTROLLER: Could you also talk --  
24 well, I guess we'll have to talk about revenues  
25 over the course of the, um, agreement.

1           Can you also just reference the funds that  
2           will be coming to Parks with respect to other  
3           projects as a result of the --

4           MR. ABRAMSON: Of course. Also, there's a  
5           provision in the agreement that the  
6           concessionaire will provide \$1.5 million to  
7           Parks for a Community Park Enhancement Project  
8           to be selected by Parks either in East Harlem  
9           or the South Bronx. And, um, and we will, you  
10          know, definitely apply that towards that need.

11          COMPTROLLER: The funds?

12          MR. ABRAMSON: Yes, the funds will be --  
13          private funds from Sportime will be donated to  
14          the parks capital budget that we will apply to  
15          a larger project to restore a park in either  
16          East Harlem or the South Bronx.

17          COMPTROLLER: Okay, thank you very much.  
18          I appreciate your outlining, um, not all, but  
19          many of the key provisions that we, um -- that  
20          we anticipate in the agreement. Thank you very  
21          much.

22          MR. ABRAMSON: Thank you.

23          CHAIR: Thank you.

24          Does any other member have questions or  
25          statements? Any members of the public wish to

1           testify?

2                        If no one else wishes to speak, that  
3           concludes today's hearing. We ask that the  
4           reporter make the entire public meeting agenda,  
5           which was made publicly available and  
6           distributed at this hearing part of the final  
7           record of the proceeding. The hearing is now  
8           closed. Thank you.

9                        (Time noted: 3:12 p.m.)

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CERTIFICATE OF NOTARY

STATE OF NEW YORK )  
COUNTY OF BRONX )

I, Curtis Williams, a Stenotype Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the within FCRC public hearing/meeting, was held before me, and I faithfully and impartially recorded stenographically the questions, answers, and colloquy.

I further certify that after said examination was recorded stenographically by me, it was reduced to typewriting under my supervision, and I hereby submit that the within contents of said examination are true and accurate to the best of my ability.

I further certify that I am not a relative nor an attorney for any of the parties connected with the aforesaid examination, nor am I otherwise interested in the testimony of the witness.

  
Curtis Williams

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**PUBLIC HEARING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**MONDAY, DECEMBER 10, 2018 @ 2:30 P.M.**

**2 LAFAYETTE STREET, NEW YORK, NY**

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*Franchise and Concession Review Committee Joint Public Hearing  
Monday, December 10, 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 an amended and restated license agreement ("License Agreement") between the City of New York, acting by and through the Department of Parks & Recreation; and Randall's Island Park Alliance, Inc., formerly known as Randall's Island Sports Foundation, Inc.; and Sportime Clubs LLC, formerly known as Island Tennis L.P., d/b/a Sportime, for the construction, expansion, renovation, operation, maintenance, and management of a year-round tennis facility at Randall's Island Park, Manhattan. The License Agreement, among other things, provides for the renovation and expansion of the current Licensed Premises to include, after construction, ten (10) additional full-size tennis courts adjacent to the current Licensed Premises, and related amenities, and extends the term by twenty-five (25) years from the date the expanded facility opens. Compensation shall be determined under the terms of the proposed License Agreement.