

Franchise & Concession Review Committee Public Meeting  
March 13, 2019

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PUBLIC MEETING  
FRANCHISE and CONCESSION REVIEW COMMITTEE

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March 13, 2019  
2:39 p.m.  
22 Reade Street  
Spector Hall  
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:

Sharon Cantor

Office of Management and Budget:

Yvonne Quintian

Comptroller:

Jennifer Conovitz

Borough President of the Bronx:

Mirtha Camille Sabio

Borough President of Brooklyn:

Tonya Cantlo-Cockfield

Borough President of Manhattan:

Matthew Washington

Borough President of Queens:

Allan Swisher

Borough President of Staten Island:

Lashay Young

Department of Parks and Recreation:

Phillip Abramson

Clerk:

Gemayel Jean-Paul

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PROCEEDINGS

MR. HATCH: Good afternoon and thank you all for being here. The Franchise and Concession Review Committee Public Meeting 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. CANTOR: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: President, Borough of the Bronx.

MS. SABIO: Here.

THE CLERK: President, Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan.

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1 MR. WASHINGTON: Here.

2 THE CLERK: President, Borough of  
3 Queens.

4 MR. SWISHER: Here.

5 THE CLERK: President, Borough of  
6 Staten Island.

7 MS. YOUNG: Here.

8 MR. HATCH: Will the Clerk please  
9 call the first calendar item?

10 THE CLERK: New York City Department  
11 of Parks and Recreation, Calendar Item  
12 Number 1: In the matter of the intent  
13 to seek Franchise and Concession Review  
14 Committee's unanimous approval to waive  
15 the requirement that each affected  
16 Community Board and Borough President  
17 receive notification 40 days in advance  
18 of the Committee meeting where Parks  
19 initially sought Committee approval of a  
20 different procedure related to a sole  
21 source license agreement with City Parks  
22 Foundation for the naming rights of the  
23 SummerStage festival.

24 MR. HATCH: Is there any member who  
25 wishes to make a statement or ask a

1 question on this matter?

2 MS. CONOVITZ: Yes. We recognize  
3 the good work of SummerStage and the  
4 programming it brings to New York City.  
5 We strongly value the community planning  
6 and input, which is why we highlighted  
7 the need for -- we highlight the need  
8 for timely notice of FCRC actions that  
9 affect communities through their  
10 Community Boards. The notice is  
11 intended to provide communities with  
12 enough time to provide meaningful input  
13 to Parks.

14 In this instance, Parks has  
15 recognized their error, reached out to  
16 all affected Community Boards and all  
17 five BPs, and has confirmed to the FCRC  
18 that it has obtained a waiver from all  
19 of them.

20 We believe that Parks must and  
21 should undertake better planning to  
22 avoid such errors in the future. Thank  
23 you.

24 MR. HATCH: Any other comments or  
25 questions?

1           MR. SWISHER: I would like to just  
2           echo the State -- the Comptroller and  
3           also refer back to my testimony from  
4           Monday.

5           I believe that my concerns have been  
6           heard and I look forward to working with  
7           agencies to ensure that Community Boards  
8           and local communities are involved in  
9           these decisions moving forward.

10          MR. HATCH: Thank you.

11          MR. WASHINGTON: To come in  
12          agreement with my colleagues, just want  
13          to say City Parks Foundation is amazing;  
14          SummerStage is amazing. Heather Lubov  
15          is amazing, and we love all these  
16          things.

17          SummerStage produces really first  
18          rate programming. We want this kind of  
19          programming throughout New York City,  
20          and that's helpful, but Parks, you got  
21          to do a better job next time in terms of  
22          communication. It's just critical and  
23          we don't want to get people upset about  
24          a really, really good thing.

25          So let's just do better next time.

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1 MR. HATCH: Thank you.

2 Will a member please make a motion  
3 to move this item?

4 MS. CANTLO-COCKFIELD: So moved.

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

7 MS. CANTOR: Second.

8 MR. HATCH: Thank you.

9 Will the Clerk please call the vote?

10 THE CLERK: Mayor.

11 MR. HATCH: Yes.

12 THE CLERK: Office of the Mayor.

13 MR. FURNAS: Yes.

14 THE CLERK: Comptroller.

15 MS. CONOVITZ: Yes.

16 THE CLERK: Corporation Counsel.

17 MS. CANTOR: Yes.

18 THE CLERK: Office of Management and  
19 Budget.

20 MS. QUINTIAN: Yes.

21 THE CLERK: On behalf of the Borough  
22 Presidents, President, Borough of  
23 Brooklyn.

24 MS. CANTLO-COCKFIELD: Yes.

25 THE CLERK: Calendar Item Number 1,

1 resolution is adopted.

2 MR. HATCH: Will the Clerk please  
3 call the second calendar item?

4 THE CLERK: New York City Department  
5 of Parks and Recreation, Calendar Item  
6 Number 2: In the matter of the intent  
7 to seek Franchise and Concession Review  
8 Committee approval to utilize a  
9 different procedure, to enter into a  
10 Sole Source License Agreement with City  
11 Parks Foundation, Incorporated for the  
12 granting of the right to enter into a  
13 naming rights sponsorship agreement for  
14 the use of City-owned intellectual  
15 property related to the presentation of  
16 live events at the SummerStage festival.

17 MR. HATCH: Thank you.

18 Changes to the concession documents  
19 have been distributed to the Committee,  
20 so I'd like to ask Parks to come up and  
21 read those changes into the record.

22 MR. ABRAMSON: Thank you very much.

23 The following changes were made in  
24 the agreement since you last saw it on  
25 Monday, and I believe were distributed

1 to you in advance of today's meeting.

2 In Section 3.2 we added the defined  
3 term "Third-Party Property", which is  
4 primarily defined as trademarks, logos,  
5 surface marks, and other intellectual  
6 property of a third-party.

7 In Section 9.1 we modified the  
8 language concerning the City's right to  
9 immediately terminate the license.

10 In Section 9.3 we incorporated the  
11 terms "Licensee", "Property", and  
12 "Third-Party Property", and in Section  
13 22.1 we added language requiring the  
14 licensee and the naming rights sponsor  
15 to represent and warrant that it has  
16 obtained the rights to use third-party  
17 property prior to seeking Commissioners'  
18 use of that third-party property, and  
19 that the use by the City or sponsor of  
20 third-party property, will not infringe  
21 on the rights of any person.

22 Thank you.

23 MR. HATCH: Thank you.

24 Is there any member who wishes to  
25 make a statement or ask a question on

1           this matter?

2           MR. WASHINGTON: I just want to  
3           reaffirm that Park, City Parks  
4           Foundation, SummerStage, and Heather are  
5           amazing.

6           MR. HATCH: Do you have a statement  
7           on this matter?

8           MS. CONOVITZ: Yes, we would just  
9           like to note our expectation that Parks  
10          monitor CRF's process in selecting a  
11          sponsor and our expectation that Parks  
12          will receive regular updates from CPF to  
13          ensure a robust process including  
14          appropriate outreach.

15          MR. HATCH: Thank you.

16          Will a member please make a motion  
17          to move this item?

18          MS. CANTLO-COCKFIELD: So moved.

19          MR. HATCH: Will another member  
20          please second that motion?

21          MR. FURNAS: Second.

22          MR. HATCH: Will the Clerk please  
23          take the vote?

24          THE CLERK: Mayor.

25          MR. HATCH: Yes.

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1 THE CLERK: Office of the Mayor.

2 MR. FURNAS: Yes.

3 THE CLERK: Comptroller.

4 MS. CONOVITZ: Yes.

5 THE CLERK: Corporation Counsel.

6 MS. CANTOR: Yes.

7 THE CLERK: Office of Management and  
8 Budget.

9 MS. QUINTIAN: Yes.

10 THE CLERK: On behalf of the Borough  
11 Presidents, President, Borough of  
12 Brooklyn.

13 MS. CANTLO-COCKFIELD: Yes.

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

16 We ask that the reporter make the  
17 entire Public Meeting Agenda, which was  
18 made publicly available and distributed  
19 at this meeting, part of the final  
20 record of this proceeding.

21 That completes the Calendar.

22 MR. HATCH: Thank you. Meeting  
23 adjourned.

24 (Time noted: 2:45 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 13th day of March, 2019.

  
\_\_\_\_\_  
Julia M. Speros

<b>13th</b> 12:19	<b>ask</b> 4:25 8:20 9:25 11:16 (4)	<b>call</b> 3:6 4:9 7:9 8:3 (4)	<b>communities</b> 5:9,11 6:8	8:19,25 11:18
<b>about</b> 6:23	<b>available</b> 11:18	<b>camille</b> 2:11	<b>community</b> 4:16 5:5,10,16 6:7 (5)	<b>documents</b> 8:18
<b>abramson</b> 2:18 8:22	<b>avoid</b> 5:22	<b>cantlocockfield</b> 2:12 3:23 7:4,24 10:18 11:13 (6)	<b>completes</b> 11:21	<b>duly</b> 12:8
<b>action</b> 12:14	<b>back</b> 6:3	<b>cantor</b> 2:6 3:14 7:7,17 11:6 (5)	<b>comptroller</b> 2:9 3:11 6:2 7:14 11:3 (5)	<b>each</b> 4:15
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<b>adjourned</b> 11:23	<b>believe</b> 5:20 6:5 8:25	<b>changes</b> 8:18,21,23	<b>concession</b> 1:5 3:4 4:13 8:7,18 (5)	<b>ensure</b> 6:7 10:13
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<b>am</b> 12:12,15	<b>budget</b> 2:7 3:16 7:19 11:8 (4)		<b>decisions</b> 6:9	<b>five</b> 5:17
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**PUBLIC MEETING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**WEDNESDAY, MARCH 13, 2019 @ 2:30 P.M.**

**22 READE 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](mailto:DisabilityAffairs@mocs.nyc.gov) or via phone at (212) 788-0010. Any person requiring reasonable accommodation for the public meeting should contact MOCS at least three (3) business days in advance of the meeting to ensure availability. ☒

*Franchise and Concession Review Committee Joint Public Meeting  
Wednesday, March 13, 2019 @ 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 (“Agreement”) with City Parks Foundation, Inc. (“CPF”) for the granting of the right to enter into a naming rights sponsorship agreement for the use of City-owned intellectual property related to the presentation of live events at the SummerStage festival. In lieu of a license fee, CPF shall use any revenue it receives to offset the high costs of the maintenance and operations of the Playfield and other locations where SummerStage events take place, and programming free events as part of SummerStage, including but not limited to attracting a more diverse and higher profile slate of performers (“Operating Costs”). In no event shall the revenue received by CPF from this Agreement during any fiscal year exceed the difference between the Operating Costs and the revenue received by CPF from sources other than this Agreement pursuant to separate agreements that is applied to the Operating Costs (the “Difference”). If at any time revenue received from the operation of the concession is projected by Parks to exceed the Difference, Parks shall direct CPF to implement a plan to provide additional SummerStage related services, including but not limited to additional free events, subject to the prior written approval of Parks. The term of the Agreement shall expire on June 27, 2023.