

Franchise and Concession Review Committee Public Meeting
May 9, 2018

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FRANCHISE and CONCESSION REVIEW COMMITTEE
PUBLIC MEETING

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

May 9, 2018
2:42 p.m.

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:

Tom Lucania

Borough President of Brooklyn:

Tonya Cantlo-Cockfield

Borough President of Manhattan:

James Caras

Borough President of Queens:

Angelina Martinez-Rubio

Borough President of Staten Island:

Lashay Young

Clerk:

Stephanie Ruiz

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PROCEEDINGS

MR. HATCH: All right. Good
afternoon. The Franchise and Concession
Review Committee 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.

MS. CONOVITZ: Present.

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.

(No response.)

THE CLERK: President, Borough of

1 Manhattan.

2 MR. CARAS: Here.

3 THE CLERK: President, Borough of
4 Queens.

5 MS. MARTINEZ-RUBIO: Here.

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

8 MS. YOUNG: Here.

9 MR. HATCH: Will the Clerk please
10 call the first Calendar item?

11 THE CLERK: New York City Department
12 of Information Technology and
13 Telecommunications, Calendar item number
14 1:

15 In the matter of the intent to seek
16 Franchise and Concession Review
17 Committee approval relating to a
18 proposed second amendment to a public
19 communications structure franchise
20 agreement between the City of New York
21 and CityBridge, LLC that will modify;
22 one, the schedule and deployment of
23 structures to be installed; two, the
24 criteria applicable to siting of each
25 structure; three, the provision of

1 ancillary services; and four, the timing
2 of franchise compensation payments.

3 Please be advised that at the
4 request of the agency this item will
5 held over to the June 13, 2018 FCRC
6 Public Meeting, which will take place in
7 the 14th Floor Auditorium at 2 Lafayette
8 Street, Manhattan at 2:30 p.m.

9 Any changes to the schedule, which
10 will result in a special public meeting
11 being scheduled prior to the June 13,
12 2018 FCRC Public Meeting, will be
13 noticed in The City Record, and as
14 required, by Section 104 of the Open
15 Meetings Law.

16 MR. HATCH: Will you please call the
17 second Calendar item?

18 THE CLERK: New York City Department
19 of Parks and Recreation, Calendar item
20 number 2:

21 In the matter of the intent to seek
22 Franchise and Concession Review
23 Committee approval to utilize a
24 different procedure, pursuant to Section
25 1-16 of the Concession Rules of the City

1 of New York, to enter into a Sole Source
2 License Agreement with the Bryant Park
3 Corporation, for the operation and
4 maintenance of Bryant Park in Manhattan,
5 including the operation of food
6 concessions, special events, a carousel,
7 newsstands, seasonal markets, an
8 ice-skating rink, and other visitor
9 services and events authorized by Parks.

10 Please be advised that at the
11 request of the agency this item will
12 held over to the June 13, 2018 FCRC
13 Public Meeting, which will take place in
14 the 14th Floor Auditorium at 2 Lafayette
15 Street, Manhattan at 2:30 p.m.

16 Any changes to the schedule, which
17 will result in a special public meeting
18 being scheduled prior to the June 13,
19 2018 FCRC Public Meeting, will be
20 noticed in The City Record, and as
21 required, by Section 104 of the Open
22 Meetings Law.

23 MR. HATCH: Will the Clerk please
24 call the third Calendar item?

25 THE CLERK: New York City Department

1 of Transportation, Calendar item number
2 3:

3 In the matter of the intent to seek
4 Franchise and Concession review
5 Committee approval to utilize a
6 different procedure, pursuant to Section
7 1-16 of the Concession Rules of the City
8 of New York, to negotiate a Sole Source
9 License Agreement with the HUB-Third
10 Avenue Merchants District Management
11 Association, Inc., or "Third Avenue
12 BID", to provide for the operation,
13 management, and maintenance of a
14 pedestrian plaza located at Third
15 Avenue, East 149th Street, Willis
16 Avenue, and East 148th Street in the
17 Borough of the Bronx, including through
18 DOT-approved events, sponsorships, and
19 subconcessions, including but not
20 limited to providing for the sale of any
21 of the following; prepared food,
22 flowers, locally grown produce or
23 locally manufactured products,
24 merchandise (such as souvenirs or
25 t-shirts) that promotes the neighborhood

1 or the Third Avenue BID, and other
2 similar merchandise within the Licensed
3 Plaza.

4 Please be advised that at the
5 request of the agency this item will
6 held over to the June 13, 2018 FCRC
7 Public Meeting, which will take place in
8 the 14th Floor Auditorium at 2 Lafayette
9 Street, Manhattan at 2:30 p.m.

10 Any changes to the schedule, which
11 will result in a special public meeting
12 being scheduled prior to the June 13,
13 2018 FCRC Public Meeting, will be
14 noticed in The City Record, and as
15 required, by Section 104 of the Open
16 Meetings Law.

17 MR. HATCH: Will the Clerk please
18 call the fifth (sic) Calendar item.

19 THE CLERK: New York City Department
20 of Transportation, Calendar item number
21 4:

22 In the matter of the intent to seek
23 Franchise and Concession Review
24 Committee approval to utilize a
25 different procedure, pursuant to Section

1 1-16 of the Concession Rules of the City
2 of New York, to negotiate a Sole Source
3 License Agreement with the Grand Central
4 District Management Association, Inc.,
5 to provide for the operation,
6 management, and maintenance of a
7 pedestrian plaza located at Park Avenue
8 (west) and Pershing Square East between
9 East 41st Street and East 42nd Street in
10 the Borough of Manhattan, including
11 through DOT-approved events,
12 sponsorships, and subconcessions,
13 including but not limited to providing
14 for the sale of any of the following;
15 prepared foods, flowers, locally grown
16 produce or locally manufactured
17 products, merchandise (such as souvenirs
18 or t-shirts) that promotes the
19 neighborhood or the Grand Central
20 Partnership, and other similar
21 merchandise within the Licensed Plaza.

22 Please be advised that at the
23 request of the agency this item will
24 held over to the June 13, 2018 FCRC
25 Public Meeting, which will take place in

1 the 14th Floor Auditorium at 2 Lafayette
2 Street, Manhattan at 2:30 p.m.

3 Any changes to the schedule, which
4 will result in a special public meeting
5 being scheduled prior to the June 13,
6 2018 FCRC Public Meeting, will be
7 noticed in The City Record, and as
8 required, by Section 104 of the Open
9 Meetings Law.

10 MR. HATCH: Thank you. Will the
11 Clerk please call the actual fifth
12 Calendar item? (Laughter.)

13 THE CLERK: New York City Department
14 of Parks and Recreation, Calendar item
15 number 5:

16 In the matter of the intent to seek
17 Franchise and Concession Review
18 Committee approval to utilize a
19 different procedure, pursuant to Section
20 1-16 of the Concession Rules of the City
21 of New York, to authorize the New York
22 City Department of Parks and Recreation
23 to enter into an amendment to the
24 existing license agreement between Parks
25 and Statue Cruises, LLC for the

1 operation of three landing slips at The
2 Battery for the purposes of embarking
3 and discharging passengers on a regular
4 schedule in the operation of passenger
5 ferries between The Battery and Liberty
6 and Ellis Islands, embarking and
7 discharging passengers of vessels on
8 sightseeing cruises, and other ferry
9 operations, which may include but not be
10 limited to ferry service to Governors
11 Island, and day and night charters of
12 vessels, owned, operated, or chartered
13 by Statue Cruises, LLC.

14 Please be advised that at the
15 request of the agency this item will
16 held over to the June 13, 2018 FCRC
17 Public Meeting, which will take place in
18 the 14th Floor Auditorium at 2 Lafayette
19 Street, Manhattan at 2:30 p.m.

20 Any changes to the schedule, which
21 will result in a special public meeting
22 being scheduled prior to the June 13,
23 2018 FCRC Public Meeting, will be
24 noticed in The City Record, and as
25 required, by Section 104 of the Open

1 Meetings Law.

2 MR. HATCH: Clerk, can we adjourn?

3 THE CLERK: Yes. We ask that the
4 reporter make the entire Public Meeting
5 Agenda, which was made publicly
6 available and distributed at this
7 meeting, part of the final record of
8 this proceeding.

9 That completes the Calendar.

10 MR. HATCH: Okay. Adjourned. Thank
11 you.

12 (Time noted: 2:52 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 9th day of May, 2018.



Julia M. Speros

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, MAY 9, 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 SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Public Meeting
Wednesday, May 9, 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.**