

Franchise and Concession Review Committee Public Meeting
July 11, 2018

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PUBLIC MEETING

FRANCHISE and CONCESSION REVIEW COMMITTEE

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2 Lafayette Street
New York, New York

Wednesday, July 11, 2018
2:37 p.m.

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

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3 Mayor: Peter Hatch

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5 Office of the Mayor: Benjamin Furnas

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7 Corporation Counsel: Sharon Cantor

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9 Office of Management and Budget: Yvonne Quintian

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11 Comptrollers: Jennifer Conovitz, Michael D'Ambrosio

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13 Bronx Borough President: Mirtha Camille Sabio

14

15 Brooklyn Borough President: Tonya Cantlo-Cockfield

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17 Manhattan Borough President: James Caras

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19 Queens Borough President: Allan Swisher

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21 Staten Island Borough President: Lashay Young

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23 Clerk: Stephanie Ruiz

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Franchise and Concession Review Committee Public Meeting
July 11, 2018

1 MR. HATCH: Good afternoon, everyone.
2 And thank you for being here. The Franchise
3 and Concession Review Committee Public
4 Meeting will now come to order.

5 Will the Clerk please call the roll?

6 THE CLERK: Mayor?

7 MR. HATCH: Yes.

8 THE CLERK: Office of the Mayor?

9 MR. FURNAS: Here.

10 THE CLERK: Comptroller?

11 MS. CONOVITZ: Here.

12 THE CLERK: Corporation Counsel?

13 MS. CANTOR: Here.

14 THE CLERK: Office of Management and
15 Budget?

16 MS. QUINTIAN: Here.

17 THE CLERK: President, Borough of the
18 Bronx?

19 MS. SABIO: Here.

20 THE CLERK: President, Borough of
21 Brooklyn?

22 MS. CANTLO-COCKFIELD: Here.

23 THE CLERK: President, Borough of
24 Manhattan?

25 MR. CARAS: Here.

1 THE CLERK: President, Borough of
2 Queens?

3 MR. SWISHER: Here.

4 THE CLERK: President, Borough of
5 Staten Island?

6 MS. YOUNG: Here.

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

9 THE CLERK: New York City Department of
10 Parks and Recreation, Calendar Item Number 1:
11 In the matter of the intent to seek Franchise
12 and Concession Review Committee approval to
13 utilize a different procedure, pursuant to
14 Section 1-16 of the Concession Rules of the
15 City of New York, to negotiate an amendment
16 to the existing license agreement between
17 Parks and Prospect Park Alliance, Inc. for
18 the operation, maintenance and management of
19 a year-round tennis facility at the Parade
20 Ground, Prospect Park, Brooklyn. A proposed
21 resolution was submitted relative thereto,
22 and the resolution is calendared for
23 adoption.

24 MR. HATCH: Does any member wish to
25 make a statement on this matter?

1 (No response.)

2 If not, will a member please make a
3 motion to move the item?

4 MS. CANTOR: So moved.

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

7 MR. FURNAS: Second.

8 MR. HATCH: Will the Clerk please take
9 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: And on behalf of the
22 Borough Presidents, President, Borough of
23 Brooklyn?

24 MS. CANTLO-COCKFIELD: Yes.

25 THE CLERK: Calendar Item 1, Resolution

1 is adopted.

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

4 THE CLERK: New York City Department of
5 Transportation, Calendar Item Number 2: In
6 the matter of the intent to seek Franchise
7 and Concession Review Committee approval to
8 utilize a different procedure, pursuant to
9 Section 1-16 of the Concession Rules of the
10 City of New York, to negotiate a Sole Source
11 License Agreement with the Fashion Center
12 District Management Association, Inc., doing
13 business as the Garment District Alliance, to
14 provide for the operation, management and
15 maintenance of a pedestrian plaza located at
16 Broadway between West 36th Street and West
17 41st Street in Manhattan, including through
18 DOT-approved events, sponsorships, and
19 subconcessions, including but not limited to
20 providing for the sale of any of the
21 following: Prepared food, flowers, locally
22 grown produce or locally manufactured
23 products, merchandise (such as souvenirs or
24 T-shirts) that promotes the neighborhood or
25 GDA, and other similar merchandise within the

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1 Licensed Plaza. A proposed resolution was
2 submitted relative thereto, and the
3 resolution is calendered for adoption.

4 MR. HATCH: Any statements or questions
5 on this matter?

6 (No response)

7 Then will a member please make a motion
8 to move the item?

9 MS. CANTOR: So moved.

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

12 MR. FURNAS: Second.

13 MR. HATCH: Will the Clerk please take
14 the vote?

15 THE CLERK: Mayor?

16 MR. HATCH: Yes.

17 THE CLERK: Office of the Mayor?

18 MR. FURNAS: Yes.

19 THE CLERK: Comptroller?

20 MR. D'AMBROSIO: Yes.

21 THE CLERK: Corporation Counsel?

22 MS. CANTOR: Yes.

23 THE CLERK: Office of Management and
24 Budget?

25 MS. QUINTIAN: Yes.

1 THE CLERK: And on behalf of the
2 Borough Presidents, President, Borough of
3 Manhattan?

4 MR. CARAS: Yes.

5 THE CLERK: Calendar Item Number 2,
6 Resolution is adopted.

7 MR. HATCH: Will the Clerk please call
8 the third calendar item?

9 THE CLERK: New York City Department of
10 Transportation, Calendar Item Number 3: In
11 the matter of the intent to seek Franchise
12 and Concession Review Committee approval to
13 utilize a different procedure, pursuant to
14 Section 1-16 of the Concession Rules of the
15 City of New York, to negotiate a Sole Source
16 License Agreement with the Flatiron/23rd
17 Street Partnership Business Improvement
18 District, to provide for the operation,
19 management and maintenance of a pedestrian
20 plaza located at 5th Avenue and Broadway
21 between 21st Street and 26th Street in
22 Manhattan, including through DOT-approved
23 events, sponsorships, and subconcessions,
24 including but not limited to providing for
25 the sale of any of the following: Prepared

1 food, flowers locally grown produce or
2 locally manufactured products, merchandise
3 (such as souvenirs or T-shirts) that promotes
4 the neighborhood or Flatiron BID, and other
5 simular merchandise within the Licensed
6 Plaza. A proposed resolution was submitted
7 relative thereto, and the resolution is
8 calendared for adoption.

9 MR. HATCH: Any statements or questions
10 on this item?

11 (No response)

12 If not, will a member please make a
13 motion to move the item?

14 MS. CANTOR: So moved.

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

17 MR. FURNAS: Second.

18 MR. HATCH: Will the clerk please take
19 the vote?

20 THE CLERK: Mayor?

21 MR. HATCH: Yes.

22 THE CLERK: Office of the Mayor?

23 MR. FURNAS: Yes.

24 THE CLERK: Comptroller?

25 MS. CONOVITZ: Yes.

1 THE CLERK: Corporation Counsel?

2 MS. CANTOR: Yes.

3 THE CLERK: Office of Management and
4 Budget?

5 MS. QUINTIAN: Yes.

6 THE CLERK: And on behalf of the
7 Borough Presidents, President, Borough of
8 Manhattan?

9 MR. CARAS: Yes.

10 THE CLERK: Calendar Item Number 3,
11 Resolution is adopted.

12 MR. HATCH: Will the Clerk please call
13 the fourth calendar item?

14 THE CLERK: New York City Department of
15 Parks and Recreation, Calendar Item Number 4:
16 In the matter of the intent to seek Franchise
17 and Concession Review Committee approval to
18 utilize a different procedure pursuant to
19 Section 1-16 of the Concession Rules of the
20 City of New York, to negotiate a Sole Source
21 License Agreement with The Battery
22 Conservancy, Inc. to provide for the
23 operation and maintenance of The Battery in
24 Manhattan, including a share of a portion of
25 concession revenue in The Battery, to help

1 offset TBC's required expenditures under the
2 agreement. A proposed resolution was
3 submitted relative thereto, and the
4 resolution is calendared for adoption.

5 MR. HATCH: I believe there is a member
6 or two who wish to make a statement on this
7 item.

8 MR. CARAS: Mine is more on the nature
9 of a question. I am unclear when and under
10 what circumstances we -- or it's decided that
11 the agreement needs to require money to go --
12 to be kept by the BID for operating expenses
13 and what criteria we look at. Is there a
14 policy? Is there, you know, other than
15 looking at their expenses and their revenues,
16 do we require a certain amount of shortfall?
17 Do we -- you know, do we look to see what
18 that shortfall is attributable to. And, I
19 mean, it's noticeable that usually we don't
20 have a revision that they can keep a portion
21 of the concession revenues, and once in a
22 while we do but it's hard to judge without
23 having some kind of criteria whether or when
24 that's supposed to be.

25 And if we could look at time to do that

1 or try to send out maybe some kind of matrix
2 with these things, like, these are their
3 revenues for the last five years. These are
4 their expenses for the last five years.
5 They've had a shortfall in four out of the
6 last five years that was due to X, you know,
7 and why it's appropriate to allow them to
8 keep a certain amount of revenue. So, I
9 think that's at least something worth
10 discussing going forward and maybe it's
11 something we should begin with.

12 AUDIENCE MEMBER: I think it's a matter
13 of policy, and I understand it's been
14 case-by-case so far. However, I think you
15 did bring up a good point, and a model like
16 that should certainly be discussed.

17 MR. CARAS: Because that's something --
18 how we can draw the lines if we don't have
19 that (inaudible).

20 AUDIENCE MEMBER: Okay. We can send
21 you the information that you think that you
22 need related to revenues and their classes
23 and any shortfalls, but to the larger
24 discussion, I think it's something that the
25 agency would have.

1 MR. CARAS: Okay. That would be great.

2 AUDIENCE MEMBER: Just to be clear.

3 I'm representing Battery Conservancy, and I'm
4 happy to answer any questions about the
5 existing license agreement and the proposal
6 here.

7 MR. HATCH: Thank you very much.

8 Comptroller's rep has a statement or a
9 question?

10 MS. CONOVITZ: Statement.

11 MR. HATCH: Speak.

12 MS. CONOVITZ: We want to thank Parks
13 for working with us for the past couple of
14 weeks concerning the proposed negotiation
15 with The Battery Conservancy for the
16 maintenance and operation of The Battery. We
17 understand that Parks already maintained some
18 of our concession agreements with The Battery
19 Conservancy. For example, there are
20 agreements between TBC and Parks concerning
21 Peter Minuit Plaza (phonetic), Seacrest
22 (phonetic), Carousel and Blast Garden
23 (phonetic).

24 These agreements are not before us
25 today. However, as Parks moves forward to

1 negotiate the new agreement with TBC
2 concerning maintenance and operation for The
3 Battery, the Comptroller's Office recommends
4 that Parks review the scope of the current
5 concession agreements and how they relate to
6 the proposed agreement. Particularly, we
7 recommend that Parks sets forth a clearer
8 delineation of responsibilities under the new
9 agreement and ensures that these obligations
10 are distinguished from any similar
11 obligations under current TBC concession
12 agreements with City.

13 In addition, expenses of revenues are
14 contemplated under the new agreement to be
15 clearly identifiable and separately tracked
16 for those under current TBC concession
17 agreements. For example, the Comptroller's
18 Office recommends that the new agreement
19 include language that requires a prior budget
20 and a separate bank account. Thank you.

21 MR. HATCH: Will a member please make a
22 motion to move this item?

23 MS. CANTOR: So moved.

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

1 MR. CARAS: Second.

2 MR. HATCH: Will the Clerk please take
3 the vote?

4 THE CLERK: Mayor?

5 MR. HATCH: Yes.

6 THE CLERK: Office of the Mayor?

7 MR. FURNAS: Yes.

8 THE CLERK: Comptroller?

9 MS. CONOVITZ: Yes.

10 THE CLERK: Corporation Counsel?

11 MS. CANTOR: Yes.

12 THE CLERK: Office of Management and
13 Budget?

14 MS. QUINTIAN: Yes.

15 THE CLERK: And on behalf of the
16 Borough Presidents, President, Borough of
17 Manhattan?

18 MR. CARAS: Yes.

19 THE CLERK: Calendar Item Number 4,
20 Resolution is adopted.

21 We ask that the reporter make the
22 entire Public Meeting Agenda, which will be
23 publicly available and distributed at this
24 meeting, part of the final record of this
25 proceeding. That completes the calendar.

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MR. HATCH: Thank you. Meeting
adjourned.

(TIME NOTED: 2:47 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on July 11, 2018.

I further certify that I am not related to any of the parties to this action by blood or by 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 July, 2018.

Sabrina Brown Stewart
Sabrina Brown Stewart

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, JULY 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 meeting should contact MOCS at least three (3) business days in advance of the meeting to ensure availability. 

*Franchise and Concession Review Committee Public Meeting
Wednesday, July 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 negotiate an amendment to the existing license agreement between Parks and Prospect Park Alliance, Inc. for the operation, maintenance and management of a year-round tennis facility at the Parade Ground, Prospect Park, Brooklyn.

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

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

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 negotiate a Sole Source License Agreement (Agreement) with the Fashion Center District Management Association, Inc., doing business as the Garment District Alliance ("GDA"), to provide for the operation, management and maintenance of a pedestrian plaza located at Broadway between West 36th Street and West 41st Street in 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 GDA, and other similar merchandise within the Licensed Plaza. Subconcessions would be awarded based on solicitations issued by GDA in the basic form of Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award.

**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 Flatiron/23rd Street Partnership Business Improvement District, (“Flatiron BID”), to provide for the operation, management and maintenance of a pedestrian plaza located at 5th Avenue and Broadway between 21st and 26th Streets in 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 Flatiron BID, and other similar merchandise within the Licensed Plaza. Subconcessions would be awarded based on solicitations issued by Flatiron BID in the basic form of Request for Proposals or Request for Bids, subject to DOT’s prior written approval of both solicitation and award.

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

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

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 Battery Conservancy, Inc. (“TBC”) to provide for the operation and maintenance of The Battery in Manhattan, including a share of a portion of concession revenue in The Battery, to help offset TBC’s required expenditures under the Agreement.

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