

Franchise and Concession Review Committee Public Meeting
December 12, 2018

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THE
FRANCHISE & CONCESSION REVIEW COMMITTEE'S
PUBLIC MEETING
WEDNESDAY, DECEMBER 12, 2018
2:40 P.M.
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2 Lafayette Street
New York, New York

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
- Queens BP - Allan Swisher
- Staten Island BP - Lashay Young
- The Clerk - Gemayel Jean-Paul

Franchise and Concession Review Committee Public Meeting
December 12, 2018

1 CHAIR: The Franchise and Concession
2 Review Committee's public hearing will now come
3 to order.

4 Will the clerk please call the roll.

5 THE CLERK: Mayor?

6 CHAIR: Yes.

7 THE CLERK: Office of the Mayor?

8 MR. FURNAS: Here.

9 THE CLERK: Comptroller?

10 MS. CONOVITZ: Here.

11 THE CLERK: Corporation Counsel?

12 MS. CANTOR: Here.

13 THE CLERK: Office of Management and
14 Budget?

15 MS. QUINTIAN: Here.

16 THE CLERK: President Borough of the
17 Bronx?

18 MS. SABIO: Here.

19 THE CLERK: President Borough of Brooklyn?

20 MS. CANTLO-COCKFIELD: Here.

21 THE CLERK: President Borough of
22 Manhattan?

23 MR. CARAS: Here.

24 THE CLERK: President Borough of Queens?

25 MR. SWISHER: Here.

1 THE CLERK: President Borough of Staten
2 Island?

3 MS. YOUNG: Here.

4 CHAIR: Please call the first calendar
5 item.

6 THE CLERK: New York City Department of
7 Parks and Recreation, Calendar Item No.: 1:

8 In the Matter of the intent to seek
9 "Franchise and Concession Review Committee"
10 approval to utilize a different procedure
11 pursuant to §ection: 1 - 16 of the Concession
12 Rules of the City of New York to enter into an
13 amended and restated license agreement between
14 the City of New York - acting by and through
15 the Department of Parks and Recreation - and
16 Randall's Island Park Alliance, Inc., formally
17 known as Randall's Island Sports Foundation,
18 Inc., and Sportime Club, LLC, formally known as
19 Island Tennis, L.P., doing business as:
20 Sportime, for the construction, expansion,
21 renovation, operation, maintenance, and
22 management of a year-round tennis facility at
23 Randall's Island Park, Manhattan.

24 CHAIR: Changes to the concession
25 documents have been distributed to the

1 Committee. And so, the Parks Department will
2 read those changes into the record.

3 MR. ABRAMSON: The following changes have
4 been made to the agreement since Monday's
5 hearing:

6 There are general edits in the document to
7 correct typographical and formatting errors and
8 to conform section references and definitions,
9 such as capitalizing the words "Federal" and
10 "State."

11 Also, §section: 2.1(L) is clarified in the
12 definition of Licensee's Special Events
13 regarding the instances where the licensee must
14 receive Park's prior written approval.

15 §section: 4.5(A) clarifies the required
16 "Gross Receipts" reports in order to match the
17 current Park's-approved practice.

18 Additionally, the section is clarified to
19 permit licensee to adjust the information set
20 forth in its monthly "Gross Receipts" reports
21 and "Draft Income and Expense" statements prior
22 to the issuance of licensee's audited reports.

23 §section: 10.1, (H)(I) is clarified as to
24 what is meant by "available" tennis courts.
25 Those courts not closed due to construction,

1 repairs, the erection or disassembly of
2 inflatable air structures enclosing such
3 courts, governmental action, physical condition
4 which renders them unfit or unsafe to use, a
5 park's special event, or other closure approved
6 by Parks, are "available."

7 However, no court shall be counted as
8 unavailable because a licensee's special event
9 is being held on the court.

10 A new § section: 10.16(B) adds language
11 regarding licensee's screening and hiring of
12 employees, who work primarily with children.

13 Article 41 is clarified to include in the
14 definition of "renegotiation event" the denial
15 by a governmental authority to grant a permit
16 or approval required for the prosecution of the
17 Phase-2 Capital Improvements beyond any right
18 of appeal regardless of licensee's compliance
19 with such governmental authority's condition.

20 A new Exhibit: A2 clarifies the full
21 extent of the expanded licensed premises.

22 Exhibit: C now contains an example of the
23 approved format of the "Gross Receipts" report.

24 Exhibit: D1 now clarifies the original
25 license agreement's capital improvements

1 exhibit reference to the current and the new
2 facilities. Those terms were applied at the
3 time that the original license agreement was
4 executed and no longer.

5 Exhibit: D2 is clarified to include the
6 total number of tennis courts once the Phase-2
7 Capital Improvements are completed, including
8 which are "indoor only" and which are
9 indoor/outdoor.

10 And finally, a new Exhibit: I, which is
11 referenced in the new §section: 10.16(B) sets
12 forth requirements for licensee's screening and
13 hiring of employees, who work primarily with
14 children. Thank you.

15 CHAIR: Thank you.

16 Is there a member who wishes to make a
17 statement or ask a question on this matter?

18 COMPTROLLER: Thank you.

19 First, the Comptroller's Office would like
20 to thank the Parks Department, Randall's Island
21 Park Alliance, and the proposed concessionaire
22 for meeting with us concerning this project.
23 We'd also like to acknowledge the strong
24 community support for the project.

25 We note that when the step-one approval

1 came to the FCRC, the Parks Department provided
2 us with information setting out the
3 extraordinary circumstances of this project.

4 Since then, the City has negotiated with
5 the proposed concessionaire for a privately
6 funded project with a minimum capital
7 investment of \$20 million, which will include,
8 among other things:

9 - significant expansion and renovation of
10 the current tennis facilities on Randall's
11 Island.

12 - new courts, including several courts
13 optimal for new players under 10 or those with
14 limited mobility, as well as:

15 - proposed concessionaire's agreement to
16 install ball-field lighting and provide funding
17 to Parks for enhancements to one or more
18 existing community facilities.

19 In step-one, we noted our expectation that
20 Parks would keep in mind the benefits to the
21 City and community as it negotiated this
22 agreement.

23 For instance, we expected Parks to take
24 into account the anticipated increase in
25 inventory and obtain significant increased

1 compensation to the City.

2 We also sought Park's assurance, and we
3 understand that the agreement maintains
4 obligations to increase community program for
5 local youth -- "programming," I should say, for
6 local youth -- increased scholarship
7 opportunities for students, as well as to
8 improve and increase access for members of the
9 public, who hold New York City tennis permits.

10 The Comptroller's Office, again, notes
11 that construction on this project is
12 anticipated to take between 18 and 24 months.
13 We previously raised questions about the amount
14 of construction and inconvenience to the
15 public.

16 We note that the proposed concessionaire
17 is free to use its best efforts to minimize the
18 extent to which the public's use of Randall's
19 Island and Wards Island Park, including the
20 tennis courts, are disrupted as mentioned with
21 proposed concessionaire's construction,
22 expansion, renovation, and maintenance that is
23 to take place on its premises.

24 The Comptroller's Office further suggested
25 that the Parks negotiate appropriate

1 compensation to the City in the event that
2 construction results in more than a minimal
3 disruption or inconvenience to the public or in
4 a decrease in concession revenue.

5 We understand that, in response the
6 proposed concessionaire agreed to a
7 million-dollar annual minimum guarantee to the
8 City after construction begins.

9 This guarantee is required throughout the
10 construction period. And once this expanded
11 facility opens during the term of the
12 agreement, the annual minimal guarantee revenue
13 to the City will increase on an annual basis.

14 We understand that consideration was given
15 by Parks and RAPA to the appropriate structure
16 -- structure for public court access. And we
17 note that the concession will, for the first
18 time, provide tennis permit holders with
19 lighted courts.

20 Given the length of the term of this
21 agreement, we recommend that Parks and RAPA
22 conduct a periodic assessment of the amount,
23 timing, and season of court access, including
24 the public satisfaction with it in order to
25 ensure adequate public benefit from this

1 concession.

2 Thank you very much.

3 CHAIR: Thank you.

4 Do other members have statements or
5 questions on this matter?

6 Borough of Manhattan?

7 MR. CARAS: I want to thank, um, Randall's
8 Island Park Alliance, and Sportime, and the
9 Parks Department.

10 I know it will improve -- and they've
11 already weighed in on this; they did -- had
12 extensive comments. And you all worked hard to
13 meet their concerns in the scholarships
14 community programming, field lighting at the
15 ball fields, and we're really appreciative of
16 that, you know, in addition to the significant
17 capital improvements, which will emerge in the
18 City's benefit under this.

19 We understand that, currently, the
20 community board -- Sportime does a good job
21 reporting back to them on scholarships and
22 community programming, and we just, um - ask
23 that you continue that. And, you know, we
24 expect you to continue that, so we thank you
25 for that as well.

1 And finally, we urge the City, Randall's
2 Island Park Alliance, and Sportime to push the
3 MTA with regard to making Randall's Island more
4 accessible by public transportation so that
5 people can -- more people can have an easier
6 time accessing these improvements.

7 Thanks.

8 CHAIR: Thank you.

9 Will a member please make a motion to move
10 this item?

11 MS. SABIO: So moved.

12 CHAIR: Will another member please second
13 the motion?

14 MS. CANTOR: Second.

15 CHAIR: Will the Clerk please take the
16 vote?

17 THE CLERK: Mayor?

18 CHAIR: Yes.

19 THE CLERK: Office of the Mayor?

20 MR. FURNAS: Yes.

21 THE CLERK: Comptroller?

22 MS. CONOVITZ: Yes.

23 THE CLERK: Corporation Counsel?

24 MS. CANTOR: Yes.

25

1 THE CLERK: Office of Management and
2 Budget?

3 MS. QUINTIAN: Yes.

4 THE CLERK: On behalf of the Borough
5 Presidents, President of the Borough of
6 Manhattan?

7 MR. CARAS: Yes.

8 THE CLERK: Calendar Item No.: 1,
9 resolution is adopted.

10 CHAIR: Will the clerk please call the
11 second calendar item.

12 THE CLERK: New York City Department of
13 Parks and Recreation Calendar Item No.: 2:

14 In the Matter of the intent to seek
15 "Franchise and Concession Review Committee"
16 approval to utilize a different procedure
17 pursuant to §section: 1 - 16 of the Concession
18 Rules of the City of New York to negotiate an
19 amendment to the existing concession agreement
20 between Parks and Surf Avenue Parking, LLC for
21 the renovation, operation, and maintenance of
22 parking facilities at MCU Park, Coney Island,
23 Brooklyn.

24 CHAIR: Is there a member that wishes to
25 make a statement or ask a question on this

1 matter?

2 Comptroller?

3 COMPTROLLER: Yes. We just would like to
4 put in a request that an RFP be issued as soon
5 as it's practical in this matter.

6 Thank you.

7 CHAIR: Is there any other questions or
8 comments?

9 MS. CANTLO-COCKFIELD: Yes. I just have a
10 question about the completion date. It did say
11 that the completion date is uncertain, but the
12 permit expires in early 2019.

13 Is there any idea -- do you have any idea
14 when the completion date will be determined?

15 MR. HAN: Parks expects that the transfer
16 to EDC will be complete before the end of 2019.

17 CHAIR: Any additional questions or
18 statements?

19 Then, will a member please make a motion
20 to move this item?

21 MS. QUINTIAN: So moved.

22 CHAIR: Will a member please second?

23 MR. FURNAS: Second.

24 CHAIR: Will the Clerk please take the
25 vote.

1 THE CLERK: Mayor?

2 CHAIR: Yes.

3 THE CLERK: Office of the Mayor?

4 MR. FURNAS: Yes.

5 THE CLERK: Comptroller?

6 MS. CONOVITZ: Yes.

7 THE CLERK: Corporation Counsel?

8 MS. CANTOR: Yes.

9 THE CLERK: Office of Management and
10 Budget?

11 MS. QUINTIAN: Yes.

12 THE CLERK: On behalf of the Borough
13 Presidents, President of the Borough of
14 Brooklyn?

15 MS. CANTLO-COCKFIELD: Yes.

16 THE CLERK: Calendar Item No.: 2,
17 resolution is adopted.

18 We ask the that reporter make the entire
19 public meeting agenda, which was made
20 publically available and distributed at this
21 meeting, part of the final record of this
22 proceeding. That concludes the calendar.

23 CHAIR: Thank you. Meeting adjourned.

24 (Time noted: 2:54 p.m.)

25

1 CERTIFICATE OF NOTARY

2

3 STATE OF NEW YORK)

4 COUNTY OF BRONX)

5

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

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

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

22

23

24

25


Curtis Williams

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, DECEMBER 12, 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, December 12, 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 ("Parks"); and Randall's Island Park Alliance, Inc. ("RIPA"), formerly known as Randall's Island Sports Foundation, Inc.; and Sportime Clubs LLC, formerly known as Island Tennis L.P., d/b/a Sportime ("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.

**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 negotiate an amendment to the existing concession agreement between Parks and Surf Avenue Parking, LLC for the renovation, operation, and maintenance of parking facilities at MCU Park, Coney Island, Brooklyn. Parks anticipates that the amendment would extend the agreement for one (1) year, with an additional one (1)-year renewal option to be

exercised at the sole discretion of Parks. Be it further resolved, that Parks shall submit the amendment it proposes to enter into with Surf Avenue Parking, LLC to the Franchise and Concession Review Committee for approval.

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