

Franchise and Concession Review Committee Public Hearing  
November 13, 2018

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PUBLIC HEARING  
FRANCHISE AND CONCESSION REVIEW COMMITTEE

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Tuesday, November 13, 2018  
2:37 p.m.

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APPEARANCES:

Mayor:  
Peter Hatch

Clerk:  
Gemayel Jean-Paul

Office of the Mayor:  
Benjamin Furnas

Corporation Counsel:  
Sharon Cantor

Office of Management and Budget:  
Yvonne Quintian

Comptroller:  
Michael D'Ambrosio

Borough President of Manhattan:  
James Caras

Borough President of Brooklyn:  
Tonya Cantlo-Cockfield

Borough President of Queens:  
Allan Swisher

Borough President of Staten Island:  
Lashay Young

Borough President of the Bronx:  
Tom Lucania

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MR. HATCH: Good afternoon. The public hearing 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. CANTOR: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: Comptroller.

MR. D'AMBROSIO: Here.

THE CLERK: President, Borough of the Bronx.

MR. LUCANIA: Here.

THE CLERK: President, Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan.

MR. CARAS: Here.

THE CLERK: President, Borough of

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Queens.

MR. SWISHER: Here.

THE CLERK: President, Borough of  
Staten Island.

MS. YOUNG: Here.

MR. HATCH: Welcome to this public  
hearing of the Franchise and Concession  
Review Committee. The hearing being  
conducted today has been publicly  
advertised in accordance with the New  
York City Charter and Concession Rules  
of the City of New York.

We want to be sure that anyone  
desiring to be heard has an opportunity  
to do so. All persons wishing to speak  
must fill out a request slip, which may  
be obtained from the clerk. Each  
speaker will be allotted approximately  
three minutes. When you testify, please  
state your name and affiliation, if any.

You may also submit written  
testimony to the clerk which will be  
made part of the record. Any written  
submissions must be given to the clerk

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before the close of the public hearing.

Will the Clerk please call the first calendar item.

THE CLERK: New York City Department of Parks and Recreation, Calendar Item No. 1: In the matter of intent to award as a concession for the renovation, maintenance and operation of a waterfront restaurant and catering facility at the World's Fair Marina at Flushing Meadows Corona Park, Queens, New York, for a seventeen-year term, to Marina Hospitality, LLC.

MR. HATCH: Are there any members of the committee that would like to make a statement on this matter?

MR. SWISHER: I just want to thank the Department of Parks and Receptions and the Comptroller's office for providing information regarding this concession that I requested earlier today in connection to an audit that was conducted in 2009 with the previous concession accord. Whatever concerns or

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questions that I had were addressed by the following audit in 2011. I appreciate them providing that information to me and I hope that the proposed concession order and the Parks and Recreation continue to follow the principles described in that follow up audit.

Thank you.

MR. HATCH: Thank you.

Any other members of the committee?

(No response.)

MR. HATCH: Any members of the public?

(No response.)

MR. HATCH: That concludes the hearing on the first calendar item.

Will the clerk please call the second calendar item.

THE CLERK: New York City Department of Transportation, Calendar Item No. 2: In the matter of intent to seek Franchise and Concession Review Committee approval to utilize a

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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 with the Fashion Center District Management Association, Inc., doing business as the Garment District Alliance, 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.

MR. HATCH: Would any members of the committee like to make any statements on this matter?

MR. CARAS: I just wanted to express my understanding on the record. I just spoke with Sharon and I understand that the reason that these bids are still in discussion with the DOT over certain language and concession agreements and the reason that these agreements are structured on the terms of a six-month term with two renewal periods is to sort of get them through the next six months

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while they're still negotiating. And so I wanted to, you know, put that on the record. I understand that that's why it is structured this way and so I appreciate the fact that my questions were answered and I just hope for the Garment District Alliance and any T-shirts that they sell will be manufactured in the industry.

Thank you.

MR. HATCH: Thank you.

Any additional members?

(No response.)

MR. HATCH: Members of the public?

(No response.)

MR. HATCH: Well, that concludes the hearing on the second calendar item.

Will the clerk please call the third calendar item.

THE CLERK: New York City Department of Transportation, Calendar Item No. 3: In the matter of the intent to seek Franchise and Concession Review Committee approval to utilize a

1  
2 different procedure, pursuant to Section  
3 1-16 of the Concession Rules of the City  
4 of New York to enter into a Sole Source  
5 License Agreement with the Flatiron/23rd  
6 Street Partnership District Management  
7 Association, Inc. to provide for the  
8 operation, management, and maintenance  
9 of a pedestrian plaza located at 5th  
10 Avenue and Broadway between East 21st  
11 and West 26th Streets, in the borough of  
12 Manhattan.

13 MR. HATCH: Do any members have any  
14 statements on this item?

15 (No response.)

16 MR. HATCH: Is there any member of  
17 the public who would like to make a  
18 statement?

19 (No response.)

20 MR. HATCH: If no one wishes to  
21 speak, that concludes today's hearing.  
22 We ask that the reporter make the entire  
23 public hearing agenda, which was made  
24 publicly available and distributed at  
25 this hearing, part of the final record

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of the proceeding. The hearing is now  
closed. Thank you.

(Time noted: 2:42 p.m.)

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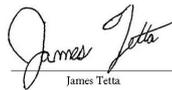
C E R T I F I C A T E  
STATE OF NEW YORK )  
: ss  
COUNTY OF NASSAU )

I, JAMES A. TETTA, a Notary Public within  
and for the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and that  
such an examination is a true record of the  
testimony given by such a witness.

I further certify that I am not related to  
any of these parties to this action by blood or  
marriage, and that I am not in any way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 13th day of November, 2018.



James Tetta

<b>13th</b> 11:19	8:6	<b>calendar</b> 5:4,6 6:18,20,22 8:18,20,22 (8)	<b>concession</b> 1:4 4:8,12 5:8,22,25 6:6,24 7:3,21 8:24 9:3 (12)	<b>earlier</b> 5:22
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**PUBLIC HEARING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**TUESDAY, NOVEMBER 13, 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](mailto:DisabilityAffairs@mocs.nyc.gov) or via phone at (212) 788-0010. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least three (3) business days in advance of the hearing to ensure availability. ☒

*Franchise and Concession Review Committee Joint Public Hearing  
Tuesday, November 13, 2018 @ 2:30 P.M.*

**NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**No. 1:** IN THE MATTER of intent to award as a concession for the renovation, maintenance and operation of a waterfront restaurant and catering facility at the World's Fair Marina at Flushing Meadows Corona Park, Queens, New York, for a seventeen (17) year term, to Marina Hospitality, LLC. Compensation to the City will be as follows: for each operating year of the license, Marina Hospitality, LLC shall pay the City a fee consisting of the higher of a minimum annual fee (Year 1: \$87,500 vs 4.4% of Gross Receipts; Year 2: \$97,500 vs 4.7% of Gross Receipts; Year 3: \$220,500 vs 12.5% of Gross Receipts; Year 4: \$231,525 vs 13% of Gross Receipts; Year 5: \$243,101 vs 13% of Gross Receipts; Year 6: \$300,256 vs 13% of Gross Receipts; Year 7: \$313,019 vs 13.5% of Gross Receipts; Year 8: \$326,420 vs 13.5% of Gross Receipts; Year 9: \$340,491 vs 13.5% of Gross Receipts; Year 10: \$355,266 vs 14% of Gross Receipts; Year 11: \$325,779 vs 14% of Gross Receipts; Year 12: \$342,068 vs 14% of Gross Receipts; Year 13: \$359,171 vs 14.5% of Gross Receipts; Year 14: \$377,130 vs 14.5% of Gross Receipts; Year 15: \$395,986 vs 14.5% of Gross Receipts; Year 16: \$415,786 vs 15% of Gross Receipts; Year 17: \$436,575 vs 15% of Gross Receipts).

**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 enter into 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 a

Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award. The Agreement provides for one (1) six-month term, commencing upon written Notice to Proceed, with up to three (3) five-year renewal options, exercisable at the sole discretion of DOT. GDA will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza. Manhattan.

## **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 enter into a Sole Source License Agreement ("Agreement") with the Flatiron/23rd Street Partnership District Management Association, Inc. ("Flatiron BID" ) to provide for the operation, management, and maintenance of a pedestrian plaza located at 5th Avenue and Broadway between East 21st and West 26th Streets, 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 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 a Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award. The Agreement provides for one (1) six-month term, commencing upon written Notice to Proceed, with up to three (3) five-year renewal options, exercisable at the sole discretion of DOT. Flatiron BID will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza.