

Franchise and Concession Review Committee Public Meeting
June 13, 2018

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FRANCHISE & CONCESSION REVIEW COMMITTEE
PUBLIC MEETING

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2 Lafayette Street
New York, New York

June 13, 2018
2:30 P.M.

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, Michael D'Ambrosio
- Bronx BP - Tom Lucania
- Brooklyn BP - Tonya Cantlo-Cockfield
- Manhattan BP - James Caras
- Queens BP - Allan Swisher
- Staten Island BP - Lashay Young
- The Clerk - Stephanie Ruiz

Franchise and Concession Review Committee Public Meeting
June 13, 2018

1 CHAIR: Good afternoon, and thank you for
2 being here. The Franchise and Concession
3 Review Committee public meeting will now come
4 to order.

5 Will the clerk please call the roll.

6 THE CLERK: Mayor?

7 CHAIR: Here.

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 of the Borough of
18 the Bronx?

19 MR. LUCANIA: Here.

20 THE CLERK: President of the Borough of
21 Brooklyn?

22 MS. CANTLO-COCKFIELD: Here.

23 THE CLERK: President of the Borough of
24 Manhattan?

25 MR. CARAS: Here.

1 THE CLERK: President of the Borough of
2 Queens?

3 MR. SWISHER: Here.

4 THE CLERK: And president of the Borough
5 of Staten Island?

6 MS. YOUNG: Here.

7 CHAIR: Will the clerk please call the
8 first calendar item.

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

11 In the matter of the intent to seek
12 "Franchise and Concession Review Committee"
13 approval to utilize a different procedure
14 pursuant to Section: 1-16 of the Concession
15 Rules of the City of New York to enter into a
16 sole source license agreement with the Hudson
17 Yards/Hell's Kitchen Business Improvement
18 District, Inc., for a potential 17-year term
19 for the operation of various food concessions,
20 farmers, and winter-holiday markets and to
21 receive the revenue from certain third-party
22 events in Hudson Boulevard Park in Manhattan.

23 Such concessions will include a food
24 concession at the existing kiosk building and
25 seating area; mobile food trucks and/or carts;

1 farmers markets and winter-holiday markets that
2 do not materially displace other public-park
3 uses and are limited in duration to a few weeks
4 per year (or, in the case of farmers markets, a
5 few days per week), and other such similar uses
6 as may be approved in advance by "Parks."

7 Under the license agreement, "Parks" also
8 grants Hudson Yards/Hell's Kitchen BID the
9 right to receive the fees generated by certain
10 third-party events (no more than 12 times per
11 year and twice per month).

12 In lieu of a license fee, Hudson
13 Yards/Hell's Kitchen BID will use all gross
14 receipts received by it from or in connection
15 with its operations at the licensed premises
16 exclusively to provide for the management,
17 maintenance, operation, and programming of
18 Hudson Boulevard Park, in accordance with the
19 terms of the M&O agreement (as defined in the
20 license agreement) and as otherwise set forth
21 in this license agreement.

22 A proposed resolution was submitted
23 relative thereto, and the resolution was
24 calendared for adoption.

25 CHAIR: I believe that a member would like

1 to make a statement on this matter.

2 Comptroller?

3 MS. CONOVITZ: Thank you.

4 We would like to highlight that an
5 agreement covering many of the obligations for
6 maintenance and operations for Hudson Park was
7 completed between Hudson Yards/Hell's Kitchen
8 BID (also known as the Hudson Yards/Hell's
9 Kitchen Alliance) and "Parks" in 2015.

10 This agreement contemplated that a
11 concession agreement between the BID and
12 "Parks" would be negotiated at a later date,
13 which leads us to the concession agreement
14 before us today.

15 In this instance, the terms of the 2015
16 agreement between "Parks" and the BID require
17 that any revenue must be used to carry out
18 services in the park.

19 As a general matter, we continue to
20 believe that the City should develop a policy
21 regarding when and under what circumstances the
22 concession agreement should permit excess
23 revenues to be used in the local community.

24 We also note that with respect to tracking
25 and transparency, among other things, the BID

1 separately tracks and reports revenues and
2 expenditures related to the park as distinct
3 from those for the rest of the BID area.

4 As a further best practice, the BID will
5 maintain a separate bank account for the moneys
6 derived from the revenue generated from
7 activities in Hudson Park.

8 Thank you.

9 CHAIR: Are there any other members that
10 wish to make a statement on this item?

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

13 MS. CANTLO-COCKFIELD: So moved.

14 CHAIR: Will another member please second
15 that motion?

16 MS. YOUNG: Second.

17 CHAIR: Will the clerk please take the
18 vote.

19 THE CLERK: Mayor?

20 CHAIR: Yes.

21 THE CLERK: Office of the Mayor?

22 MR. FURNAS: Yes.

23 THE CLERK: Comptroller?

24 MS. CONOVITZ: Yes.

25 THE CLERK: Corporation Counsel?

1 MS. CANTOR: Yes.

2 THE CLERK: Office of Management and
3 Budget?

4 MS. QUINTIAN: Yes.

5 THE CLERK: And, on behalf of the borough
6 president, president of the Borough of
7 Manhattan?

8 MR. CARAS: Yes.

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

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

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

15 In the matter of the intent to seek
16 "Franchise Concession Review Committee"
17 approval to utilize a different procedure
18 pursuant to Section: 1-16 of the Concession
19 Rules of the City of New York to negotiate sole
20 source license agreement with Row New York,
21 Inc., to operate and provide for rowing
22 instructional programs at Sherman Creek Park in
23 Inwood, Manhattan.

24 A proposed resolution was submitted
25 thereto, and the resolution was calendared for

1 adoption.

2 CHAIR: Is there a member that wishes to
3 make a statement?

4 If not, will a member please make a motion
5 to move this item?

6 MS. QUINTIAN: So moved.

7 CHAIR: Will another member please second
8 the motion?

9 MS. CONOVITZ: Second.

10 CHAIR: Will the clerk please take the
11 vote.

12 THE CLERK: Mayor?

13 CHAIR: Yes.

14 THE CLERK: Office of the Mayor?

15 MR. FURNAS: Yes.

16 THE CLERK: Comptroller?

17 MS. CONOVITZ: Yes.

18 THE CLERK: Corporation Counsel?

19 MS. CANTOR: Yes.

20 THE CLERK: Office of Management and
21 Budget?

22 MS. QUINTIAN: Yes.

23 THE CLERK: And, on behalf of the borough
24 president, president of the Borough of
25 Manhattan?

1 MR. CARAS: Yes.

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

4 CHAIR: Will the clerk please call the
5 third calendar item.

6 THE CLERK: New York City Department of
7 Parks and Recreation Calendar Item No.: 3:

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 Section: 1-16 of the Concession
12 Rules of the City of New York to negotiate sole
13 source license agreement with the Greenbelt
14 Conservancy, Inc., for the operation and
15 maintenance of the Carousel For All Children,
16 as well as a food and beverage and souvenir
17 concession at the facility located in
18 Willowbrook Park, Staten Island.

19 A proposed resolution was submitted
20 relative thereto, and the resolution is
21 calendared for adoption.

22 CHAIR: Does any member wish to make a
23 statement on this item?

24 If not, will a member please make a motion
25 to move the item?

1 MS. CANTLO-COCKFIELD: So moved.

2 Will another member please second the
3 motion?

4 MR. FURNAS: Second.

5 CHAIR: Will the clerk please take the
6 vote.

7 THE CLERK: Mayor?

8 CHAIR: Yes.

9 THE CLERK: Office of the Mayor?

10 MR. FURNAS: Yes.

11 THE CLERK: Comptroller?

12 MR. D'AMBROSIO: Yes.

13 THE CLERK: Corporation Counsel?

14 MS. CANTOR: Yes.

15 THE CLERK: Office of Management and
16 Budget?

17 MS. QUINTIAN: Yes.

18 THE CLERK: And, on behalf of the borough
19 president, president of the borough of Staten
20 Island?

21 MS. YOUNG: Yes.

22 THE CLERK: Calendar Item No.: 3,
23 resolution is adopted.

24 CHAIR: Will the clerk please call the
25 fourth calendar item.

1 THE CLERK: New York City Department of
2 Small Business Services, Calendar Item No.: 4:

3 In the matter of the intent to seek
4 "Franchise Concession Review Committee"
5 approval authorizing New York City & Co., Inc.,
6 on behalf of New York City Department of Small
7 Businesses Services, or SBS, to utilize a
8 different procedure pursuant to Section: 1-16 of
9 the Concession Rules of the City of New York for
10 SBS to enter into a non-exclusive sole source
11 license agreement with Souvenir Avanti, Inc. for
12 the non-exclusive use of City-owned trademarks
13 on merchandise.

14 The license agreement will provide for a
15 license term beginning upon written notice from
16 NYC & Co., Inc. to Souvenir Avanti and shall
17 continue through December 31, 2019, with an
18 option for the City to renew the license
19 agreement on substantially the same terms and
20 conditions, in its sole discretion, for two
21 years.

22 For each license year, Souvenir Avanti
23 shall pay royalties equal to 15 percent of net
24 sales (as defined in the license agreement).
25 The license agreement provides for a guarantee

1 minimum royalty of \$6,000 covering the period
2 from commencement of the license agreement to
3 December 31, 2019.

4 A proposed resolution was submitted
5 thereto, and the resolution is calendared for
6 adoption.

7 CHAIR: Does any member wish to make a
8 statement on this matter?

9 If not, will a member please make a motion
10 to move the item?

11 MR. LUCANIA: So moved.

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

14 MS. YOUNG: 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 MR. D'AMBROSIO: Yes.

23 THE CLERK: Corporation Counsel?

24 MS. CANTOR: Yes.

25 THE CLERK: Office of Management and

1 Budget?

2 MS. QUINTIAN: Yes.

3 THE CLERK: And, on behalf of the borough
4 president, president of the Borough of Queens?

5 MR. SWISHER: Yes.

6 THE CLERK: Calendar Item No.: 4,
7 resolution is adopted.

8 CHAIR: Will the clerk please call the
9 fifth calendar item.

10 THE CLERK: New York City Department of
11 Transportation Calendar Item No.: 5:

12 In the matter of the intent to seek
13 "Franchise and Concession Review Committee"
14 approval to utilize a different procedure
15 pursuant to Section: 1-16 of the Concession
16 Rules of the City of New York to negotiate a
17 sole source license agreement with the HUB
18 Third Avenue Merchant District Management
19 Association, Inc, or "Third Avenue BID," to
20 provide for the operation, management, and
21 maintenance of a pedestrian plaza located at
22 Third Avenue and East 149th Street, Willis
23 Avenue, and East 148th Street in the borough of
24 the Bronx, including new DOT-approved events,
25 sponsorships, and sub-concessions, including,

1 but not limited to, providing for the sale of
2 any of the following: prepared food, flowers,
3 locally-grown produce or locally manufactured
4 products, merchandise (such as souvenirs or
5 T-shirts) that promote the neighborhood or the
6 Third Avenue BID and other similar merchandise
7 within the licensed plaza.

8 A proposed resolution was submitted
9 relative thereto, and the resolution is
10 calendared for adoption.

11 CHAIR: Does any member wish to make a
12 statement on this matter?

13 Then, will a member please make a motion
14 to move the item?

15 MR. D'AMBROSIO: So moved.

16 CHAIR: Will a member please second the
17 motion?

18 MR. LUCANIA: Second.

19 CHAIR: Will the clerk please take the
20 vote.

21 THE CLERK: Mayor?

22 CHAIR: Yes.

23 THE CLERK: Office of the Mayor?

24 MR. FURNAS: Yes.

25 THE CLERK: Comptroller?

1 MR. D'AMBROSIO: Yes.

2 THE CLERK: Corporation Counsel?

3 MS. CANTOR: Yes.

4 THE CLERK: Office of Management and
5 Budget?

6 MS. QUINTIAN: Yes.

7 THE CLERK: And, on behalf of the borough
8 president, president of the borough of The
9 Bronx?

10 MR. LUCANIA: Yes.

11 THE CLERK: Calendar Item No.: 5,
12 resolution is adopted.

13 CHAIR: Will the clerk please call the
14 sixth calendar item.

15 THE CLERK: New York City Department of
16 Parks and Recreation Calendar Item No.: 6:

17 In the matter of the intent to seek the
18 unanimous approval of the Franchise and
19 Concession Review Committee pursuant to
20 Section: 1-05 of the Concession Rules of the
21 City of New York to authorize the New York City
22 Department of Parks and Recreation to utilize a
23 different procedure pursuant to Section 1-16 of
24 the Concession Rules of the City of New York to
25 negotiate an amendment to the existing license

1 agreement with Randall's Island Sports
2 Foundation, now known as: Randall's Island Park
3 Alliance, Inc. and Island Tennis, LP, d/b/a
4 Sportime, now known as: Sportime Clubs, LLC,
5 for the construction, operation, maintenance,
6 and management of a year-round tennis facility
7 at Randall's Island Park in Manhattan.

8 "Parks" anticipates that, among other
9 things, the amendment would expand the licensed
10 premises to include the construction of 10
11 additional full-size tennis courts adjacent to
12 the current licensed premises and extend the
13 term of the agreement for 25 years from the
14 date the expanded facility opens.

15 A proposed resolution was submitted
16 relative thereto, and the resolution is
17 calendared for adoption.

18 CHAIR: Is there a member that wishes to
19 make a statement on this matter?

20 Recognizing the Comptroller.

21 MS. CONOVITZ: Thank you.

22 Um, we also would like to thank the Parks
23 Department for working to provide us with
24 information concerning the extraordinary
25 circumstances of this project, which includes

1 among other things, an anticipated, significant
2 expansion and renovation of the current tennis
3 facilities on Randall's Island, new courts
4 optimal for new players under 10 or those with
5 limited mobility in addition to multiple
6 enhancements to one or more existing parks.

7 We would like to note our expectation that
8 the "Parks" will keep in mind the benefits to
9 the community as it negotiates this agreement,
10 for instance, among other things: the increased
11 community programming for local youth,
12 increased scholarship programs for students as
13 well as improved and increased access for
14 members of the public, who hold New York City
15 tennis permits.

16 We also understand and expect that as
17 "Parks" negotiates this agreement, it will take
18 into account anticipated increase in court
19 inventory, and it will negotiate appropriate
20 compensation to the City.

21 Furthermore, the Comptroller's Office
22 understands that construction is expected to
23 take between 18 and 24 months, which will be
24 phased in, in order to create as little
25 disruption and inconvenience to the public as

1 possible.

2 In light of this, the Comptroller's Office
3 suggests that "Parks" negotiate appropriate
4 compensation to the City in the event that
5 construction results in more than minimal
6 disruption or inconvenience to the public or
7 results in the decrease in concession revenue.

8 CHAIR: Any other members?

9 Then, if not, will a member please make a
10 motion to move the item?

11 MS. CANTOR: So moved.

12 Will another member please second that
13 motion?

14 MR. LUCANIA: 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 THE CLERK: Office of Management and

1 Budget?

2 MS. QUINTIAN: Yes.

3 THE CLERK: And, on behalf of the borough
4 president, president of the borough of
5 Manhattan?

6 MR. CARAS: Yes.

7 Calendar Item No.: 6, resolution is
8 adopted.

9 We ask that the reporter make the entire
10 public meeting agenda, which will be publicly
11 available and distributed at this meeting, part
12 of the final record of this proceeding.

13 That includes the calendar.

14 CHAIR: Thank you. Meeting adjourned.

15 (Time noted: 2:51 p.m.)

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CERTIFICATE OF NOTARY

STATE OF NEW YORK)

COUNTY OF BRONX)

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

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

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

Curtis Williams
CURTIS WILLIAMS

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, JUNE 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 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, June 13, 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 a Sole Source License Agreement ("License Agreement") with the Hudson Yards/Hell's Kitchen Business Improvement District, Inc. ("HY/HK BID"), for a potential seventeen (17) year term, for the operation of various food concessions, farmers and winter holiday markets, and to receive the revenue from certain third party events in Hudson Boulevard Park, Manhattan. Such concessions will include a food concession at the existing kiosk building and seating area; mobile food trucks and/or carts; farmers markets and winter holiday markets that do not materially displace other public park uses and are limited in duration to a few weeks per year (or, in the case of farmers markets, a few days per week), and other such similar uses as may be approved in advance by Parks. Under the License Agreement, Parks also grants to HY/HK BID the right to receive the fees generated by certain third party events (no more than 12 times per year and twice per month). In lieu of a license fee, HY/HK BID will use all gross receipts received by it from or in connection with its operations at the Licensed Premises exclusively to provide for the management, maintenance, operation and programming of Hudson Boulevard Park, in accordance with the terms of the M&O Agreement (as defined in the License Agreement) and as otherwise set forth in this 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 a Sole Source License Agreement (“Agreement”) with Row New York Inc. to operate and provide for rowing instructional programs at Sherman Creek Park in Inwood, Manhattan.

A proposed resolution was submitted relative thereto.

RESOLUTION FOR ADOPTION.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

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 Greenbelt Conservancy, Inc. for the operation and maintenance of The Carousel for All Children as well as a food and beverage and souvenir concession at the facility, located in Willowbrook Park, Staten Island.

A proposed resolution was submitted relative thereto.

RESOLUTION FOR ADOPTION.

NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

No. 4: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee (“FCRC”) approval authorizing NYC & Company, Inc., on behalf of the New York City Department of Small Business Services (“SBS”) to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, for SBS to enter into a non-exclusive, Sole Source License Agreement (“License Agreement”) with Souvenir Avanti, Inc. (“Souvenir Avanti”) for the non-exclusive use of cityowned trademarks on merchandise. The License Agreement will provide for a license term beginning upon written notice from NYC & Company, Inc. to Souvenir Avanti and shall continue through December 31, 2019 with an option for the City to renew the License Agreement on substantially the same terms and conditions, in its sole discretion, for two (2) years. For each license year, Souvenir Avanti shall pay royalties equal to Fifteen percent (15%) of Net Sales (as defined in the License Agreement). The License Agreement provides for a guaranteed minimum royalty of Six Thousand dollars (\$6,000) covering the period from commencement of the License Agreement to December 31, 2019.

A proposed resolution was submitted relative thereto.

RESOLUTION FOR ADOPTION.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

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 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 PARKS AND RECREATION

No. 6: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee, pursuant to Section 1-05 of the Concession Rules of the City of New York, to unanimously approve and authorize the New York City Department of Parks and Recreation, 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 with Randall’s Island Sports Foundation, now known as Randall’s Island Park Alliance, Inc., and Island Tennis L.P. d/b/a Sportime, now known as Sportime Clubs LLC for the construction, operation, maintenance and management of a year-round tennis facility at Randall’s Island Park, Manhattan (“Licensed Premises”). Parks anticipates that, among other things, the amendment would expand the Licensed Premises to include the construction of ten (10) additional fullsize tennis courts adjacent to the current Licensed Premises and extend the term of the agreement for twenty-five (25) years from the date the expanded facility opens.

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