

Franchise and Concession Review Committee Public Meeting
January 10, 2018

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PUBLIC MEETING
FRANCHISE AND CONCESSION REVIEW COMMITTEE
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253 Broadway,
9th Floor, Rockaway Conference Room
New York, New York 10007

Wednesday, January 10, 2018
2:41 p.m.

Franchise and Concession Review Committee Public Meeting
January 10, 2018

1 APPEARANCES:

2 Mayor:
Peter Hatch

3 Clerk:
4 Stephanie Ruiz

5 Office of the Mayor:
Benjamin Furnas

6 Corporation Counsel:
7 Sharon Cantor

8 Office of Management and Budget:
Yvonne Quintian

9 Comptroller:
10 Jennifer Conovitz

11 Borough President of Brooklyn:
Tonya Cantlo-Cockfield

12 Borough President of Manhattan:
13 James Caras

14 Borough President of Queens:
Angelina Martinez-Rubio

15 Borough President of Staten Island:
16 Lashay Young

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Franchise and Concession Review Committee Public Meeting
January 10, 2018

1 MR. HATCH: Good afternoon and thank
2 you all for being here. The Franchise
3 Concession and Review Committee Public
4 Meeting will now come to order. Will
5 the Clerk please call the role?

6 THE CLERK: Mayor?

7 MR. HATCH: Here.

8 THE CLERK: Office of 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
18 the Bronx?

19 (No response.)

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 MS. MARTINEZ-RUBIO: Here.

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

6 MS. YOUNG: Here.

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

9 THE CLERK: New York City Department
10 of Parks and Recreation, Calendar Item
11 Number One: In the matter of intent to
12 seek Franchise and Concession Review
13 Committee approval to utilize a
14 different procedure, pursuant to Section
15 1-16 of the Concession Rules of the City
16 of New York, to authorize the New York
17 City Department of Parks and Recreation
18 to enter into an amendment to the
19 existing license agreement between Parks
20 and Statue Cruises, LLC for the
21 operation of three landing slips at The
22 Battery for the purposes of embarking
23 and discharging passengers on a regular
24 schedule in the operation of passenger
25 ferries between The Battery and Liberty

1 and Ellis Islands, embarking and
2 discharging passengers of vessels on
3 sightseeing cruises and other ferry
4 operations, which may include, but are
5 not limited to, ferry service to
6 Governors Island, and day and night
7 charters of vessels owned, operated or
8 chartered by Statue Cruises, LLC.

9 Please be advised that at the
10 request of the agency, this item will be
11 held over to the February 14, 2018 FCRC
12 Public Meeting, which will take place in
13 Spector Hall at 22 Reade Street, Borough
14 of Manhattan at 2:30 p.m. Any changes
15 to this schedule, which will result into
16 a Special Public Meeting being scheduled
17 prior to the February 14, 2018 FCRC
18 Public Meeting, will be noticed in the
19 City Record and as required by Section
20 104 of the Open Meetings Law.

21 MR. HATCH: Thank you. Will the
22 Clerk please call the second calendar
23 item?

24 THE CLERK: New York City Department
25 of Parks and Recreation, Calendar Item

1 Number Two: In the matter of the intent
2 to seek Franchise and Concession Review
3 Committee approval to utilize a
4 different procedure, pursuant to
5 Section 1-16 of the Concession Rules of
6 the City of New York, to authorize the
7 New York City Department of Parks and
8 Recreation to negotiate a Sole Source
9 License Agreement with Bryant Park Corp.
10 regarding Bryant Park in Manhattan. A
11 proposed resolution was submitted
12 relative thereto, and the resolution is
13 calendared for adoption.

14 MR. HATCH: Is there a member who
15 wishes to ask a question or make a
16 statement on this matter?

17 MS. CONOVITZ: I --

18 MR. HATCH: Comptroller?

19 MS. CONOVITZ: Thank you. The
20 comptroller's office intends to support
21 this Step-1 proposal to negotiate a Sole
22 Source License Agreement with Bryant
23 Park Corp. in Manhattan that will cover
24 a variety of revenue-generating
25 activities that all New Yorkers can

1 enjoy throughout the year. These
2 activities include the operation of the
3 Bryant Park Restaurant, food
4 concessions, a carousel, and an
5 ice-skating rink, among many others.

6 The City's current agreement with
7 BPC has been in effect since 1985.
8 Under that agreement, BPC retains all
9 revenue streams that are produced by the
10 concessions, special events, and
11 sponsorships in order to fund operating
12 expenses.

13 As we have previously stated, as the
14 fiscal officer of the City, the
15 Comptroller's Office would like to work
16 with the Parks Department to develop a
17 consistent policy regarding when and to
18 what extent concession agreements should
19 permit excess revenues to be used in the
20 local community, and when and to what
21 extent such agreements should require
22 that excess revenues are remitted to the
23 general fund.

24 In light of the successes of Bryant
25 Park, the Comptroller's Office asks

1 Parks to include a provision in the
2 proposed license agreement that would
3 require excess revenues to revert back
4 to the City's general fund. Excess
5 revenues may be defined to allow BPC to
6 provide certain services above and
7 beyond those required under its
8 Maintenance and Operation Agreement with
9 the Parks Department.

10 In addition, we request that Parks
11 provide a comprehensive list of all
12 concessions in Bryant Park. Such lists
13 should include the revenues generated
14 and expenses incurred in past fiscal
15 years, a projection of the same for the
16 term of the agreement, and any other
17 relevant information.

18 Finally, we renew our call for
19 Bryant Park to fully comply with the
20 recommendation of our office's June 30,
21 2016 audit report. Thank you.

22 MR. HATCH: Are there members that
23 have comments or questions?

24 (No response.)

25 MR. HATCH: If not, will a member

1 please make a motion to move this item?

2 MS. CANTOR: So move.

3 MR. HATCH: Will another member
4 please second that motion?

5 MR. CARAS: Second.

6 MR. HATCH: Will the Clerk please
7 take the vote?

8 THE CLERK: Mayor?

9 MR. HATCH: Yes.

10 THE CLERK: Office of Mayor?

11 MR. FURNAS: Yes.

12 THE CLERK: Comptroller?

13 MS. CONOVITZ: Yes.

14 THE CLERK: Corporation Counsel?

15 MS. CANTOR: Yes.

16 THE CLERK: Office of Management and
17 Budget?

18 MS. QUINTIAN: Yes.

19 THE CLERK: And on behalf of the
20 Borough Presidents, President, Borough
21 of Manhattan?

22 MR. CARAS: Yes.

23 THE CLERK: Calendar Item Number
24 Two, resolution is adopted.

25 MR. HATCH: Will the Clerk please

1 call the third calendar item?

2 THE CLERK: New York City Department
3 of Parks and Recreation, Calendar Item
4 Number Three: In the matter of the
5 intent to seek Franchise and Concession
6 Review Committee approval, pursuant to
7 Section 1-05 of the Concession Rules of
8 the City of New York, to unanimously
9 approve and authorize the New York City
10 Department of Parks and Recreation to
11 utilize a different procedure, pursuant
12 to Section 1-16 of the Concession Rules
13 of the City of New York, to negotiate an
14 amendment to the existing license
15 agreement with Randall's Island Sports
16 Foundation, now known as Randall's
17 Island Park Alliance, Inc., and Island
18 Tennis, LP d/b/a Sportime, now known as
19 Sportime Clubs, LLC for the
20 construction, operation, maintenance,
21 and management of a year-round tennis
22 facility at Randall's Island Park,
23 Manhattan.

24 Please be advised that at the
25 request of the agency, this item will be

1 held over to the February 14, 2018 FCRC
2 Public Meeting, which will take place in
3 Spector Hall at 22 Reade Street, Borough
4 of Manhattan at 2:30 p.m. Any changes
5 to this schedule, which will result into
6 a Special Public Meeting being scheduled
7 prior to the February 14, 2018 FCRC
8 Public Meeting, will be noticed in the
9 City Record and as required by
10 Section 104 of the Open Meetings Law.

11 MR. HATCH: Thank you. This meeting
12 is adjourned.

13 (TIME NOTED: 2:47 p.m.)
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C E R T I F I C A T E

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I, Danielle Rivera, 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 January 10, 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 10th day of January 2018.



DANIELLE RIVERA

10th 12:17	approve 10:9	10:1,3 (7)	community 7:20	defined 8:5
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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, JANUARY 10, 2018 @ 2:30 P.M.

253 BROADWAY, 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) 788-7490, 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, January 10, 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 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.**

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 authorize the New York City Department of Parks and Recreation, to negotiate a Sole Source License Agreement with the Bryant Park Corp. regarding Bryant Park in 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, 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.**