

Franchise & Concession Review Committee Public Hearing
May 11, 2020

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REMOTE PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE

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May 11, 2020
2:32 p.m.

Remotely via
WebEx Conference Call

Julia M. Speros
Court Reporter

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

Mayor:
Bess Chiu

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
John Katsorhis

Borough President of the Bronx:
Mirtha Camille Sabio

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Manhattan:
Matthew Washington

Borough President of Queens:
Allan Swisher

Borough President of Staten Island:
Lashay Young

Department of Parks and Recreation:
Alexander Han

Clerk:
Gregg Alleyne

Alexandre Stamoulis (Alternate)

Members of the Public:
Roger Westerman

Debra Santera

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PROCEEDINGS

THE CLERK: Hello. This is Gregg Alleyne, Clerk for the FCRC. Before we get started with today's proceedings, I'd like to confirm that everyone can hear me clearly. Can everyone hear me clearly?

(All attendees responded "yes".)

THE CLERK: Okay. Thank you.

Today's meeting is being held by a WebEx conference call and we ask that all attendees announce their name for the record each time they speak on the call for ease of transcription.

If you're not speaking, we ask that you mute your microphone to avoid background noises during the call. Only one person should be speaking at any given time. I will direct, should there be any conflict.

Chair, we are ready to begin.

MS. CHIU: Hello. Good afternoon and thank you all for being here. My name is Bess Chiu, Chair of the FCRC.

The Franchise and Concession Review

Franchise & Concession Review Committee Public Hearing
May 11, 2020

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1 Committee Remote Public Hearing will now
2 come to order.

3 Will the Clerk please call the roll?

4 THE CLERK: Mayor.

5 MS. CHIU: Present.

6 THE CLERK: Office of the Mayor.

7 MR. FURNAS: Ben Furnas, here.

8 THE CLERK: Comptroller.

9 MR. KATSORHIS: Here.

10 THE CLERK: Corporation Counsel.

11 MS. CANTOR: Sharon Cantor, here.

12 THE CLERK: Office of Management and
13 Budget.

14 MS. QUINTIAN: Yvonne Quintian,
15 here.

16 THE CLERK: President, Borough of
17 the Bronx.

18 MS. SABIO: Martha Sabio, here.

19 THE CLERK: President, Borough of
20 Brooklyn.

21 MS. CANTLO-COCKFIELD: Tonya Cantlo,
22 here.

23 THE CLERK: President, Borough of
24 Manhattan.

25 MR. WASHINGTON: Matthew Washington,

1 present.

2 THE CLERK: President, Borough of
3 Queens.

4 MR. SWISHER: Allan Swisher, here.

5 THE CLERK: President, Borough of
6 Staten Island.

7 MS. YOUNG: Lashay Young, here.

8 MS. CHIU: Okay. This is Bess
9 again. So welcome to this Remote Public
10 Hearing of the Franchise and Concession
11 Review Committee.

12 The hearing being conducted today
13 has been publicly advertised in
14 accordance with the New York City
15 Charter and Concession Rules of the City
16 of New York.

17 We want to be sure that anyone
18 desiring to be heard has an opportunity
19 to do so. All persons wishing to speak
20 must provide their name, affiliation,
21 indicate which calendar item or items
22 they wish to testify on, and whether
23 they are for or against said item to the
24 Clerk at this time.

25 MR. RAFFAELE: I would like to

1 speak, please.

2 THE CLERK: Please identify
3 yourself.

4 MR. RAFFAELE: Sure. My name is
5 Frank Raffaele, member of the public,
6 speaking against number 2, New York City
7 Department of Parks and Recreation in
8 the matter to attend LPQ Sailboat Pond.

9 THE CLERK: We will not be taking
10 testimony -- sorry. We will not be
11 taking testimony on Calendar Item number
12 2 today, as it is being held over until
13 the June hearing.

14 MR. RAFFAELE: Okay. Great. Okay.
15 It was advertised. May I ask -- sorry
16 to interject -- may I ask why it's being
17 held over?

18 THE CLERK: I really don't know. I
19 think the agency chose to hold it over.
20 I guess you can check with the agency.

21 MR. RAFFAELE: Okay. Thank you. It
22 was publicly advertised. Thank you.

23 THE CLERK: Okay. Does anyone else
24 wish to testify?

25 MR. WESTERMAN: Hi. My name is

1 Roger Westerman. I'd like to provide
2 you with testimony on behalf of the
3 Prospect Park Alliance.

4 THE CLERK: Thank you.

5 MR. WESTERMAN: I'm not sure what
6 the calendar number is.

7 THE CLERK: Item number 3.

8 MR. WESTERMAN: Okay.

9 THE CLERK: We're just logging
10 testimony at this point -- we're just
11 logging it in --

12 MR. WESTERMAN: Okay. Just logging
13 it in for later? Fine.

14 THE CLERK: Yeah, we'll announce
15 that calendar item further on in the
16 proceedings. I just wanted to --

17 MR. WESTERMAN: Okay. Thanks.

18 THE CLERK: -- recognize everyone
19 who is going to testify.

20 Is there anyone else on the call who
21 wishes to testify?

22 (No response.)

23 THE CLERK: Okay. I think we can
24 move on.

25 MS. SANTERA: Sorry, this is Debra

1 Santera. It's the same item that Roger
2 was just saying -- what was it, item
3 number 3. I'd like to testify on behalf
4 of Prospect Park Alliance at the
5 appropriate time.

6 THE CLERK: Okay. Thank you.

7 MS. SANTERA: Thank you.

8 THE CLERK: Is there anyone else on
9 the call who wishes to testify?

10 (No response.)

11 THE CLERK: Okay. I just wanted to
12 reiterate, we will not be taking
13 testimony on Calendar Item number 2. It
14 is being held over.

15 MS. CHIU: Hi. This is Bess again.

16 So each speaker will be allotted
17 approximately three minutes. When you
18 testify, please re-state your name and
19 affiliation, if any.

20 You may also submit written
21 testimony to the Clerk, which will be
22 made part of the record. Any written
23 submissions must be given to the Clerk
24 before the close of the Remote Public
25 Hearing via email.

1 I'm going to spell out the email
2 address now. It's G-R-E-G-G, dot,
3 A-L-L-E-Y-N-E at M-O-C-S, dot, N-Y-C,
4 dot, gov, and will be provided to the
5 Committee after the hearing.

6 Will the Clerk please call the first
7 calendar item?

8 THE CLERK: New York City Department
9 of Parks and Recreation, Calendar Item
10 number 1, in the matter of the intent to
11 award a concession for the installation,
12 operation, and management of an outdoor
13 holiday gift market at Union Square
14 Park, Manhattan, for a term not to
15 exceed five years, to Urban Space
16 Holdings, Inc.

17 MS. CHIU: Does any member of the
18 Committee have statements that they wish
19 to make?

20 (No response.)

21 MS. CHIU: I believe that no one
22 else from the -- no one wishes to speak,
23 and I believe, from what I heard
24 earlier, that there's no member of the
25 public who wishes to testify.

1 So if no one else wishes to speak,
2 that concludes the hearing on the first
3 calendar item.

4 Will the Clerk please call the
5 second calendar item?

6 THE CLERK: New York City Department
7 of Parks and Recreation, Calendar Item
8 number 2, in the matter of the intent to
9 award a concession for the renovation,
10 operation, and maintenance of an outdoor
11 cafe and snack bar at Conservatory
12 Water, Central Park, Manhattan, for a 15
13 year term, to LPQ Sailboat Pond, Inc.

14 Please be advised that at the
15 request of the agency, this item will be
16 held over to the June 8, 2020 FCRC
17 Public Hearing, which will take place in
18 the Spector Hall of 22 Reade Street,
19 Manhattan, at 2:30 p.m.

20 Any change to this schedule, which
21 will result in a public hearing being
22 held remotely or scheduled prior to the
23 June 8, 2020 FCRC Public Hearing, will
24 be reflected in The City Record and/or
25 in newspapers, as required by Section

1 371 of the New York City Charter.

2 MS. CHIU: Will the Clerk please
3 call the third calendar item?

4 THE CLERK: New York City Department
5 of Parks and Recreation, Calendar Item
6 number 3, in the matter of the intent to
7 award a concession for the operation,
8 maintenance, and management of a
9 year-long tennis facility at the Parade
10 Ground, Prospect Park, Brooklyn, for a
11 15 year term with three one-year renewal
12 options to Prospect Park Alliance, Inc.

13 MS. CHIU: We will take testimony
14 from the public, but first I'd like to
15 ask the members of the Committee if they
16 have any statements?

17 (No response.)

18 MS. CHIU: Will the Clerk please
19 call the next person who wishes to
20 testify?

21 THE CLERK: Roger Westerman.
22 Please provide your full name and
23 affiliation for the record.

24 MR. WESTERMAN: Roger Westerman.
25 I'm a member of the public and a

1 long-time user of the Prospect Park
2 Alliance facilities at the Parade
3 Ground.

4 So as I stated, I've been a
5 long-time user since they began running
6 the concession there and I couldn't be
7 happier. The facility is run extremely
8 well. There is a culture there from the
9 top down starting with Paul Campbell,
10 the Director, through the pros, the
11 staff, the front desk. Everybody is
12 extremely friendly, professional.

13 I've taken lessons there. My
14 children have taken lessons there. I've
15 had a seasonal court for years. I have
16 many friends with seasonal courts. I've
17 played at many facilities throughout the
18 City over the years and I would say
19 hands down that the Prospect Park
20 Alliance runs the friendliest, most
21 well-run public tennis facility in the
22 City in my opinion.

23 So I'm strongly in favor of them
24 getting this 15-year contract and that's
25 about it. Thank you.

1 THE CLERK: Thank you.

2 MS. CHIU: Thank you.

3 THE CLERK: Debra Santera -- I'm
4 sorry. I believe the name was Debra
5 Santera from Prospect Park Alliance.

6 MS. SANTERA: Yeah, sorry. I am
7 a --

8 THE CLERK: Please -- I'm sorry --
9 please provide your full name and
10 affiliation for the record.

11 MS. SANTERA: Right. Debra Santera.
12 I am a member of the public and a player
13 at the Prospect Park Tennis Center.

14 I have been playing there since
15 before the Alliance took over the
16 management of the facility, and since
17 they have, it has been a joy to play
18 there.

19 I captain a number of teams at the
20 USTA and have played at various
21 facilities, and this is the home to my
22 team. We consider it our home court
23 and -- part of our life -- and they also
24 have a very strong support system for
25 children.

1 I have a son who took lessons there
2 for years and I know people who have
3 children with special needs there and
4 there are programs that are part of the
5 community and -- very important to us --
6 became a part of our home.

7 THE CLERK: Hello? This is Gregg
8 Alleyne, the Clerk.

9 MR. STAMOULIS: Hi. This is Alex
10 Stamoulis from MOCS on the call. I just
11 want to confirm if anyone else wishes to
12 testify at this time?

13 (No response.)

14 THE CLERK: We have now heard all
15 testimony on this calendar item.

16 MS. CHIU: All right. This is Bess
17 again.

18 If no one else wishes to speak, that
19 concludes today's hearing.

20 We ask that the reporter make the
21 entire Remote Public Hearing agenda,
22 which was made publicly available at the
23 FCRC website, part of the final record
24 the proceeding.

25 The hearing is now closed. Thank

1 you.

2 MS. CANTOR: Bess, before the
3 hearing is closed -- is everyone still
4 on?

5 MR. STAMOULIS: Yes.

6 MS. CANTOR: This is Sharon Cantor
7 from the Law Department.

8 MOCS, did you call the agency
9 representative from Parks as being
10 present and part of the hearing? I just
11 want to confirm.

12 MR. STAMOULIS: We confirmed that
13 Parks was on the hearing, but they were
14 not specifically called out for the
15 attendance.

16 Alex, are you still on the call?

17 MR. HAN: I'm here.

18 MR. STAMOULIS: Can you please
19 confirm you're here on behalf of Parks
20 for the three matters?

21 MR. HAN: Yes, Alexander Han, on
22 behalf of New York City Parks.

23 MR. STAMOULIS: Okay. Does anyone
24 have any questions or concerns for Parks
25 at this time?

1 (No response.)

2 MR. STAMOULIS: Okay. Sharon, was
3 there anything further we need from
4 Parks?

5 MS. CANTOR: No.

6 MR. HAN: Thank you.

7 MS. CHIU: Okay. Then I think with
8 that, the hearing is now closed. Thank
9 you.

10 (Time noted: 2:47 p.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or 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 May, 2020.



Julia M. Speros

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REMOTE PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, MAY 11, 2020 @ 2:30 P.M.

Dial-in Information:

Phone Number: (408)418-9388

Access Code: 716 334 820, # When Prompted

NOTE: 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 (646) 872-0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability. ☒

*Franchise and Concession Review Committee Remote Public Hearing
Monday, May 11th, 2020 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

No. 1: IN THE MATTER of the intent to award a concession for the installation, operation and management of an outdoor holiday gift market at Union Square Park, Manhattan, for a term not to exceed five (5) years, to Urban Space Holdings, Inc. Compensation to the City for each year of the Permit will be as follows:

OPERATING SEASON	GUARANTEED MINIMUM ANNUAL FEE	<u>OR</u> % OF GROSS RECEIPTS
Season 1 (Nov – Dec 2020)	\$1,710,000	50% of Gross Receipts
Season 2 (Nov – Dec 2021)	\$1,752,750	50% of Gross Receipts
Season 3 (Nov – Dec 2022)	\$1,796,569	50% of Gross Receipts
Season 4 (Nov – Dec 2023)	\$1,841,483	50% of Gross Receipts
Season 5 (Nov – Dec 2024)	\$1,887,520	50% of Gross Receipts

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

No. 2: IN THE MATTER of the intent to award a concession agreement for the renovation, operation and maintenance of an outdoor café and snack bar, at Conservatory Water, Central Park, Manhattan for a fifteen (15) year term, to LPQ Sailboat Pond, Inc. Compensation to the City will be as follows: for each Interim Operating Year (as defined in the concession agreement) and for each Post-Construction Operating Year (as defined in the concession

agreement) LPQ Sailboat Pond, Inc. shall pay the City a fee consisting of the higher of a minimum annual fee or the minimum annual fee plus 10% of Gross Receipts exceeding \$1,000,000. The Minimum Annual Fee for each operating year is as follows: Year 1: \$250,000; Year 2: \$262,500; Year 3: \$275,625; Year 4: \$289,406; Year 5: \$303,877; Year 6: \$319,070; Year 7: \$335,024; Year 8: \$351,775; Year 9: \$369,364; Year 10: \$387,382; Year 11: \$407,224; Year 12: \$427,585; Year 13: \$448,964; Year 14: \$471,412; Year 15: \$494,983.

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

No. 3: **IN THE MATTER** of the intent to award a concession agreement for the operation, maintenance and management of a year-round tennis facility at the Parade Ground, Prospect Park, Brooklyn for a fifteen (15) year term, with three (3) one-year renewal options, to Prospect Park Alliance, Inc. Compensation to the City will be as follows: for each operating year of the license, Prospect Park Alliance, Inc. shall pay the City a fee consisting of the higher of a guaranteed minimum annual fee versus 10% of Gross Receipts. When Gross Receipts exceed \$3.3M for any given year PPA will pay 15% of Gross Receipts. The Minimum Annual Fee for each operating year are as follows: Year 1: \$270,000; Year 2: \$275,400; Year 3: \$280,908; Year 4: \$286,526; Year 5: \$292,257; Year 6: 298,102; Year 7: \$304,064; Year 8: \$310, 145; Year 9: \$316,348; Year 10: \$322,675; Year 11: \$329,128; Year 12: \$335,711; Year 13: \$342,425; Year 14: \$349,274; Year 15: \$356,259; Year 16 (Renewal Option 1): \$363,384; Year 17 (Renewal Option 2): \$370,652; Year 18 (Renewal Option 3): \$378,065.