

In Re FCRC June Remote Public Meeting NYC - Mayor`s Office of
Contract Services (MOCS)
June 14, 2023

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REMOTE PUBLIC MEETING
FRANCHISE AND CONCESSION REVIEW COMMITTEE

-----X

June 14, 2023
2:34 p.m.

Remotely via
Microsoft Teams
Conference Call

Stephanie O'Keefe
Court Reporter

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APPEARANCES:

Mayor:
Bill Heinzen

Office of the Mayor:
Malcolm Cain

Corporation Counsel:
Amrita Barth

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Christian Stover

Borough President of Brooklyn:
John Douglas

Borough President of Manhattan:
Tomi Vest

Borough President of Bronx:
Tom Lucania

Borough President of Queens:
Allan Swisher

Borough President of Staten Island:
Not Present

Clerk:
Kimberly Egbert

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THE CLERK: Hello everyone, this
is Kim Egbert, clerk for the FCRC.
Before we get started with today's
proceedings, I'd like to confirm that
everyone can hear me clearly.

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(Participants nod.)

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Today's meeting is being held
via Microsoft Teams 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.

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If you are not speaking, we ask
that you mute your microphone to avoid
background noises during the call.

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Only one person should be
speaking at any given time, I will
direct should there be any conflict.

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Chair, we are ready to begin.

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CHAIRMAN HEINZEN: Thank you,
Kim.

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Good afternoon, everyone. Thank
you for being here. My name is Bill
Heinzen. I am the chair of the

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Franchise and Concession Review
Committee. This remote public meeting
of the FCRC will now come to order.

Will the clerk please call the
roll.

THE CLERK: Mayor?

CHAIRMAN HEINZEN: Here. Bill
Heinzen.

THE CLERK: Office of the Mayor?

MR. CAIN: Malcolm Cain, here.

THE CLERK: Comptroller?

MR. STOVER: Christian Stover,
here.

THE CLERK: Corporation Counsel?

MS. BARTH: Amrita Barth.

THE CLERK: Office of Management
and Budget.

MS. QUINTIAN: Sorry. Yvonne
Quintian, here.

THE CLERK: President,
Borough of the Bronx.

MR. LUCANIA: Tom Lucania, here.

THE CLERK: President, Borough
of Brooklyn.

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MR. DOUGLAS: John Douglas,
present.

THE CLERK: President, Borough
of Manhattan?

MS. VEST: Tomi Vest, present.

THE CLERK: President, Borough
of Queens?

MR. SWISHER: Allan Swisher,
present.

THE CLERK: President, Borough
of Staten Island?

(No response.)

Let the record reflect,
President, Borough of Staten
Island is not present.

CHAIRMAN HEINZEN: Okay. Thanks
very much.

Will you please call the first
calendar item.

THE CLERK: New York City
Department of Transportation, Calendar
Item Number 1: In the matter of the
intent to seek Franchise and
Concession Review Committee approval

1
2 of a proposed amendment to the
3 franchise agreement between the City
4 of New York, by and through its
5 Department of Transportation and
6 JCDecaux Street Furniture New York,
7 LLC, to install, operate, and maintain
8 bus stop shelters, self-cleaning
9 automatic public toilets, and public
10 service structures and to install and
11 maintain newsstands in the boroughs of
12 the Bronx, Brooklyn, Manhattan,
13 Queens, and Staten Island.

14 The proposed franchise agreement
15 is requesting to extend the term of
16 the Agreement by five years and
17 incorporate additional rights and
18 responsibilities, including, without
19 limitation, an increase in the overall
20 number of bus shelters and automatic
21 public toilets that the company may
22 install maintain, and operate, and the
23 modification of certain revenue
24 requirements applicable to the
25 company.

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CHAIRMAN HEINZEN: Excuse me.
There have been some changes to the
concession documents. These have been
distributed to the committee members,
and I will now ask DOT to read those
changes into the record.

MS. CRAVEN: Thank you, Chair
Heinzen. Hi, everybody, I'm Michelle
Craven. I'm the assistant
commissioner for Cityscape and
Franchises at New York City DOT.

After considering the comments
made at the public hearing and
testimony submitted, the City is
making the following changes to the
proposed amendment: In Section
2.5.3.3(a) the amendment makes five
references to 60 schedule-wide bus
shelters. The City is changing the
numbers 60 to the number 43 in all
five places to reflect the changes to
Schedule Y, which I'll explain
shortly. The rest of section
2.5.3.3(a) will remain the same.

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The final sentence of Section 9.2.2 shall now read as follows: In addition for each such year of the term, the City shall receive A, 50 percent of annual gross revenues in excess of \$105 million; B, 52.5 percent of annual gross revenues in excess of \$150 million; and C, 55 percent of annual gross revenues in excess of \$200 million.

The final sentence of section 9.2.3 shall now read as follows: In addition for each such year of the term, the City shall receive 50 percent of annual gross revenues in excess of \$110 million; B, 52.5 percent of annual gross revenues in excess of \$150 million; and C, 55 percent of annual gross revenues in excess of \$200 million.

In Schedule C, the City will make the following changes: The cash component for year 17, shall now be \$64,401,000, the cash component for

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year 18 shall now be \$63,834,000, the cash component for years 19 and 20 shall now be \$49,316,000. The cash component for years 21 through 25 shall now be \$34,316,000. The total cash component for years one through 25 shall now be \$1,337,336,000.

Footnote 2 will now read as follows: In addition, the City shall receive, A, 50 percent of annual gross revenues in excess of \$105 million; B, 52.5 percent of annual gross revenues in excess of \$150 million; and C, 55 percent of annual gross revenues in excess of \$200 million.

Footnote 3 will now read as follows: In addition, the City shall receive 50 percent of annual gross revenues in excess of \$110 million; B, 52.5 percent of annual gross revenues in excess of \$150 million; and C, 55 percent of the annual gross revenues in excess of \$200 million.

Finally, we're removing 17

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locations from schedule Y, Fifth Avenue between 58th Street and 59th Street, Fifth Avenue and 59th Street, Fifth Avenue between 61st Street and 62nd Street, Fifth Avenue and 65th Street, Fifth Avenue between 66th Street and 67th Street, Fifth Avenue between 68th Street and 69th Street, Fifth Avenue and 71st Street, Fifth Avenue between 74th Street and 75th Street, Fifth Avenue between 76th Street and 77th Street, Fifth Avenue and 79th Street, Fifth Avenue and 84th Street, Fifth Avenue between 86th Street and 87th Street, Fifth Avenue between 89th and 90th Street, Madison Avenue between 72nd Street and 73rd Street, Madison Avenue between 74th Street and 75th Street, Madison Avenue between 77th Street and 78th Street, and Madison Avenue between 83rd Street and 84th Street.

And those are all the changes that I have. Thank you again.

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CHAIRMAN HEINZEN: Thank you,
Assistant Commissioner Craven.

At this point, does any member
want to ask a question or make a
statement pertaining to this calendar
item?

MR. STOVER: Bill, the
Comptroller's office would like to
make a statement.

CHAIRMAN HEINZEN: Please.

MR. STOVER: Hi, this is
Christian Stover from the
Comptroller's office.

Today's franchise agreement will
secure more bus shelters and public
toilets that will improve basic public
infrastructure for New Yorkers. While
JCDecaux should not have withheld
their rent for public space over the
last two years, we appreciate their
willingness to negotiate with our
office to provide an additional 2
million base payment and additional
revenue sharing to the City as part of

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today's deal.

Thank you.

CHAIRMAN HEINZEN: Thank you,
Christian.

Any other member wish to make a
statement at this time?

(No response.)

Hearing none, may I please have a
motion to move this item for a vote? Is
there a motion to move?

MS. BARTH: I'll move to vote.

CHAIRMAN HEINZEN: You said yes,
Amrita, from the law department, thank
you.

Is there a second?

MR. STOVER: Second.

CHAIRMAN HEINZEN: Thank you.

Okay. Will you please call the
vote.

THE CLERK: Mayor?

CHAIRMAN HEINZEN: Yes.

THE CLERK: Office of the Mayor?

MR. CAIN: Yes.

THE CLERK: Comptroller?

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MR. STOVER: Yes.

THE CLERK: Corporation Counsel?

MS. BARTH: Yes.

THE CLERK: Office of Management
and Budget?

MS. QUINTIAN: Yes.

THE CLERK: President,
Borough of the Queens?

MR. SWISHER: Yes.

THE CLERK: Calendar item number
1, resolution is adopted.

CHAIRMAN HEINZEN: Okay, thank
you very much.

Can you please call the second
calendar item.

THE CLERK: New York City
Mayor's Office of Contract Services
calendar Item number 2. In the matter
of proposed changes to the
Administrative Procedures of the
Franchise and Concession Review
Committee, FCRC. The proposed
changes, which have previously been
distributed to the Committee,

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incorporate feedback from agencies and
Committee members, and are being
presented here for adoption by the
FCRC.

CHAIRMAN HEINZEN: Okay, thank
you.

Does any member wish to make a
statement or a question about this
matter?

(No response.)

Hearing none, could I please
have a motion to move?

MR. LUCANIA: Tom Lucania, so
moved.

CHAIRMAN HEINZEN: Thank you,
Tom.

Is there a second?

MR. CAIN: Malcolm Cain, I
second the motion.

CHAIRMAN HEINZEN: Thank you.
Will you please call the vote.

THE CLERK: Mayor?

CHAIRMAN HEINZEN: Yes.

THE CLERK: Office of the Mayor?

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MR. CAIN: Malcolm Cain, yes.

THE CLERK: Comptroller?

MR. STOVER: Yes.

THE CLERK: Corporation counsel?

MS. BARTH: Yes.

THE CLERK: Office of Management
and Budget?

MS. QUINTIAN: Yvonne Quintian,
yes.

THE CLERK: President, Borough
of Queens?

MR. SWISHER: Yes.

THE CLERK: Calendar item number
2, resolution is adopted.

CHAIRMAN HEINZEN: Thank you,
Kim.

Will you please call the third
calendar item?

THE CLERK: New York City
Department of Health and Mental
Hygiene. Calendar Item Number 3, in
the matter of the intent to seek
Franchise and Concession Review
Committee approval pursuant to Section

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116 of the Concession Rules of the City of New York, to utilize a different procedure to enter into an amendment to the existing concession agreement with OptumRx Discount Card Services, LLC to develop, operate and administer the NYC Drug Discount Card Program available to all New York City residents. The amendment will extend the expiration date of the concession agreement from December 31, 2021 to June 30, 2024.

CHAIRMAN HEINZEN: Okay, thank you.

Does any member have a question about this item or do they wish to make a statement?

(No response.)

CHAIRMAN HEINZEN: Okay.
Hearing none, may I please have a motion to move this for a vote?

MS. BARTH: So moved.

CHAIRMAN HEINZEN: Thank you.
Is there a second?

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MR. CAIN: Malcolm Cain, I
second the motion.

CHAIRMAN HEINZEN: Thank you.
Will you please take the vote.

THE CLERK: Mayor?

CHAIRMAN HEINZEN: Yes.

THE CLERK: Office of the Mayor?

MR. CAIN: Malcolm Cain, yes.

THE CLERK: Comptroller?

MR. STOVER: Yes.

THE CLERK: Corporation Counsel?

MS. BARTH: Yes.

THE CLERK: Office of Management
and Budget?

MS. QUINTIAN: Yes.

THE CLERK: President, Borough
of Queens?

MR. SWISHER: Yes.

THE CLERK: Calendar Item Number
3, resolution is adopted.

CHAIRMAN HEINZEN: Thank you
very much.

Will you please call the fourth
and final calendar item.

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THE CLERK: New York City
Department of Small Business Services
Calendar Item Number 4, in the matter
of the intent to seek Franchise and
Concession Review Committee approval
pursuant to Section 1-16 of the
Concession Rules of the City of New
York, to utilize a different procedure
to negotiate a significant Sole Source
interim Concession Agreement with
FirstFlight Heliports, LLC d/b/a Saker
Aviation Services, to provide for the
operation of the Downtown Manhattan
Heliport, DMH. It is anticipated that
this Agreement would provide for one
six-month term, with two six-month
options to renew at the discretion of
SBS. This agreement intends to keep
DMH operational while SBS solicits a
new heliport operator via a 1-13
Request for Proposals.

CHAIRMAN HEINZEN: Thank you.
Are there any questions from any
of the members of the committee or

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would anyone like to make a statement?

MR. STOVER: Hi, Bill. The
Comptroller's office would like to
make a statement on this item as well.

CHAIRMAN HEINZEN: Please.

MR. STOVER: Thank you. The
non-essential helicopter trips from
the Downtown Manhattan Heliport may be
convenient for busy executive, leisure
travelers, and sightseers and reduce
the time it takes to get from Wall
Street to private jets at Teterboro,
but the constant noise and carbon
admissions make many residents of
Manhattan and Brooklyn miserable, and
it generates very little revenue for
the City of New York.

Rather than continuing
operations, we should allow the City's
contract with Downtown Manhattan
Heliport to expire and re-purpose the
space for a less noxious and more
sustainable use.

Thank you.

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CHAIRMAN HEINZEN: Thank you.

Does any other member have a comment that they would like to make for the record, or are there any questions?

MS. VEST: This is Tomi Vest from the Manhattan Borough President's office.

I second the statement that was made Mr. Stover and the comptroller.

CHAIRMAN HEINZEN: Okay. Thank you. Appreciate that from the Manhattan Borough president.

Any other questions or comments from the committee at this time?

(No response.)

Okay, if not, Kim, will you please call the vote?

THE CLERK: We need someone to make a motion.

CHAIRMAN HEINZEN: I'm sorry, I apologize.

At this time, may I please have a motion to move this item to a vote?

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Is there a motion?

MS. BARTH: So moved.

CHAIRMAN HEINZEN: Thank you
from the Law Department.

Is there a second?

MR. CAIN: Malcolm Cain, I
second the motion.

CHAIRMAN HEINZEN: Thank you.
At this time, Kim, will you please
call the vote?

THE CLERK: Mayor?

CHAIRMAN HEINZEN: Yes.

THE CLERK: Office of the Mayor?

MR. CAIN: Malcolm Cain, yes.

THE CLERK: Comptroller?

MR. STOVER: No.

THE CLERK: Corporation Counsel?

MS. BARTH: Yes.

THE CLERK: Office of Management
and Budget?

MS. QUINTIAN: Yes.

THE CLERK: President, Borough
of Manhattan?

MS. VEST: No.

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THE CLERK: With a vote of four
to two, calendar item number 4
resolution is adopted.

We ask that the reporter make
the entire public meeting agenda,
which was made publicly available and
distributed at this meeting, part of
the final record of this proceeding.

That completes the calendar.

CHAIRMAN HEINZEN: Okay, thank
everyone for being here today. Thanks
to the team at MOCS for putting this
all together.

Meeting is adjourned.

(Time Noted: 2:50 p.m.)

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