

Franchise and Concession Review Committee Public Hearing
July 6, 2015

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----X
PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW MEETING
-----X

22 Reade Street
Spector Hall
New York, New York

Monday, July 6, 2015
2:36 p.m.

APPEARANCES:

- Mayor: Ian Bassin
- Clerk: Stephanie Ruiz
- Department of Parks and Recreation: Alexander Han
- Department of Information Technology &
Telecommunications: Brett Sikoff
- Office of Management and Budget: Jane Bayer
- Office of the Mayor: Benjamin Furnas
- Corporation Counsel: Sharon Cantor
- Comptroller: Richard Friedman
- Borough President of Brooklyn: Andrew Gounardes
- Borough President of Manhattan: James Caras
- Borough President of Queens: Jasmine Narang
- Borough President of Bronx: Raymond Sanchez
- Borough President of Staten Island: Jim Shipp

Franchise and Concession Review Committee Public Hearing
July 6, 2015

2

1 THE CHAIRPERSON: Good afternoon.
2 This Public Hearing will now come to order.
3 Will the Clerk please call the roll?

4 THE CLERK: Mayor?

5 THE CHAIRPERSON: Here.

6 THE CLERK: Office of the mayor?

7 OFFICE OF THE MAYOR: Here.

8 THE CLERK: Comptroller?

9 THE COMPTROLLER: Here.

10 THE CLERK: Corporation Counsel?

11 CORPORATION COUNSEL: Here.

12 THE CLERK: Office of Management &
13 Budget?

14 OFFICE OF MANAGEMENT & BUDGET:
15 Here.

16 THE CLERK: President, Borough of
17 Bronx?

18 BRONX BOROUGH PRESIDENT: Here.

19 THE CLERK: President, Borough of
20 Brooklyn?

21 BROOKLYN BOROUGH PRESIDENT:
22 Present.

23 THE CLERK: President, Borough of
24 Manhattan?

25 MANHATTAN BOROUGH PRESIDENT: Here.

Franchise and Concession Review Committee Public Hearing
July 6, 2015

3

1 THE CLERK: President, Borough of
2 Queens?

3 QUEENS BOROUGH PRESIDENT: Here.

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

6 STATEN ISLAND BOROUGH PRESIDENT:
7 Here.

8 THE CHAIRPERSON: Welcome to this
9 Public Hearing of the Franchise &
10 Concession Review Committee. The hearing
11 being conducted today has been publicly
12 advertised in accordance with the New York
13 City Charter and Concession Rules of the
14 City of New York.

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

23 Will the Clerk please call the first
24 calendar item?

25 THE CLERK: New York City Department

Franchise and Concession Review Committee Public Hearing
July 6, 2015

4

1 of Parks and Recreation, Calendar Item
2 No. 1: In the matter of the intent to seek
3 Franchise and Concession Review Committee
4 approval to utilize a different procedure,
5 pursuant to Section 1-16 of the Concession
6 Rules of the City of New York, to authorize
7 the New York City Department of Parks and
8 Recreation to enter into a Sole Source
9 Concession Agreement with City University
10 of New York, Kingsborough Community College
11 for the operation and maintenance of a
12 parking lot for the accommodation of the
13 public at Manhattan Beach Park, identified
14 as Block 8760, Lot 485 in the Borough of
15 Brooklyn, for one four-season term.

16 THE CHAIRPERSON: Thank you.

17 Does anyone wish to testify?

18 (No response.)

19 THE CHAIRPERSON: If no one wishes
20 to speak, will the Clerk please call the
21 second calendar item?

22 THE CLERK: New York City Department
23 of Information Technology &
24 Telecommunications, Calendar Item No. 2:
25 In the matter of the intent to seek

Franchise and Concession Review Committee Public Hearing
July 6, 2015

5

1 Franchise and Concession Review Committee
2 approval of a proposed franchise agreement
3 between the City of New York and ZenFi
4 Networks, Inc., or ZenFi. The proposed
5 franchise agreement will grant ZenFi the
6 non-exclusive right to install, operate and
7 maintain telecommunications equipment and
8 facilities on City owned and managed street
9 light poles, traffic light poles, highway
10 sign support poles and certain utility
11 poles, utility being defined as it is
12 defined in 47 U.S.C. Section 224. The
13 proposed franchise will run until
14 November 14th, 2019, and is limited to the
15 use of 3,000 poles city-wide during the
16 term of the contract.

17 THE CHAIRPERSON: Thank you.

18 Does anyone wish to testify?

19 (No response.)

20 THE CHAIRPERSON: If no one wishes
21 to speak, will the Clerk please call the
22 third calendar item?

23 THE CLERK: New York City Department
24 of Parks and Recreation, Calendar Item
25 No. 3: In the matter of the intent to

Franchise and Concession Review Committee Public Hearing
July 6, 2015

6

1 award as a concession the renovation,
2 operation, and maintenance of an amusement
3 center at 855 Arthur Kill Road, Staten
4 Island, for a potential 20-year term, to
5 Vista East Amusement Inc.

6 THE CHAIRPERSON: Does anyone wish
7 to testify?

8 (No response.)

9 THE CHAIRPERSON: If no one wishes
10 to speak, that concludes today's hearing.
11 We ask that the Reporter make the entire
12 Public Hearing Agenda, which was made
13 publicly available and distributed at this
14 hearing, part of the final record of the
15 proceedings. The hearing is now closed.
16 Thank you.

17 (Time noted: 2:40 p.m.)
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF RICHMOND)

I, JENNIFER CASSELLA, a Notary Public
within and for the State of New York, do hereby
certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

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 16th day of July, 2015.



JENNIFER CASSELLA

**Franchise and Concession Review Committee Public Hearing
July 6, 2015**

<p align="center">A</p> <p>ability (1) 7:13 accommodation (1) 4:12 action (1) 7:15 advertised (1) 3:12 affiliation (1) 3:22 afternoon (1) 2:1 Agenda (1) 6:12 agreement (3) 4:9 5:2,5 Alexander (1) 1:13 allotted (1) 3:20 amusement (2) 6:2,5 Andrew (1) 1:20 APPEARANCES (1) 1:10 approval (2) 4:4 5:2 approximately (1) 3:20 Arthur (1) 6:3 authorize (1) 4:6 available (1) 6:13 award (1) 6:1</p>	<p>closed (1) 6:15 College (1) 4:10 come (1) 2:2 Committee (3) 3:10 4:3 5:1 Community (1) 4:10 Comptroller (3) 1:19 2:8,9 concession (8) 1:3 3:10,13 4:3,5,9 5:1 6:1 concludes (1) 6:10 conducted (1) 3:11 contract (1) 5:16 Corporation (3) 1:18 2:10,11 Counsel (3) 1:18 2:10,11 COUNTY (1) 7:5</p>	<p align="center">I</p> <p>Ian (1) 1:11 identified (1) 4:13 Information (2) 1:14 4:23 install (1) 5:6 intent (3) 4:2,25 5:25 interested (1) 7:16 Island (4) 1:24 3:5,6 6:4 item (6) 3:24 4:1,21,24 5:22,24</p>
<p align="center">B</p> <p>Bassin (1) 1:11 Bayer (1) 1:16 Beach (1) 4:13 Benjamin (1) 1:17 best (1) 7:13 Block (1) 4:14 blood (1) 7:15 Borough (16) 1:20,21,22,23,24 2:16,18,19,21,23,25 3:1,3,4,6 4:14 Brett (1) 1:15 Bronx (3) 1:23 2:17,18 Brooklyn (4) 1:20 2:20,21 4:15 Budget (3) 1:16 2:13,14</p>	<p align="center">D</p> <p>day (1) 7:19 defined (2) 5:11,12 Department (6) 1:13,14 3:25 4:7 4:22 5:23 desiring (1) 3:16 different (1) 4:4 distributed (1) 6:13</p>	<p align="center">J</p> <p>James (1) 1:21 Jane (1) 1:16 Jasmine (1) 1:22 JENNIFER (2) 7:7,22 Jim (1) 1:24 July (2) 1:8 7:19</p>
<p align="center">C</p> <p>C (2) 7:2,2 calendar (6) 3:24 4:1,21,24 5:22 5:24 call (4) 2:3 3:23 4:20 5:21 Cantor (1) 1:18 Caras (1) 1:21 CASSELLA (2) 7:7,22 center (1) 6:3 certain (1) 5:10 certify (2) 7:9,14 CHAIRPERSON (9) 2:1,5 3:8 4:16 4:19 5:17,20 6:6,9 Charter (1) 3:13 City (10) 3:13,14,25 4:6,7,9,22 5:3 5:8,23 city-wide (1) 5:15 Clerk (19) 1:12 2:3,4,6,8,10,12,16 2:19,23 3:1,4,19,23,25 4:20,22 5:21,23</p>	<p align="center">E</p> <p>E (2) 7:2,2 East (1) 6:5 enter (1) 4:8 entire (1) 6:11 equipment (1) 5:7</p>	<p align="center">K</p> <p>Kill (1) 6:3 Kingsborough (1) 4:10</p>
<p align="center">C</p> <p>C (2) 7:2,2 calendar (6) 3:24 4:1,21,24 5:22 5:24 call (4) 2:3 3:23 4:20 5:21 Cantor (1) 1:18 Caras (1) 1:21 CASSELLA (2) 7:7,22 center (1) 6:3 certain (1) 5:10 certify (2) 7:9,14 CHAIRPERSON (9) 2:1,5 3:8 4:16 4:19 5:17,20 6:6,9 Charter (1) 3:13 City (10) 3:13,14,25 4:6,7,9,22 5:3 5:8,23 city-wide (1) 5:15 Clerk (19) 1:12 2:3,4,6,8,10,12,16 2:19,23 3:1,4,19,23,25 4:20,22 5:21,23</p>	<p align="center">F</p> <p>F (1) 7:2 facilities (1) 5:8 fill (1) 3:18 final (1) 6:14 first (1) 3:23 four-season (1) 4:15 franchise (7) 1:3 3:9 4:3 5:1,2,5,13 Friedman (1) 1:19 Furnas (1) 1:17 further (1) 7:14</p>	<p align="center">L</p> <p>light (2) 5:9,9 limited (1) 5:14 lot (2) 4:12,14</p>
<p align="center">C</p> <p>C (2) 7:2,2 calendar (6) 3:24 4:1,21,24 5:22 5:24 call (4) 2:3 3:23 4:20 5:21 Cantor (1) 1:18 Caras (1) 1:21 CASSELLA (2) 7:7,22 center (1) 6:3 certain (1) 5:10 certify (2) 7:9,14 CHAIRPERSON (9) 2:1,5 3:8 4:16 4:19 5:17,20 6:6,9 Charter (1) 3:13 City (10) 3:13,14,25 4:6,7,9,22 5:3 5:8,23 city-wide (1) 5:15 Clerk (19) 1:12 2:3,4,6,8,10,12,16 2:19,23 3:1,4,19,23,25 4:20,22 5:21,23</p>	<p align="center">G</p> <p>Good (1) 2:1 Gounardes (1) 1:20 grant (1) 5:5</p>	<p align="center">M</p> <p>maintain (1) 5:7 maintenance (2) 4:11 6:2 managed (1) 5:8 Management (3) 1:16 2:12,14 Manhattan (4) 1:21 2:24,25 4:13 marriage (1) 7:16 matter (5) 4:2,25 5:25 7:11,17 mayor (5) 1:11,17 2:4,6,7 MEETING (1) 1:3 minutes (1) 3:20 Monday (1) 1:8</p>
<p align="center">C</p> <p>C (2) 7:2,2 calendar (6) 3:24 4:1,21,24 5:22 5:24 call (4) 2:3 3:23 4:20 5:21 Cantor (1) 1:18 Caras (1) 1:21 CASSELLA (2) 7:7,22 center (1) 6:3 certain (1) 5:10 certify (2) 7:9,14 CHAIRPERSON (9) 2:1,5 3:8 4:16 4:19 5:17,20 6:6,9 Charter (1) 3:13 City (10) 3:13,14,25 4:6,7,9,22 5:3 5:8,23 city-wide (1) 5:15 Clerk (19) 1:12 2:3,4,6,8,10,12,16 2:19,23 3:1,4,19,23,25 4:20,22 5:21,23</p>	<p align="center">H</p> <p>Hall (1) 1:6 Han (1) 1:13 hand (1) 7:19 heard (1) 3:16 hearing (8) 1:2 2:2 3:9,10 6:10,12 6:14,15 hereunto (1) 7:18 highway (1) 5:9</p>	<p align="center">N</p> <p>name (1) 3:21 Narang (1) 1:22 Networks (1) 5:4 New (13) 1:7,7 3:12,14,25 4:6,7,10 4:22 5:3,23 7:4,8 non-exclusive (1) 5:6 Notary (1) 7:7 noted (1) 6:17 November (1) 5:14</p>
<p align="center">C</p> <p>C (2) 7:2,2 calendar (6) 3:24 4:1,21,24 5:22 5:24 call (4) 2:3 3:23 4:20 5:21 Cantor (1) 1:18 Caras (1) 1:21 CASSELLA (2) 7:7,22 center (1) 6:3 certain (1) 5:10 certify (2) 7:9,14 CHAIRPERSON (9) 2:1,5 3:8 4:16 4:19 5:17,20 6:6,9 Charter (1) 3:13 City (10) 3:13,14,25 4:6,7,9,22 5:3 5:8,23 city-wide (1) 5:15 Clerk (19) 1:12 2:3,4,6,8,10,12,16 2:19,23 3:1,4,19,23,25 4:20,22 5:21,23</p>	<p align="center">H</p> <p>Hall (1) 1:6 Han (1) 1:13 hand (1) 7:19 heard (1) 3:16 hearing (8) 1:2 2:2 3:9,10 6:10,12 6:14,15 hereunto (1) 7:18 highway (1) 5:9</p>	<p align="center">O</p> <p>obtained (1) 3:19 Office (6) 1:16,17 2:6,7,12,14 operate (1) 5:6 operation (2) 4:11 6:2 opportunity (1) 3:16</p>

**Franchise and Concession Review Committee Public Hearing
July 6, 2015**

<p>order (1) 2:2 outcome (1) 7:17 owned (1) 5:8</p> <hr/> <p align="center">P</p> <hr/> <p>p.m (2) 1:8 6:17 Park (1) 4:13 parking (1) 4:12 Parks (4) 1:13 4:1,7 5:24 part (1) 6:14 parties (1) 7:15 persons (1) 3:17 please (5) 2:3 3:21,23 4:20 5:21 poles (5) 5:9,9,10,11,15 potential (1) 6:4 Present (1) 2:22 President (15) 1:20,21,22,23,24 2:16,18,19,21,23,25 3:1,3,4,6 procedure (1) 4:4 proceedings (3) 6:15 7:10,12 proposed (3) 5:2,4,13 public (6) 1:2 2:2 3:9 4:13 6:12 7:7 publicly (2) 3:11 6:13 pursuant (1) 4:5</p> <hr/> <p align="center">Q</p> <hr/> <p>Queens (3) 1:22 3:2,3</p> <hr/> <p align="center">R</p> <hr/> <p>R (1) 7:2 Raymond (1) 1:23 Reade (1) 1:6 record (2) 6:14 7:12 Recreation (4) 1:13 4:1,8 5:24 related (1) 7:14 renovation (1) 6:1 reported (1) 7:10 Reporter (1) 6:11 request (1) 3:18 response (3) 4:18 5:19 6:8 Review (4) 1:3 3:10 4:3 5:1 Richard (1) 1:19 RICHMOND (1) 7:5 right (1) 5:6 Road (1) 6:3 roll (1) 2:3 Ruiz (1) 1:12 Rules (2) 3:13 4:6 run (1) 5:13</p> <hr/> <p align="center">S</p> <hr/> <p>Sanchez (1) 1:23 second (1) 4:21 Section (2) 4:5 5:12 seek (2) 4:2,25 set (1) 7:18 Sharon (1) 1:18</p>	<p>Shipp (1) 1:24 sign (1) 5:10 Sikoff (1) 1:15 slip (1) 3:18 Sole (1) 4:8 Source (1) 4:8 speak (4) 3:17 4:20 5:21 6:10 speaker (1) 3:19 Spector (1) 1:6 ss (1) 7:4 state (3) 3:21 7:4,8 Staten (4) 1:24 3:5,6 6:3 Stephanie (1) 1:12 street (2) 1:6 5:8 support (1) 5:10 sure (1) 3:15</p> <hr/> <p align="center">T</p> <hr/> <p>T (2) 7:2,2 Technology (2) 1:14 4:23 telecommunications (3) 1:15 4:24 5:7 term (3) 4:15 5:16 6:4 testify (4) 3:21 4:17 5:18 6:7 Thank (3) 4:16 5:17 6:16 third (1) 5:22 three (1) 3:20 Time (1) 6:17 today (1) 3:11 today's (1) 6:10 traffic (1) 5:9 transcript (1) 7:12 true (1) 7:12</p> <hr/> <p align="center">U</p> <hr/> <p>U.S.C (1) 5:12 University (1) 4:9 use (1) 5:15 utility (2) 5:10,11 utilize (1) 4:4</p> <hr/> <p align="center">V</p> <hr/> <p>Vista (1) 6:5</p> <hr/> <p align="center">W</p> <hr/> <p>want (1) 3:15 way (1) 7:16 Welcome (1) 3:8 WHEREOF (1) 7:18 wish (3) 4:17 5:18 6:6 wishes (3) 4:19 5:20 6:9 wishing (1) 3:17 within-entitled (1) 7:11 WITNESS (1) 7:18</p> <hr/> <p align="center">X</p> <hr/> <p>X (2) 1:2,4</p>	<p align="center">Y</p> <hr/> <p>York (13) 1:7,7 3:12,14,25 4:6,7,10 4:22 5:3,23 7:4,8</p> <hr/> <p align="center">Z</p> <hr/> <p>ZenFi (3) 5:3,4,5</p> <hr/> <p align="center">0</p> <hr/> <p align="center">1</p> <hr/> <p>1 (1) 4:2 1-16 (1) 4:5 14th (1) 5:14 16th (1) 7:19</p> <hr/> <p align="center">2</p> <hr/> <p>2 (1) 4:24 2:36 (1) 1:8 2:40 (1) 6:17 20-year (1) 6:4 2015 (2) 1:8 7:19 2019 (1) 5:14 22 (1) 1:6 224 (1) 5:12</p> <hr/> <p align="center">3</p> <hr/> <p>3 (1) 5:25 3,000 (1) 5:15</p> <hr/> <p align="center">4</p> <hr/> <p>47 (1) 5:12 485 (1) 4:14</p> <hr/> <p align="center">5</p> <hr/> <p align="center">6</p> <hr/> <p>6 (1) 1:8</p> <hr/> <p align="center">7</p> <hr/> <p align="center">8</p> <hr/> <p>855 (1) 6:3 8760 (1) 4:14</p>
--	---	---

PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, JULY 6, 2015 @ 2:30 P.M.

22 READE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Joint Public Hearing
Monday, July 6, 2015 @ 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 to enter into a Sole Source Concession Agreement with City University of New York, Kingsborough Community College for the operation and maintenance of a parking lot for the accommodation of the public at Manhattan Beach Park, identified as Block 8760, Lot 485 in the Borough of Brooklyn, for one (1) four-season term. Compensation to the City will be as follows: Operating Season 1 (September 14, 2015-May 15, 2016): \$114,000; Operating Season 2 (September 12, 2016-May 14, 2017): \$114,000; Operating Season 3 (September 11, 2017-May 13, 2018): \$114,000; Operating Season 4 (September 10, 2018-May 12, 2019): \$114,000.

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS**

No. 2: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval of a proposed franchise agreement between the City of New York and ZenFi Networks, Inc. ("ZenFi"). The proposed franchise agreement will grant ZenFi the non-exclusive right to install, operate and maintain telecommunications equipment and facilities on City owned and managed street light poles, traffic light poles, highway sign support poles and certain utility poles ("utility" being defined as it is defined in 47 U.S.C. Section 224). The proposed franchise will run until November 14, 2019 and is limited to the use of 3,000 poles city-wide during the term of the contract.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 3: **IN THE MATTER** of the intent to award as a concession the renovation, operation, and maintenance of an amusement center at 855 Arthur Kill Road, Staten Island, for a potential twenty (20) year term, to Vista East Amusement Inc. ("Vista"). Compensation to the City will be as follows: for each operating year, Vista shall pay to the City a license fee consisting of a guaranteed annual fee (Year 1: \$12,000; Year 2: \$24,000; Year 3: \$30,000; Year 4: \$30,000; Year 5: \$31,500; Year 6: \$31,500; Year 7: \$33,075; Year 8: \$33,075; Year 9: \$34,728; Year 10: \$34,728; Year 11: \$36,464; Year 12: \$36,464; Year 13: \$38,287; Year 14: \$38,287; Year 15: \$40,201; Year 16: \$40,201; Year 17: \$42,211; Year 18: \$42,211; Year 19: \$44, 321; Year 20: \$44,321) versus a percentage of gross receipts (Year 1: NA; Year 2: 7%; Year 3: 7%; Year 4: 7.5%; Year 5: 7.5%; Year 6: 8%; Year 7: 8%; Year 8: 8.5%; Year 9: 8.5%; Year 10: 9%; Year 11: 9%; Year 12: 9.5%; Year 13: 9.5%; Year 14: 10%; Year 15: 10%; Year 16: 10.5%; Year 17: 10.5%; Year 18: 11%; Year 19: 11%; Year 20: 11.5%).