

Franchise and Concession Review Committee Public Meeting
August 12, 2015

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PUBLIC MEETING
FRANCHISE AND CONCESSION REVIEW COMMITTEE

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22 Reade Street
New York, New York 10007
Spector Hall

Wednesday, August 12, 2015
2:46 p.m.

APPEARANCES:

- Mayor: Peter Hatch
- Office of the Mayor: Benjamin Furnas
- Corporation Counsel: Sharon Cantor
- Office of Management and Budget: Yvonne Quintian
- Comptroller: Richard Friedman
- Brooklyn Borough President: Andrew Gounardes
- Manhattan Borough President: James Caras
- Queens Borough President: Elisa Velazquez
- Staten Island Borough President: James Shipp
- Clerk: Stephanie Ruiz

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Franchise and Concession Review Committee Public Meeting
August 12, 2015

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1 PROCEEDINGS

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4 MR. HATCH: Good afternoon. Thank you all
5 for being here. The Franchise and Concession
6 Review Committee Public Meeting will now come to
7 order. Will the Clerk please call the roll?

8 MS. RUIZ: Mayor?

9 MR. HATCH: Here.

10 MS. RUIZ: Office of the Mayor?

11 MR. FURNAS: Here.

12 MS. RUIZ: Comptroller?

13 MR. FRIEDMAN: Here.

14 MS. RUIZ: Corporation Counsel?

15 MS. CANTOR: Here.

16 MS. RUIZ: Office of Management and Budget?

17 MS. QUINTIAN: Here.

18 MS. RUIZ: President Borough of the Bronx?

19 (No response.)

20 MS. RUIZ: President Borough of Brooklyn?

21 MR. GOUNARDES: Present.

22 MS. RUIZ: President Borough of Manhattan?

23 MR. CARAS: Here.

24 MS. RUIZ: President Borough of Queens?

25 MS. VELAZQUEZ: Here.

Franchise and Concession Review Committee Public Meeting
August 12, 2015

3

1 PROCEEDINGS

2 MS. RUIZ: President Borough of Staten
3 Island?

4 MR. SHIPP: Here.

5 MR. HATCH: Will the Clerk please call the
6 first calendar item.

7 MS. RUIZ: New York City Department of Parks
8 and Recreation Calendar Item Number One. In the
9 matter of the intent to seek Franchise and
10 Concession Review Committee approval to utilize a
11 different procedure pursuant to Section 1-16 of
12 the Concession Rules of the City of New York.

13 To authorize the New York City Department
14 of Parks and Recreation to negotiate a Sole
15 Source License Agreement with The Battery
16 Conservancy, Inc. To provide for the operation
17 and maintenance of two food service kiosks within
18 the Bosque Gardens and to provide for the
19 maintenance of the Bosque Gardens in the Battery,
20 Manhattan. A proposed resolution was submitted
21 relative thereto and the resolution is calendared
22 for adoption.

23 MR. HATCH: Is there a member who wishes to
24 make a statement or ask a question on this
25 matter? If not, will a member please make a

Franchise and Concession Review Committee Public Meeting
August 12, 2015

4

PROCEEDINGS

1
2 motion to move this item?

3 MS. VELAZQUEZ: So moved.

4 MR. HATCH: Will another member please second
5 the motion?

6 MR. GOUNARDES: Second.

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

9 MS. RUIZ: Mayor?

10 MR. HATCH: Yes.

11 MS. RUIZ: Office of the Mayor?

12 MR. FURNAS: Yes.

13 MS. RUIZ: Comptroller?

14 MR. FRIEDMAN: Yes.

15 MS. RUIZ: Corporation Counsel?

16 MS. CANTOR: Yes.

17 MS. RUIZ: Office of Management and Budget?

18 MS. QUINTIAN: Yes.

19 MS. RUIZ: And on behalf of the Borough
20 Presidents, President Borough of Manhattan?

21 MR. CARAS: Yes.

22 MS. RUIZ: Calender Item Number One,
23 resolution is adopted.

24 MR. HATCH: Will the Clerk please call the
25 second calendar item?

Franchise and Concession Review Committee Public Meeting
August 12, 2015

5

1 PROCEEDINGS

2 MS. RUIZ: New York City Department of Small
3 Business Services Calendar Item Number Two. In
4 the matter of the intent to seek Franchise and
5 Concession Review Committee approval authorizing
6 the New York City Economic Development
7 Corporation on behalf of the New York City
8 Department of Small Business Services. To
9 utilize a different procedure pursuant to Section
10 1-16 of the Concession Rules of the City of New
11 York.

12 To negotiate a Sole Source Concession
13 Agreement with 2328 on Twelfth LLC, also known as
14 Fairway. For the use of a paved lot on Marginal
15 Street located between West 125th Street and West
16 132nd Street, in the Borough of Manhattan. For
17 the purpose of an accessory parking for customers
18 of the store located at Twelfth Avenue and 132nd
19 Street owned by Fairway. A proposed resolution
20 was submitted relative thereto and the resolution
21 is calendered for adoption.

22 MR. HATCH: Is there a member who wishes to
23 make a statement or ask a question on this item?
24 If not, will a member please make a motion to
25 move this item?

Franchise and Concession Review Committee Public Meeting
August 12, 2015

6

PROCEEDINGS

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MR. GOUNARDES: So moved.

MR. HATCH: Will another member please second?

MS. VELAZQUEZ: Second.

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

MS. RUIZ: Mayor?

MR. HATCH: Yes.

MS. RUIZ: Office of the Mayor?

MR. FURNAS: Yes.

MS. RUIZ: Comptroller?

MR. FRIEDMAN: Yes.

MS. RUIZ: Corporation Counsel?

MS. CANTOR: Yes.

MS. RUIZ: Office of Management and Budget?

MS. QUINTIAN: Yes.

MS. RUIZ: And on behalf of the Borough Presidents, President Borough of Manhattan?

MR. CARAS: Yes.

MS. RUIZ: Calendar Item Number Two, resolution is adopted.

MR. HATCH: Will the Clerk please call the third calendar item?

MS. RUIZ: New York City Department of Small

Franchise and Concession Review Committee Public Meeting
August 12, 2015

7

PROCEEDINGS

1 Business Services, Calendar Item Number Three.

2 In the matter of the intent to seek Franchise and
3 Concession Review Committee approval authorizing
4 New York City and Company, Inc., on behalf of the
5 New York City Department of Small Business
6 Services. To utilize a different procedure,
7 pursuant to Section 1-16 of the Concession Rules
8 of the City of New York for SBS to enter into a
9 non-exclusive Sole Source License Agreement with
10 Mighty Fine, Inc. For the non-exclusive use of
11 city owned trademarks on merchandise. A proposed
12 resolution was submitted relative thereto and the
13 resolution is calendered for adoption.
14

15 MR. HATCH: Is there a member who wishes to
16 make a statement or ask a question on this
17 matter? If not, will another member please make
18 a motion to move this item?

19 MR. CARAS: So moved.

20 MR. HATCH: Will another member please
21 second?

22 MS. VELAZQUEZ: Second.

23 MR. HATCH: Will the Clerk please take the
24 vote?

25 MS. RUIZ: Mayor?

Franchise and Concession Review Committee Public Meeting
August 12, 2015

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PROCEEDINGS

MR. HATCH: Yes.

MS. RUIZ: Office of the Mayor?

MR. FURNAS: Yes.

MS. RUIZ: Comptroller?

MR. FRIEDMAN: Yes.

MS. RUIZ: Corporation Counsel?

MS. CANTOR: Yes.

MS. RUIZ: Office of Management and Budget?

MS. QUINTIAN: Yes.

MS. RUIZ: And on behalf of the Borough
Presidents, President Borough of Queens?

MS. VELAZQUEZ: Yes.

MS. RUIZ: Calendar Item Number Three
resolution is adopted.

We ask that the Reporter make the entire
Public Meeting Agenda, which was publicly
available and distributed at this meeting, part
of the final record of this proceeding. That
completes the calendar.

MR. HATCH: Thank you. Meeting adjourned.

(Time noted 2:51 p.m.)

**Franchise and Concession Review Committee Public Meeting
August 12, 2015**

<p align="center">A</p> <p>accessory (1) 5:17 accurate (1) 9:9 action (1) 9:12 adjourned (1) 8:21 adopted (3) 4:23 6:22 8:15 adoption (3) 3:22 5:21 7:14 afternoon (1) 2:4 Agenda (1) 8:17 Agreement (3) 3:15 5:13 7:10 Andrew (1) 1:18 APPEARANCES (1) 1:12 approval (3) 3:10 5:5 7:4 August (2) 1:10 9:16 authorize (1) 3:13 authorizing (2) 5:5 7:4 available (1) 8:18 Avenue (2) 1:23 5:18</p>	<p>Conservancy (1) 3:16 Corporation (6) 1:15 2:14 4:15 5:7 6:14 8:7 Counsel (5) 1:15 2:14 4:15 6:14 8:7 COUNTY (1) 9:4 customers (1) 5:17</p>	<p align="center">J</p> <p>James (2) 1:19,21</p>
<p align="center">B</p> <p>Battery (2) 3:15,19 behalf (5) 4:19 5:7 6:18 7:5 8:11 Benjamin (1) 1:14 blood (1) 9:12 BONITA (2) 9:6,19 Borough (16) 1:18,19,20,21 2:18 2:20,22,24 3:2 4:19,20 5:16 6:18 6:19 8:11,12 Bosque (2) 3:18,19 Bronx (1) 2:18 Brooklyn (2) 1:18 2:20 Budget (5) 1:16 2:16 4:17 6:16 8:9 Business (4) 5:3,8 7:2,6</p>	<p align="center">D</p> <p>Department (6) 3:7,13 5:2,8 6:25 7:6 Development (1) 5:6 different (3) 3:11 5:9 7:7 distributed (1) 8:18</p>	<p align="center">K</p> <p>KINGS (1) 9:4 kiosks (1) 3:17 known (1) 5:13</p> <p align="center">L</p> <p>License (2) 3:15 7:10 LLC (1) 5:13 located (2) 5:15,18 lot (1) 5:14</p>
<p align="center">C</p> <p>C (2) 9:2,2 calendar (9) 3:6,8 4:25 5:3 6:21,24 7:2 8:14,20 calendared (1) 3:21 Calender (1) 4:22 calendered (2) 5:21 7:14 call (4) 2:7 3:5 4:24 6:23 Cantor (5) 1:15 2:15 4:16 6:15 8:8 Caras (5) 1:19 2:23 4:21 6:20 7:19 certify (2) 9:7,11 city (12) 3:7,12,13 5:2,6,7,10 6:25 7:5,6,9,12 Clerk (8) 1:22 2:7 3:5 4:7,24 6:6,23 7:23 come (1) 2:6 Committee (5) 1:6 2:6 3:10 5:5 7:4 Company (1) 7:5 completes (1) 8:20 Comptroller (5) 1:17 2:12 4:13 6:12 8:5 Concession (9) 1:6 2:5 3:10,12 5:5 5:10,12 7:4,8</p>	<p align="center">E</p> <p>E (2) 9:2,2 Economic (1) 5:6 Elisa (1) 1:20 enter (1) 7:9 entire (1) 8:16</p>	<p align="center">M</p> <p>maintenance (2) 3:17,19 MAMARONECK (2) 1:23,24 Management (5) 1:16 2:16 4:17 6:16 8:9 Manhattan (6) 1:19 2:22 3:20 4:20 5:16 6:19 Marginal (1) 5:14 marriage (1) 9:12 matter (6) 3:9,25 5:4 7:3,17 9:14 Mayor (10) 1:13,14 2:8,10 4:9,11 6:8,10 7:25 8:3 meeting (5) 1:5 2:6 8:17,18,21 member (9) 3:23,25 4:4 5:22,24 6:3 7:15,17,20 merchandise (1) 7:12 Mighty (1) 7:11 motion (4) 4:2,5 5:24 7:18 move (3) 4:2 5:25 7:18 moved (3) 4:3 6:2 7:19</p>
	<p align="center">F</p> <p>F (1) 9:2 FACSIMILE (1) 1:25 Fairway (2) 5:14,19 final (1) 8:19 Fine (1) 7:11 first (1) 3:6 food (1) 3:17 Franchise (5) 1:6 2:5 3:9 5:4 7:3 Friedman (5) 1:17 2:13 4:14 6:13 8:6 Furnas (5) 1:14 2:11 4:12 6:11 8:4 further (1) 9:11</p>	<p align="center">N</p> <p>negotiate (2) 3:14 5:12 New (16) 1:9,9,24 3:7,12,13 5:2,6,7 5:10 6:25 7:5,6,9 9:3,7 non-exclusive (2) 7:10,11 Notary (1) 9:6 noted (1) 8:22 Number (6) 3:8 4:22 5:3 6:21 7:2 8:14</p>
	<p align="center">G</p> <p>Gardens (2) 3:18,19 given (1) 9:9 Good (1) 2:4 Gounardes (4) 1:18 2:21 4:6 6:2</p>	<p align="center">O</p> <p>Office (10) 1:14,16 2:10,16 4:11,17 6:10,16 8:3,9 operation (1) 3:16 order (1) 2:7 outcome (1) 9:13 owned (2) 5:19 7:12</p>
	<p align="center">H</p> <p>Hall (1) 1:9 hand (1) 9:16 Hatch (19) 1:13 2:4,9 3:5,23 4:4,7 4:10,24 5:22 6:3,6,9,23 7:15,20 7:23 8:2,21 hereunto (1) 9:15</p>	<p align="center">P</p> <p>p.m (2) 1:11 8:22 parking (1) 5:17 Parks (2) 3:7,14</p>
	<p align="center">I</p> <p>intent (3) 3:9 5:4 7:3 interested (1) 9:13 Island (2) 1:21 3:3 item (13) 3:6,8 4:2,22,25 5:3,23,25 6:21,24 7:2,18 8:14</p>	

**Franchise and Concession Review Committee Public Meeting
August 12, 2015**

part (1) 8:18	Sharon (1) 1:15	
parties (1) 9:12	Shipp (2) 1:21 3:4	0
paved (1) 5:14	Small (4) 5:2,8 6:25 7:6	
Peter (1) 1:13	Sole (3) 3:14 5:12 7:10	1
please (13) 2:7 3:5,25 4:4,7,24 5:24 6:3,6,23 7:17,20,23	Source (3) 3:15 5:12 7:10	1-16 (3) 3:11 5:10 7:8
Present (1) 2:21	Spector (1) 1:9	10007 (1) 1:9
President (12) 1:18,19,20,21 2:18 2:20,22,24 3:2 4:20 6:19 8:12	ss (1) 9:3	10543 (1) 1:24
Presidents (3) 4:20 6:19 8:12	State (2) 9:3,7	12 (1) 1:10
procedure (3) 3:11 5:9 7:7	statement (3) 3:24 5:23 7:16	125th (1) 5:15
proceeding (1) 8:19	Staten (2) 1:21 3:2	132nd (2) 5:16,18
PROCEEDINGS (7) 2:1 3:1 4:1 5:1 6:1 7:1 8:1	STENO-KATH (1) 1:23	139 (1) 1:23
proposed (3) 3:20 5:19 7:12	Stephanie (1) 1:22	2
provide (2) 3:16,18	store (1) 5:18	2:46 (1) 1:11
Public (4) 1:5 2:6 8:17 9:6	Street (5) 1:8 5:15,15,16,19	2:51 (1) 8:22
publicly (1) 8:17	submitted (3) 3:20 5:20 7:13	2015 (2) 1:10 9:16
purpose (1) 5:17	T	212.95.DEPOS (1) 1:24
pursuant (3) 3:11 5:9 7:8	T (2) 9:2,2	22 (1) 1:8
Q	take (3) 4:7 6:6 7:23	2328 (1) 5:13
Queens (3) 1:20 2:24 8:12	testimony (1) 9:9	24th (1) 9:16
question (3) 3:24 5:23 7:16	Thank (2) 2:4 8:21	3
Quintian (5) 1:16 2:17 4:18 6:17 8:10	thereto (3) 3:21 5:20 7:13	4
R	third (1) 6:24	5
R (1) 9:2	Three (2) 7:2 8:14	6
Reade (1) 1:8	Time (1) 8:22	7
record (2) 8:19 9:9	trademarks (1) 7:12	8
Recreation (2) 3:8,14	transcript (1) 9:8	9
related (1) 9:11	true (1) 9:8	
relative (3) 3:21 5:20 7:13	Twelfth (2) 5:13,18	
Reporter (1) 8:16	two (3) 3:17 5:3 6:21	
REPORTING (1) 1:23	U	
resolution (9) 3:20,21 4:23 5:19,20 6:22 7:13,14 8:15	use (2) 5:14 7:11	
response (1) 2:19	utilize (3) 3:10 5:9 7:7	
Review (5) 1:6 2:6 3:10 5:5 7:4	V	
Richard (1) 1:17	Velazquez (6) 1:20 2:25 4:3 6:5 7:22 8:13	914.381.2061 (1) 1:24
RICHARDS (2) 9:6,19	vote (3) 4:8 6:7 7:24	914.722.0816 (1) 1:25
roll (1) 2:7	W	953.3767 (1) 1:24
Ruiz (35) 1:22 2:8,10,12,14,16,18 2:20,22,24 3:2,7 4:9,11,13,15,17 4:19,22 5:2 6:8,10,12,14,16,18 6:21,25 7:25 8:3,5,7,9,11,14	way (1) 9:13	
Rules (3) 3:12 5:10 7:8	Wednesday (1) 1:10	
S	West (2) 5:15,15	
SBS (1) 7:9	WHEREOF (1) 9:15	
second (7) 4:4,6,25 6:4,5 7:21,22	wishes (3) 3:23 5:22 7:15	
Section (3) 3:11 5:9 7:8	witness (2) 9:10,15	
seek (3) 3:9 5:4 7:3	X	
service (1) 3:17	X (2) 1:4,7	
Services (5) 1:23 5:3,8 7:2,7	Y	
set (1) 9:15	York (16) 1:9,9,24 3:7,12,13 5:2,6 5:7,11 6:25 7:5,6,9 9:3,7	
	Yvonne (1) 1:16	
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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, AUGUST 12, 2015 @ 2:30 P.M.

22 READE STREET, MANHATTAN

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 MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Public Meeting
Wednesday, August 12, 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 negotiate a Sole Source License Agreement (Agreement) with The Battery Conservancy, Inc. to provide for the operation and maintenance of two (2) food service kiosks within the Bosque Gardens, and to provide for the maintenance of the Bosque Gardens in The Battery, Manhattan.

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

**NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION, ON BEHALF OF
THE NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES**

No. 2: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval authorizing the New York City Economic Development Corporation (NYCEDC), on behalf of the New York City Department of Small Business Services (DSBS) 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 concession agreement with 2328 on Twelfth, LLC (Fairway), for the use of the paved lot on Marginal Street located between West 125th Street and West 132nd Street, in the Borough of Manhattan, for the purpose of accessory parking for customers of the store located at Twelfth Avenue and 132nd Street owned by Fairway.

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

**NYC & COMPANY, INC., ON BEHALF OF THE NEW YORK CITY DEPARTMENT
OF SMALL BUSINESS SERVICES**

No. 3: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee 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 Mighty Fine, Inc. (“Mighty Fine”) for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on July 1, 2014 and shall continue through December 31, 2017 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 of the initial term, Mighty Fine shall pay royalties equal to eleven percent (11%) of Net Sales (as defined in the License Agreement). The License Agreement provides for a guaranteed minimum royalty of ten thousand dollars (\$10,000) covering the period from January 1, 2015 to December 31, 2017.

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