

Franchise and Concession Review Committee Public Meeting
December 9, 2015

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PUBLIC MEETING
FRANCHISE and CONCESSION REVIEW MEETING
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22 Reade Street
Spector Hall
New York, New York

Wednesday, December 9, 2015
2:39 p.m.

Reported by:

Jennifer Cassella

APPEARANCES:

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

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1 Proceedings

2 THE CHAIRPERSON: Good afternoon and
3 thank you for being here. The Franchise &
4 Concession Review Committee Public Meeting
5 will now come to order.

6 Will the Clerk please call the roll?

7 THE CLERK: Mayor?

8 THE CHAIRPERSON: Here.

9 THE CLERK: Office of the Mayor?

10 OFFICE OF THE MAYOR: Here.

11 THE CLERK: Comptroller?

12 THE COMPTROLLER: Here.

13 THE CLERK: Corporation Counsel?

14 CORPORATION COUNSEL: Here.

15 THE CLERK: Office of Management and
16 Budget?

17 OFFICE OF MANAGEMENT AND BUDGET:

18 Here.

19 THE CLERK: President, Borough of
20 the Bronx.

21 (No response.)

22 THE CLERK: President, Borough of
23 Brooklyn?

24 BROOKLYN BOROUGH PRESIDENT:
25 Present.

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1 Proceedings

2 THE CLERK: President, Borough of
3 Manhattan?

4 MANHATTAN BOROUGH PRESIDENT: Here.

5 THE CLERK: President, Borough of
6 Queens?

7 QUEENS BOROUGH PRESIDENT: Here.

8 THE CLERK: President, Borough of
9 Staten Island?

10 STATEN ISLAND BOROUGH PRESIDENT:
11 Here.

12 THE CHAIRPERSON: Will the Clerk
13 please call the first calendar item?

14 THE CLERK: New York City Department
15 of Parks and Recreation, Calendar Item
16 No. 1: In the matter of the intent to seek
17 Franchise and Concession Review Committee
18 approval to utilize a different procedure,
19 pursuant to Section 1-16 of the Concession
20 Rules of the City of New York, to authorize
21 the New York City Department of Parks and
22 Recreation to enter into a Sole Source
23 License Agreement with Cirque du Soleil
24 America, Inc. for the operation of a Circus
25 at the Harlem River Event Site at Randall's

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1 Proceedings

2 Island Park, Manhattan. A proposed
3 resolution was submitted relative thereto,
4 and the resolution is calendared for
5 adoption.

6 THE CHAIRPERSON: David Salerno, the
7 Director of Concessions and Events at
8 Randall's Island Park for the New York City
9 Department of Parks and Recreation will
10 read changes to the license agreement.

11 MR. SALERNO: Yeah. So there's just
12 been one slight change we've made. It's
13 the Section 10.1A. It references an
14 Exhibit K in the agreement. The Exhibit K
15 is what's called a Site Improvement Plan
16 that Cirque was going to submit for
17 approval by the Commissioner. There
18 actually is not one. So what
19 Exhibit K -- so essentially right now there
20 is no Exhibit K. The language has been
21 changed to say in the future would be
22 submitted to the Commissioner for approval
23 if they wish to do any site improvements,
24 which would then become the new Exhibit K.

25 THE CHAIRPERSON: Thank you.

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Proceedings

Is there a member who wishes to make a statement or ask a question on this matter?

MANHATTAN BOROUGH PRESIDENT: Yes. I just wanted to note for the record that the Manhattan Borough President's Office has been in communication with the Parks Department, Randall's Island and Cirque du Soleil. We had a couple of questions about worker safety and we received this communication from Cirque du Soleil. We want to thank everyone for, you know, working with us to get our questions answered.

"Dear Manhattan Borough President, Gale Brewer and New York City Parks and Recreation's Commissioner Mitchell Silver, we have been made aware of your concerns regarding the safety of our artists. The safety of our artists is our top priority. Kurios, the show that will come to New York, started last April in Montreal and has performed over 600 shows so far. We have not had any incidents. Kurios is a

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1 Proceedings

2 traveling show, hence the technical aspects
3 of the show are not as big as in our
4 permanent shows. Kurios has been created
5 with the latest safety measures and
6 procedures and we strive to be up-to-date
7 with newest safety technology."

8 And that is from -- and they
9 attached, I believe the information we have
10 in front of us now, and I just wanted to
11 thank everyone for having, you know,
12 workers and all their safety at the
13 forefront of their thoughts.

14 THE CHAIRPERSON: Thank you.

15 Is there any other member who has a
16 question or wishes to make a statement?

17 (No response.)

18 THE CHAIRPERSON: If not, will a
19 member please make a motion to move this
20 item?

21 MANHATTAN BOROUGH PRESIDENT: So
22 moved.

23 THE CHAIRPERSON: Will another
24 member please second?

25 BROOKLYN BOROUGH PRESIDENT:

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1 Proceedings

2 Seconded.

3 THE CHAIRPERSON: Will the Clerk
4 please take the vote?

5 THE CLERK: Mayor?

6 THE CHAIRPERSON: Yes.

7 THE CLERK: Office of the Mayor?

8 OFFICE OF THE MAYOR: Yes.

9 THE CLERK: Comptroller?

10 THE COMPTROLLER: Yes.

11 THE CLERK: Corporation Counsel?

12 CORPORATION COUNSEL: Yes.

13 THE CLERK: Office of Management and
14 Budget?

15 OFFICE OF MANAGEMENT AND BUDGET:

16 Yes.

17 THE CLERK: And on behalf of the
18 Borough Presidents, President, Borough of
19 Manhattan?

20 MANHATTAN BOROUGH PRESIDENT: Yes.

21 THE CLERK: Calendar Item No. 1,
22 resolution is adopted.

23 THE CHAIRPERSON: Will the Clerk
24 please call the second calendar item?

25 THE CLERK: New York City Department

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1 Proceedings

2 of Parks and Recreation, Calendar Item
3 No. 2: In the matter of the intent to seek
4 Franchise and Concession Review Committee
5 approval to utilize a different procedure,
6 pursuant to Section 1-16 of the Concession
7 Rules of the City of New York, to authorize
8 the New York City Department of Parks and
9 Recreation, to negotiate a Sole Source
10 License Agreement with the Alley Pond
11 Environmental Center, Inc. regarding an
12 environmental center, at Alley Pond Park,
13 Queens. A proposed resolution was
14 submitted relative thereto, and the
15 resolution is calendared for adoption.

16 THE CHAIRPERSON: Is there a member
17 who wishes to ask a question or make a
18 statement on this matter?

19 (No response.)

20 THE CHAIRPERSON: If not, will a
21 member please make a motion to move this
22 item?

23 QUEENS BOROUGH PRESIDENT: So moved.

24 THE CHAIRPERSON: Will another
25 member please second the motion?

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Proceedings

THE COMPTROLLER: Second.

THE CHAIRPERSON: Will the Clerk
please take the vote?

THE CLERK: Mayor.

THE CHAIRPERSON: Yes.

THE CLERK: Office of the Mayor?

OFFICE OF THE MAYOR: Yes.

THE CLERK: Comptroller?

THE COMPTROLLER: Yes.

THE CLERK: Corporation Counsel?

CORPORATION COUNSEL: Yes.

THE CLERK: Office of Management and
Budget?

OFFICE OF MANAGEMENT AND BUDGET:
Yes.

THE CLERK: And on behalf of the
Borough Presidents, President, Borough of
Queens?

QUEENS BOROUGH PRESIDENT: Yes.

THE CLERK: Calendar Item No. 2,
resolution adopted.

THE CHAIRPERSON: Will the Clerk
please call the third calendar item?

THE CLERK: New York City Department

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1 Proceedings

2 of Small Business Services, Calendar Item
3 No. 3: In the matter of the intent to seek
4 Franchise and Concession Review Committee
5 approval authorizing NYC & Company, Inc.,
6 on behalf of the New York City Department
7 of Small Business Services or SBS, to
8 utilize a different procedure, pursuant to
9 Section 1-16 of the Concession Rules of the
10 City of New York, for SBS to enter into a
11 Sole Source License Agreement with Royal
12 Animals Ltd. for the non-exclusive use of
13 city-owned trademarks on merchandise. A
14 proposed resolution was submitted relative
15 thereto, and the resolution is calendared
16 for adoption.

17 THE CHAIRPERSON: Is there a member
18 who wishes to ask a question or make a
19 statement on this item?

20 (No response.)

21 THE CHAIRPERSON: If not, will a
22 member please make a motion to move the
23 item?

24 BROOKLYN BOROUGH PRESIDENT: So
25 moved.

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Proceedings

THE CHAIRPERSON: Will another member please second the motion?

MANHATTAN BOROUGH PRESIDENT:
Second.

THE CHAIRPERSON: Will the Clerk please take the vote?

THE CLERK: Mayor?

THE CHAIRPERSON: Yes.

THE CLERK: Office of the Mayor?

OFFICE OF THE MAYOR: Yes.

THE CLERK: Comptroller?

THE COMPTROLLER: Yes.

THE CLERK: Corporation Counsel?

CORPORATION COUNSEL: Yes.

THE CLERK: Office of Management and Budget?

OFFICE OF MANAGEMENT AND BUDGET:
Yes.

THE CLERK: And on behalf of the Borough Presidents, President, Borough of Brooklyn?

BROOKLYN BOROUGH PRESIDENT: Yes.

THE CLERK: Calendar Item No. 3, resolution is adopted.

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Proceedings

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.

THE CHAIRPERSON: Thank you.

Meeting adjourned.

(Time noted: 2:45 p.m.)

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<p align="center">A</p> <p>ability (1) 13:13 action (1) 13:15 adjourned (1) 12:9 adopted (3) 7:22 9:22 11:25 adoption (3) 4:5 8:15 10:16 afternoon (1) 2:2 agenda (1) 12:3 agreement (5) 3:23 4:10,14 8:10 10:11 Alley (2) 8:10,12 America (1) 3:24 Andrew (1) 1:20 Animals (1) 10:12 answered (1) 5:15 APPEARANCES (1) 1:13 approval (5) 3:18 4:17,22 8:5 10:5 April (1) 5:23 artists (2) 5:20,21 aspects (1) 6:2 attached (1) 6:9 authorize (2) 3:20 8:7 authorizing (1) 10:5 available (1) 12:4 aware (1) 5:19</p>	<p>CHAIRPERSON (23) 2:2,8 3:12 4:6,25 6:14,18,23 7:3,6,23 8:16 8:20,24 9:3,6,23 10:17,21 11:2,6 11:9 12:8 change (1) 4:12 changed (1) 4:21 changes (1) 4:10 Circus (1) 3:24 Cirque (4) 3:23 4:16 5:9,12 City (11) 3:14,20,21 4:8 5:17 7:25 8:7,8 9:25 10:6,10 city-owned (1) 10:13 Clerk (42) 1:15 2:6,7,9,11,13,15,19 2:22 3:2,5,8,12,14 7:3,5,7,9,11 7:13,17,21,23,25 9:3,5,7,9,11,13 9:17,21,23,25 11:6,8,10,12,14,16 11:20,24 come (2) 2:5 5:22 Commissioner (3) 4:17,22 5:18 Committee (4) 2:4 3:17 8:4 10:4 communication (2) 5:8,12 Company (1) 10:5 completes (1) 12:7 Comptroller (10) 1:19 2:11,12 7:9 7:10 9:2,9,10 11:12,13 concerns (1) 5:19 Concession (8) 1:3 2:4 3:17,19 8:4 8:6 10:4,9 Concessions (1) 4:7 Corporation (9) 1:18 2:13,14 7:11 7:12 9:11,12 11:14,15 Counsel (9) 1:18 2:13,14 7:11,12 9:11,12 11:14,15 COUNTY (1) 13:5 couple (1) 5:10 created (1) 6:4</p>	<p>Exhibit (5) 4:14,14,19,20,24</p>
<p align="center">B</p> <p>behalf (4) 7:17 9:17 10:6 11:20 believe (1) 6:9 Benjamin (1) 1:17 best (1) 13:13 big (1) 6:3 blood (1) 13:15 Borough (30) 1:20,21,22,23 2:19 2:22,24 3:2,4,5,7,8,10 5:5,7,16 6:21,25 7:18,18,20 8:23 9:18,18 9:20 10:24 11:4,21,21,23 Brewer (1) 5:17 Bronx (1) 2:20 Brooklyn (7) 1:20 2:23,24 6:25 10:24 11:22,23 Budget (9) 1:16 2:16,17 7:14,15 9:14,15 11:17,18 Business (2) 10:2,7</p>	<p align="center">D</p> <p>David (1) 4:6 day (1) 13:19 Dear (1) 5:16 December (2) 1:8 13:19 Department (8) 3:14,21 4:9 5:9 7:25 8:8 9:25 10:6 different (3) 3:18 8:5 10:8 Director (1) 4:7 distributed (1) 12:4 du (3) 3:23 5:9,12</p>	<p align="center">F</p> <p>F (1) 13:2 far (1) 5:24 final (1) 12:5 first (1) 3:13 forefront (1) 6:13 Franchise (5) 1:3 2:3 3:17 8:4 10:4 Friedman (1) 1:19 front (1) 6:10 Furnas (1) 1:17 further (1) 13:14 future (1) 4:21</p>
<p align="center">C</p> <p>C (2) 13:2,2 calendar (10) 3:13,15 7:21,24 8:2 9:21,24 10:2 11:24 12:7 calendared (3) 4:4 8:15 10:15 call (4) 2:6 3:13 7:24 9:24 called (1) 4:15 Cantor (1) 1:18 Caras (1) 1:21 Cassella (3) 1:12 13:7,22 center (2) 8:11,12 certify (2) 13:9,14</p>	<p align="center">E</p> <p>E (2) 13:2,2 enter (2) 3:22 10:10 entire (1) 12:3 environmental (2) 8:11,12 essentially (1) 4:19 Event (1) 3:25 Events (1) 4:7</p>	<p align="center">G</p> <p>Gale (1) 5:17 going (1) 4:16 Good (1) 2:2 Gounardes (1) 1:20</p>
		<p align="center">H</p> <p>Hall (1) 1:6 hand (1) 13:19 Harlem (1) 3:25 Hatch (1) 1:14 hereunto (1) 13:18</p>
		<p align="center">I</p> <p>Improvement (1) 4:15 improvements (1) 4:23 incidents (1) 5:25 information (1) 6:9 intent (3) 3:16 8:3 10:3 interested (1) 13:16 Island (6) 1:23 3:9,10 4:2,8 5:9 item (13) 3:13,15 6:20 7:21,24 8:2 8:22 9:21,24 10:2,19,23 11:24</p>
		<p align="center">J</p> <p>James (2) 1:21,23 Jasmine (1) 1:22 Jennifer (3) 1:12 13:7,22</p>
		<p align="center">K</p> <p>K (5) 4:14,14,19,20,24 know (2) 5:13 6:11 Kurios (3) 5:22,25 6:4</p>
		<p align="center">L</p> <p>language (1) 4:20 latest (1) 6:5 license (4) 3:23 4:10 8:10 10:11</p>
		<p align="center">M</p> <p>Management (9) 1:16 2:15,17 7:13 7:15 9:13,15 11:16,18</p>

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, DECEMBER 9, 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 MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Meeting
Wednesday, December 9, 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 ("Parks") to enter into a Sole Source License Agreement ("License Agreement") with Cirque du Soleil America, Inc. ("Cirque" or "Licensee") for the operation of a Circus at the Harlem River Event Site at Randall's Island Park, Manhattan. The License Agreement will commence upon Cirque's receipt of a written Notice to Proceed and will expire on December 9, 2016. Licensee shall pay to the Randall's Island Park Alliance ("RIPA") a lump sum license fee of three hundred and thirty thousand United States dollars (US \$330,000.00) for the occupation of the Licensed Premises and the presentation of no more than seventy-five (75) performances of its Circus show entitled Kurios. Licensee shall also pay to RIPA a license fee of four thousand and four hundred United States dollars (US \$4,400.00) for every optional performance above seventy-five (75) performances of its Circus show entitled Kurios.

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 Alley Pond Environmental Center, Inc. regarding an environmental center, at Alley Pond Park, Queens.

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

NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

No. 3 **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 NYC & Company, Inc. ("NYC & Company") on behalf of the New York City Department of Small Business Services ("SBS") for SBS to enter into a Sole Source License Agreement ("License Agreement") with Royal Animals Ltd. ("Royal Animals") for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on the date Royal Animals receives written notice from NYC & Company and terminating on December 31, 2018 with an option for the City to renew the License Agreement on substantially the same terms and conditions for two (2) years. For each license year of the initial term, Royal Animals shall pay licensing fees equal to six percent (6%) of Net Sales (as defined in the License Agreement) with an Advance of twenty five hundred dollars (\$2,500) to be paid on or before January 1, 2016 and a nine thousand five hundred dollar (\$9,500) Guarantee that shall be paid on or before December 31, 2018.

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