

**THE COUNCIL**

---

*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Thursday, January 16, 2018, 1:22 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Keith Powers
Alicia Ampy-Samuel	Barry S. Grodenchik	Donovan J. Richards
Diana Ayala	Robert F. Holden	Carlina Rivera
Inez D. Barron	Ben Kallos	Ydanis A. Rodriguez
Joseph C. Borelli	Andy L. King	Deborah L. Rose
Justin L. Brannan	Peter A. Koo	Helen K. Rosenthal
Fernando Cabrera	Karen Koslowitz	Rafael Salamanca, Jr
Margaret S. Chin	Rory I. Lancman	Ritchie J. Torres
Andrew Cohen	Bradford S. Lander	Mark Treyger
Costa G. Constantinides	Stephen T. Levin	Eric A. Ulrich
Robert E. Cornegy, Jr	Mark D. Levine	Paul A. Vallone
Laurie A. Cumbo	Alan N. Maisel	James G. Van Bramer
Chaim M. Deutsch	Steven Matteo	Jumaane D. Williams
Ruben Diaz, Sr.	Carlos Menchaca	Kalman Yeger
Daniel Dromm	I. Daneek Miller	
Rafael L. Espinal, Jr	Francisco P. Moya	
Vanessa L. Gibson	Bill Perkins	

Absent: Council Members Eugene and Reynoso.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Pastor Jay Gooding, Miracle Revival Temple (COGIC) 1555 Macombs Road, Bronx New York 10469.

Can we just give the Lord a hand clap this morning? Amen. [*applause*]

Oh, Lord our Lord how excellent is thy name in all the earth.  
 First, we thank thee for allowing us a brand new day,  
 a brand new year and a brand new mercy.  
 As we celebrated Reverend Dr. Martin Luther King Day,  
 I pray that our spirit of unity be exemplified, be magnified  
 in this city, this country and in this state.  
 As we invoke your presence upon this Council and these Chambers,  
 we pray your blessings in their governing of our great city.  
 We ask you to continue to grant your favor and wisdom  
 upon our Public Advocate Letitia James, our New Speaker Corey Johnson,  
 the third and second term Council Members as well as our newly elected members  
 that have the awesome task and responsibility of being our policymakers.  
 Grant them the knowledge and wisdom  
 and to make policies that are fair and just for us all.  
 I pray that you would also bind us together in the spirit of oneness.  
 Help us to always walk in the common unity  
 that will allow us always to be a community,  
 a community that where there is darkness become beams to shine bright lights,  
 a community that where there is despair will transcend a spirit of hope.  
 A community that where there is diversity can be the epitome of unity,  
 a community that where there is hate, can embrace the spirit of love.  
 A community that where there may be grudges can replace feelings with generosity.  
 A community that even when we don't agree  
 never become disenchanted and disagreeable.  
 I pray that from these Chambers every person of every borough  
 will be served with justice, righteousness, dignity and liberty for all.  
 In closing, I pray that as prayer and planning is made in these Chambers  
 that your peace and purpose be manifested in this city.  
 These things we ask in your name and for your sake, Amen.

Council Member Gibson moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

FDNY Lieutenant Joe Stach, died on January 7, 2018 at the age of 51. Lt. Stach was a firefighter who bravely risked his life on September 11, 2001 and subsequently succumbed to 9/11 related illness.

Dr. Mathilde Krim, founder of the American Foundation for AIDS Research (amfAR), died on January 15, 2018 at the age of 91. The Speaker (Council Member Johnson) recognized her as one of the most important figures in the history of the fight against HIV and AIDS. Dr. Krim helped raise public awareness about the epidemic and generated funds for medical research that helped lead to life-saving treatments. The Speaker (Council Member Johnson) noted he would likely not be alive today without the efforts of Dr. Krim.

The Speaker (Council Member Johnson) offered his thoughts and prayers to Lt. Stach and Dr. Krim and their families. At this point a Moment of Silence was observed in the Chambers.

### **ADOPTION OF MINUTES**

Council Member Chin moved that the Minutes of the Stated Meeting of November 30, 2017 and December 11, 2017 be adopted as printed.

### **COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-7

**Communication from the Office of Management & Budget – Withdrawing from Council consideration budget modifications (MN-2) and (MN-3), dated January 12, 2018.**

January 12, 2018

Honorable Corey Johnson  
Speaker  
The City Council  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

I hereby request the withdrawal of MN-2 and MN-3, which are currently under review by the City Council Finance Department.

Thank you for your attention on this matter.

Sincerely,

Melanie Hartzog  
Director

(For text of [MN-2](#) and [MN-3](#), please see the attachments to the M-7 (2018) file on the Council's website at [www.council.nyc.gov](http://www.council.nyc.gov) )

Received, Ordered, Printed & Filed.

Preconsidered M-8

**Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2018 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-4).**

January 12, 2018

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between the Miscellaneous Budget and the City Council in fiscal year 2018 to implement changes in the City's expense budget.

Per your request, this modification (MN-4) will implement expense budget changes by transferring \$1 million from the Miscellaneous Budget, unit of appropriation 003 to the City Council, unit of appropriation 001.

Your approval of modification MN-4 is respectfully requested.

Sincerely,

Melanie Hartzog

(For text of the [MN-4](#) numbers, please see the attachment to the M-8 (2018) file on the Council's website at [www.council.nyc.gov](http://www.council.nyc.gov) )

Referred to the Committee on Finance.

### LAND USE CALL-UPS

M-9

By The Speaker (Council Member Johnson):

**Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 270 6<sup>th</sup> Avenue, Borough of Manhattan, Community Board 2, Application No. 20185005 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-10

By Council Member Kallos:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application No. C 180023 ZSM shall be subject to Council review.**

Coupled on Call-Up Vote.

M-11

By Council Member Rodriguez:

**Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 5060 Broadway, Borough of Manhattan, Community Board 12, Application No. 20185019 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote.

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Cumbo, Deutsch, Diaz, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, and the Speaker (Council Member Johnson) – **49**.

At this point, the Public Advocate (Ms. James) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Finance

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

#### Report for Int. No. 1

**Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand nineteen.**

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on January 16, 2018, respectfully

### REPORTS:

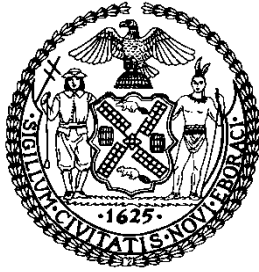
Various provisions in the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year’s budget. The Charter specifies certain dates by which the Mayor must submit his or her Preliminary Budget, as well as the preliminary certificate on maximum capital debt and obligations. The Charter also prescribes the dates for preliminary budget actions taken by other governmental officials, such as the City Council.

This Preconsidered Int. would provide for an extension of the date for Fiscal 2019 of the the Mayor’s submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects; the Mayor’s submission of the preliminary budget; the Mayor’s submission of the preliminary management report; the Independent Budget Office’s report with respect to expected levels of revenues and expenditures; the Community Boards’ statements and recommendations in regard to the preliminary budget; the Department of Finance’s estimate of assessed valuation of real property and certified statement of all real property taxes due and uncollected; the Mayor’s submission of tax benefit report; the Borough Boards’ statements on budget priorities after public hearing; the Council’s approval and submission of its operating budget; the Borough President’s modifications and recommendations; the Campaign Finance Board’s approval and submission of its operating budget; the Independent Budget Office’s report on the preliminary budget; the Council’s hearings and submission of recommendations on the preliminary budget; and the Council’s public hearings and report with recommendations on Mayor’s preliminary management report.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions would be extended as follows:

<u>Item</u>	<u>Charter Deadline</u>	<u>Proposed Extended Dates for Fiscal 2019</u>
Mayor's submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects (Section 235)	January 16, 2018	February 1, 2018
Mayor's submission of the preliminary budget (Section 236)	January 16, 2018	February 1, 2018
Mayor's submission of the preliminary management report (Section 12(a))	January 30, 2018	February 15, 2018
Independent Budget Office report with respect to expected levels of revenues and expenditures (Section 237)	February 1, 2018	February 16, 2018
Community Board statements and recommendations in regard to the preliminary budget (Section 238)	February 15, 2018	March 5, 2018
Department of Finance's estimate of assessed valuation of real property and certified statement of all real property taxes due and uncollected (Section 239)	February 15, 2018	March 5, 2018
Mayor's submission of tax benefit report (Section 240)	February 15, 2018	March 5, 2108
Borough Board statement on budget priorities after public hearing (Section 241)	February 25, 2018	March 13, 2018
Council's approval and submission of operating budget (Section 243)	March 10, 2018	March 26, 2018
Borough President modifications and recommendations (Section 245)	March 10, 2018	March 26, 2018
Campaign Finance Board's approval and submission of operating budget (Section 1052(c))	March 10, 2018	March 26, 2018
Independent Budget Office report on the preliminary budget (Section 246)	March 15, 2018	March 30, 4018
Council's hearings and submission of recommendations on the preliminary budget and the Mayor's preliminary management report (Section 247)	March 25, 2018	April 10, 2018
Council's public hearings and report with recommendations on Mayor's preliminary management report (Section 12(e))	April 8, 2018	April 24, 2018

(The following is the text of the Fiscal Impact Statement for Int. No. 1:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**  
**PRECONSIDERED INT. NO. 1:**  
**COMMITTEE: Finance**

**TITLE:** A local law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand nineteen

**SPONSOR(S):** Council Member Dromm (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would change certain budget-related, charter-mandated deadline dates in the following manner:



<u>Document</u>	<u>Charter Deadline</u>	<u>Proposed Extended Date for Fiscal 2019</u>
Mayor's submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects (Section 235)	January 16, 2018	February 1, 2018
Mayor's submission of the preliminary budget (Section 236)	January 16, 2018	February 1, 2018
Mayor's submission of the preliminary management report (Section 12(a))	January 30, 2018	February 15, 2018
Independent Budget Office's report with respect to expected levels of revenues and expenditures (Section 237)	February 1, 2018	February 16, 2018
Community Board statements and recommendations in regard to the preliminary budget (Section 238)	February 15, 2018	March 5, 2018
Department of Finance's estimate of assessed valuation of real property and certified statement of all real property taxes due and uncollected (Section 239)	February 15, 2018	March 5, 2018
Mayor's submission of tax benefit report (Section 240)	February 15, 2018	March 5, 2018
Borough Board statement on budget priorities after public hearing (Section 241)	February 25, 2018	March 13, 2018
Council's approval and submission of operating budget (Section 243)	March 10, 2018	March 26, 2018
Borough President modifications and recommendations (Section 245)	March 10, 2018	March 26, 2018
Campaign Finance Board's approval and submission of operating budget (Section 1052(c))	March 10, 2018	March 26, 2018
Independent Budget Office's report on the preliminary budget (Section 246)	March 15, 2018	March 30, 2018
Council's hearings and submission of recommendations on the preliminary budget and the Mayor's preliminary management report (Section 247)	March 25, 2018	April 10, 2018
Council's public hearings and report with recommendations on Mayor's preliminary management report (Section 12(e))	April 8, 2018	April 24, 2018

**EFFECTIVE DATE:** This local law would take effect immediately, except that if it becomes law after January 16, 2018, it is retroactive to and deemed to have been in full force and effect as of January 16, 2018.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY18
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Eric Bernstein, Counsel

**ESTIMATE REVIEWED BY:** Latonia McKinney, Director

**LEGISLATIVE HISTORY:** This Preconsidered Intro. will be considered at a hearing of the Committee on Finance (Committee) on January 16, 2018. Upon successful vote by the Committee, the Preconsidered Intro. will be introduced to the full Council and voted on at a Stated meeting on January 16, 2018.

**DATE PREPARED:** January 12, 2018.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1:)**

Preconsidered Int. No. 1

By Council Member Dromm (by request of the Mayor).

**A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of**

**the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand nineteen**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2018 and in relation to the 2019 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 15, 2018, and the council shall conduct public hearings on such report prior to April 24, 2018 and submit to the mayor and make public not later than April 24, 2018, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 1, 2018.

3. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 1, 2018.

4. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 16, 2018.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 5, 2018.

6. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 5, 2018.

7. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 5, 2018.

8. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 13, 2018.

9. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 26, 2018.

10. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 26, 2018.

11. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before March 30, 2018.

12. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 10, 2018.

13. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to

such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 26, 2018.

§ 2. This local law takes effect immediately, except that if it becomes law after January 16, 2018, it is retroactive to and deemed to have been in full force and effect as of January 16, 2018.

DANIEL DROMM, *Chairperson*; VANESSA L. GIBSON, ANDREW COHEN, LAURIE A. CUMBO, RORY I. LANCMAN, HELEN K. ROSENTHAL, JAMES G. VAN BRAMER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO (12) (Absent: Robert E. Cornegy, Jr.); Committee on Finance, January 16, 2018.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int. No. 1:)**

THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

**A LOCAL LAW**

In relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand nineteen

Given under my hand and seal this 15<sup>th</sup> day of  
January, 2018 at City Hall in the City of New York.

---

Bill de Blasio  
Mayor

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M-8

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the transfer of City funds between various agencies in Fiscal Year 2018 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-4).**

The Committee on Finance, to which the annexed preconsidered communication was referred on January 16, 2018 and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on January 16, 2018, the Committee on Finance considered a communication, dated January 12, 2018, from the Office of Management and Budget of the Mayor of the City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “1” (the “Modification”), to modify units of appropriation and transfer city funds in the Fiscal Year 2018 expense budget as adopted by the Council on June 6, 2017, and modified on September 27, 2017, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”).

Analysis. The Council annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 6, 2017, the Council adopted the expense budget for Fiscal Year 2018 (the “Fiscal 2018 Expense Budget”). On September 27, 2017, the Council modified the expense budget for Fiscal Year 2018. This Modification reallocates appropriations that were reflected in the Fiscal 2018 Expense Budget, by transferring \$1 million from the Miscellaneous Budget (unit of appropriation 003) to the City Council (unit of appropriation 001)

The net effect of the Modification is zero. For more detail on the funding transfer between agencies, see Appendix A of the report attached hereto as Exhibit “1”.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

**(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)**

TO: Honorable Corey Johnson  
Speaker

Honorable Daniel Dromm  
Chair, Finance Committee

FROM: Latonia McKinney, Director  
Nathan Toth, Deputy Director  
Regina Poreda Ryan, Deputy Director  
Paul Scimone, Deputy Director  
Ray Majewski, Chief Economist/Deputy Director  
Eric Bernstein, Counsel  
Rebecca Chasan, Counsel

DATE: January 16, 2018

SUBJECT: A budget modification (MN-4) for Fiscal Year 2018 to implement changes in the City's expense budget.

-----

INITIATION: By letter dated January 12, 2018, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer City funds between the Miscellaneous Budget and the City Council to implement changes in the City's expense budget.

BACKGROUND: MN-4 implements changes to the Fiscal 2018 Adopted Budget by transferring \$1 million from the Miscellaneous Budget to the City Council.

FISCAL IMPACT: MN-4 represents the reallocation of appropriations. The net effect of this modification is zero.

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 2

**RESOLUTION APPROVING THE MODIFICATION (MN-4) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.**

By Council Member Dromm.

**WHEREAS**, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on January 16, 2018, the Committee on Finance considered a communication, dated January 12, 2018, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit "1" (the "Modification"), to modify units of appropriation and transfer city funds in the Fiscal Year 2018 expense budget as adopted by the Council on June 6, 2017, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

**WHEREAS**, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

**NOW, THEREFORE**, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

**ATTACHMENT:**

(Please see the New York City Council website <http://www.council.nyc.gov> for the Legislative search section and refer to the MN-4 attachments to [Res. No. 0002-2018](#))

DANIEL DROMM, *Chairperson*; VANESSA L. GIBSON, ANDREW COHEN, LAURIE A. CUMBO, RORY I. LANCMAN, HELEN K. ROSENTHAL, JAMES G. VAN BRAMER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO (12) (Absent: Robert E. Cornegy, Jr.); Committee on Finance, January 16, 2018.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**GENERAL ORDER CALENDAR****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

	<i>Approved Reapplicants</i>	
<i>Name</i>	<i>Address</i>	<i>District #</i>
Angelina Agosto	38 Clay Street Brooklyn, New York 11222	33
Shanda Swain	675 Lincoln Avenue #16J Brooklyn, New York 11208	42
Hui Z. Li	6719 10th Avenue #1 Brooklyn, New York 11219	43
Melinda Colon	20 Alaska Street Staten Island, New York 10310	49
Catherine McKeon	567 Quincy Avenue Staten Island, New York 10305	50

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).



**ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Items Coupled on General Order Calendar)**

- (1) **Int 1 -** Submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings **(with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).**
- (2) **M-8 & Res 2 -** Transfer City funds between various agencies in FY'18 to implement changes to the City's expense budget **(MN-4).**
- (3) **Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above.**

*The following Introduction was sent to the Mayor for his consideration and approval:*

*Preconsidered Int. No. 1 (passed under a Message of Necessity from the Mayor).*

## INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1

By Council Member Dromm (by request of the Mayor).

**A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand nineteen**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2018 and in relation to the 2019 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 15, 2018, and the council shall conduct public hearings on such report prior to April 24, 2018 and submit to the mayor and make public not later than April 24, 2018, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 1, 2018.

3. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 1, 2018.

4. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 16, 2018.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 5, 2018.

6. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 5, 2018.

7. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 5, 2018.

8. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 13, 2018.

9. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 26, 2018.

10. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 26, 2018.

11. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before March 30, 2018.

12. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 10, 2018.

13. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 26, 2018.

§ 2. This local law takes effect immediately, except that if it becomes law after January 16, 2018, it is retroactive to and deemed to have been in full force and effect as of January 16, 2018.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

#### L.U. No. 1

By Council Member Salamanca:

**Application No. 20185005 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Giacosa Corp., d/b/a Il Pitino, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 270 6<sup>th</sup> Avenue, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

#### L.U. No. 2

By Council Member Salamanca:

**Application No. 20185019 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Brown Sugar Bar and Restaurant, Inc., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 5060 Broadway, Borough of Manhattan, Community Board 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 3

By Council Member Salamanca:

**Application No. C 170024 ZMK submitted by 116 Bedford Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 13a, establishing within an existing R6A District a C1-4 District bounded by North 11<sup>th</sup> Street, Bedford Avenue, North 10<sup>th</sup> Street, and a line 100 feet northwesterly of Bedford Avenue, Borough of Brooklyn, Community Board 1, Council District 33.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 4

By Council Member Salamanca:

**Application No. C 170356 ZMK submitted by 1121 Delaware, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 16c, changing an existing M1-1 District to an R6B district for property in the vicinity of Bergen Street and Carlton Avenue, Borough of Brooklyn, Community Board 8, Council District 35.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 5

By Council Member Salamanca:

**Application No. N 170357 ZRK submitted by 1121 Delaware, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community Board 8, Council District 35.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 6

By Council Member Salamanca:

**Application No. C 180023 ZSM submitted by Advantage Testing Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to 74-711 of the Zoning Resolution to modify use and yard regulations on property located at 350 East 88<sup>th</sup> Street (Block 1550, Lots 31 and 34) Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 7

By Council Member Salamanca:

**Application No. 20185109 HKK (N 180135 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of Peter P and Rosa M Huberty House located at 1019 Bushwick Avenue (Block 3322, Lot 38), as an historic landmark, Borough of Brooklyn, Community Board 4, Council District 34.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

## L.U. No. 8

By Council Member Salamanca:

**Application No. C 180032 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter, for an Urban Development Action Area Project and disposition of City-owned property located at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

## L.U. No. 9

By Council Member Salamanca:

**Application No. C 180031 ZMK submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 6a, changing an existing C4-4 District to a C6-3 district for property at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

## L.U. No. 10

By Council Member Salamanca:

**Application No. N 180033 ZRX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community Board 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

## L.U. No. 11

By Council Member Salamanca:

**Application No. 20185162 HAM submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant Section 577 of Article XI of**

**the Private Housing Finance Law, for property located at 9 Fort Washington Avenue, 518 West 161<sup>st</sup> Street, and 609 West 158<sup>th</sup> Street, Borough of Manhattan, Community Board 12, Council District 7.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

Shortly after the Roll Call for Attendance, the Public Advocate (Ms. James) recognized several members of the Bronx clergy who were present in the Chambers: Minister Rodolfo Guiles, Deacon Barry Parker, Pastor Dr. Sidney Hargrave, Dr. Rabbi Keith, Elijah Thompson, and Pastor Jay Gooding. Pastor Gooding gave the Invocation at today's Stated Meeting.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, January 31, 2018.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 270, 752-C, 1062-A, 1186-A, 1382-B, 1533-A, 1538-A, 1611-A, 1618-A, 1633-A, 1651-A, 1661-A, 1664-A, 1678-B, 1696-A, 1737, 1757-A, and 1764-A, all adopted at the December 11, 2017 Stated Meeting, were returned unsigned by the Mayor on January 17, 2017. These items had become law on January 11, 2017 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as, respectively, Local Laws Nos. 35 to 52 of 2018.*