The New York City Council

City Hall
New York, NY 10007

Meeting Minutes

Monday, June 15, 2009

12:00 PM

Recessed Meeting of June 10, 2009 held on June 15, 2009

Council Chambers - City Hall

City Council

Christine C. Quinn, Speaker
Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron, Gale A. Brewer, Leroy G. Comrie, Jr., Elizabeth Crowley, Bill de Blasio, Inez E. Dickens, Erik Martin Dilan, Mathieu Eugene, Simcha Felder, Julissa Ferreras, Lewis A. Fidler, Helen D. Foster, Daniel R. Garodnick, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Letitia James, Melinda R. Katz, G. Oliver Koppell, Jessica S. Lappin, John C. Liu, Melissa Mark-Viverito, Miguel Martinez, Darlene Mealy, Rosie Mendez, Kenneth C. Mitchell, Michael C. Nelson, James S. Oddo, Annabel Palma, Domenic M. Recchia, Jr., Diana Reyna, Joel Rivera, James Sanders, Jr., Larry B. Seabrook, Helen Sears, Kendall B. Stewart, Eric A. Ulrich, James Vacca, Peter F. Vallone, Jr., Albert Vann, David I. Weprin, Thomas White, Jr. and David Yassky

The Public Advocate (Ms. Gotabum) called the Meeting to order.

Present:

Speaker Quinn, Arroyo, Avella, Baez, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr. and Yassky

The Clerk (Mr. McSweeney) announced the presence of a quorum.

Editor's Note re: revised Attendance and Voting for the Stated Council Meeting held on June 10, 2009 : These proceedings constitute the Recessed Meeting of June 10, 2009 held on June 15, 2009. This meeting is considered a continuation of the Stated Meeting held on June 10, 2009. Consistent within the guidelines of a recessed meeting, Council Members who were present on June 15, 2009, but were not present on June 10, 2009, were given the opportunity to vote on the items that were listed on the Stated Council Meeting Agenda of June 10, 2009.

Council Members Mendez and Vann were not present on June 10, 2009 when the Stated Council Meeting of June 10, 2009 first opened. Both these Council Members, however, were present for this Recessed Meeting of June 10, 2009 held on June 15, 2009.

At this point, Council Members Mendez and Vann were allowed to cast a vote on the items from the June 10, 2009 Stated Council Meeting agenda:

Council Member Mendez voted affirmative on the Land Use Call-Up and the items coupled on General Orders except for the following in which she voted negative:
LU 1073 & Res 2018, LU 1074 & Res 2019, LU 1075 & Res 2020

Council Member Vann voted affirmative on the LU call-up and the items coupled on General Orders.

With this in mind, the revised votes for the June 10, 2009 items are as follows:

revised LU call-up vote: 51-0-0;

revised General Orders vote: 51-0-0
with the following revised exceptions:

LU 1073 & Res 2018, 41-10-0
LU 1074 & Res 2019, 41-10-0
LU 1075 & Res 2020, 41-10-0
LU 1082 & Res 2021, 50-1-0
LU 1113 & Res 2029 50-1-0

Also: for Attendance Records purposes, a Council Member is considered "present" for the Stated Council Meeting of June 10, 2009 if that Council Member attended any of the meetings that constitute this particular Stated Council Meeting , i.e., the Stated Council Meeting held on June 10, 2009, and the Recessed Meetings of June 10, 2009 held on June 15, 2009, June 19, 2009, and June 30, 2009.

Editor's Note re: revised Attendance and Voting for the Recessed Council Meeting held on June 15, 2009 : The Stated Council Meeting of June 10, 2009 opened on June 10, 2009, continued with this Recessed Meeting held on June 15, 2009, continued further with the Recessed Meeting held on June 19, 2009, and was adjourned at the short procedural Recessed Meeting held on June 30, 2009 (shortly before the opening of a scheduled Stated Meeting on that date). Consistent within the guidelines of a recessed meeting, Council Members who were present on June 19, 2009, but were not present on June 15, 2009, were given the opportunity to vote on the items that were listed on the Recessed Council Meeting Agenda of June 15, 2009.

Council Members Martinez, Sanders, and White were not present at the Recessed Meeting held on June 15, 2009. All three of these Council Members, however, were present for the later Recessed Meeting held on June 19, 2009.

At the Recessed Meeting held on June 19, 2009, Council Members Martinez, Sanders, and White were allowed to cast a vote on the items from the June 15, 2009 Recessed Council Meeting agenda.

Council Members Martinez, Sanders and White all chose to vote affirmative for all of the items on the June 15, 2009 Recessed Council Meeting Agenda.

With this in mind, the revised votes for the June 15, 2009 items are as follows:

revised Supplemental General Order vote: 51-0-0
with the following revised exception:

revised M-1461 vote: 40-10-1

Also: for Attendance Records purposes, a Council Member is considered "present" for the Stated Council Meeting of June 10, 2009 if that Council Member attended any of the meetings that constitute the Stated Council Meeting of June 10, 2009 , i.e., the Stated Council Meeting held on June 10, 2009, and the Recessed Meetings of June 10, 2009 held on June 15, 2009, June 19, 2009, and June 30, 2009.

4. Supplemental Messages & Papers from the Mayor

M 1461-2009 **Communication from the Mayor - "AN ACT to amend the tax law and the administrative code of the city of New York, in relation to increasing certain sales and compensating use taxes in cities having a population of one million or more persons". A.8866**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Assembly Bill, Hearing Transcript - Stated Meeting 6/15/09

This Mayor's Message was Referred to Comm by Council to the Committee on State and Federal Legislation

5. Supplemental Communications from City, County & Borough Offices

None

6. Supplemental Petitions and Communications

None

7. Supplemental Land Use Call-Ups

None

8. Supplemental Communication from the Speaker

9. Supplemental Discussion of General Orders

10. Supplemental Reports of Special Committees

None

11. Supplemental Reports of Standing Committees

Report of the Committee on State and Federal Legislation

SLR 0008-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.4468-A, and Assembly Member Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired July 1, 2008 by in rem tax foreclosure in the borough of Staten Island, to Greentree Homeowners Association, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough of Staten Island".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Hearing Transcript - Stated Meeting 6/15/09, Senate and Assembly Bills

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0009-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Addabbo, S.5443-A, and Assembly Member Pheffer, A.5651-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Hearing Transcript - Stated Meeting 6/15/09, Senate and Assembly Bills

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0010-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Duane, Dilan, Montgomery, Onorato, Schneiderman and Stavisky, S.4845-B, and Assembly Members Weprin, Bing, Castro, Christensen, Kellner, Maisel, Rosenthal, Titone, Wright, et al., A.8131, "AN ACT to amend the tax law, in relation to authorizing any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax and banking corporation tax of such city".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, State & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0011-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5529, and Assembly Members Farrell, Cook, Wright, Bing, Kellner, Powell, Espaillat, et al., A.8616, "AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the refunding of bonds, the down payment for projects financed by bonds, variable rate debt, and interest rate exchange agreements of the city of New York; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0012-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4940, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Bing, Powell, et al., A.8614, "AN ACT to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0013-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5519, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Powell, Bing, et al., A.8615, "AN ACT to amend the administrative code of the city of New York, in relation to the unincorporated business tax".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0014-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4941, and Assembly Members Farrell, Cook, Wright, Bing, Powell, Espaillat, Kellner, et al., A.8617, "AN ACT to amend the New York state financial emergency act for the city of New York and the New York city charter, in relation to bond anticipation notes ".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0015-2009 **State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Silver and Glick, A.8868, "AN ACT to amend the general city law and the administrative code of the city of New York, in relation to eligibility of beneficiaries of the industrial and commercial abatement program for special rebates and discounts provided pursuant to the energy cost savings program and the lower Manhattan energy program".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Assembly Bill, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0016-2009 **State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Silver and Glick, A.8889, "AN ACT to amend the administrative code of the city of New York and the tax law, in relation to the temporary exemption from commercial rent or occupancy tax for premises used for retail sales in lower Manhattan and the World Trade Center area; and to amend part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to the effectiveness of provisions thereof".**

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Hearing Transcript - Stated Meeting 6/15/09, State Bill

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0017-2009

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Hyer-Spencer, Silver, Farrell, Gibson, et al., A.8895, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2010".

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Hearing Transcript - Stated Meeting 6/15/09, Assembly Bill

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

SLR 0018-2009

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Farrell and Silver, A.8867, "AN ACT to amend the administrative code of the city of New York, the business corporation law and the not-for-profit corporation law, in relation to bringing certain city tax laws into closer conformity with certain state tax laws; and to repeal certain provisions of the administrative code of the city of New York relating thereto".

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Assembly Bill, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this SLR be Approved, by Council approved by consent Roll Call.

M 1461-2009

Communication from the Mayor - "AN ACT to amend the tax law and the administrative code of the city of New York, in relation to increasing certain sales and compensating use taxes in cities having a population of one million or more persons". A.8866

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Assembly Bill, Hearing Transcript - Stated Meeting 6/15/09

A motion was made that this Mayor's Message be Approved, by Council approved by Roll Call.

Affirmative: 40 -

Speaker Quinn, Arroyo, Baez, Brewer, Comrie Jr., de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gonzalez, Jackson, James, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Nelson, Palma, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Vann, Weprin, White Jr. and Yassky

Negative: 10 -

Avella, Barron, Crowley, Gioia, Ignizio, Katz, Mitchell, Oddo, Ulrich and Vacca

Abstain: 1 -

Vallone Jr.

12. Supplemental General Orders Calendar

Coupled on General Order Calendar

State and Federal Legislation

SLR 0008-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.4468-A, and Assembly Member Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired July 1, 2008 by in rem tax foreclosure in the borough of Staten Island, to Greentree Homeowners Association, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough of Staten Island".**

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General Order Calendar

Supplemental General Order Calendar

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

A motion was made that these files be approved by consent vote.

Affirmative: 51 -

Speaker Quinn, Arroyo, Avella, Baez, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr. and Yassky

The following files were removed from the Supplemental General Order Calendar and voted separately:

M-1461, revised vote 40-10-1

(see Editor's Note re: Revised Attendance and Voting Record for the June 15, 2009 Recessed Meeting following the Roll Call for Attendance in these Minutes)

See files for individual votes.

13. Supplemental Introduction & Reading of Bills
See Attached

14. Supplemental Discussion of Resolutions

15. Supplemental Resolutons

None.

16. Supplemental General Discussion

17. Supplemental Extension of Remarks

INTRODUCTION AND READING OF BILLS

SLR 0011-2009 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5529, and Assembly Members Farrell, Cook, Wright, Bing, Kellner, Powell, Espaillat, et al., A.8616, "AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the refunding of bonds, the down payment for projects financed by bonds, variable rate debt, and interest rate exchange agreements of the city of New York; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof".**

Sponsors: By Council Members Baez, Fidler and Weprin

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

This SLR was Referred to Comm by Council to the Committee on State and Federal Legislation

SLR 0012-2009

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4940, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Bing, Powell, et al., A.8614, "AN ACT to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority".

Sponsors: By Council Members Baez, Fidler and Weprin

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Sponsors: By Council Members Baez, Fidler, Reyna and Weprin

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

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Sponsors: By Council Members Baez, Fidler and Weprin

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Senate & Assembly Bills, Hearing Transcript - Stated Meeting 6/15/09

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Sponsors: By Council Members Baez, Fidler and Reyna

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Assembly Bill, Hearing Transcript - Stated Meeting 6/15/09

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Sponsors: By Council Members Baez and Reyna

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Hearing Transcript - Stated Meeting 6/15/09, State Bill

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Sponsors: By Council Members Baez and Fidler

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Hearing Transcript - Stated Meeting 6/15/09, Assembly Bill

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Sponsors: By Council Members Baez and Fidler

Attachments: Fiscal Impact Statement, Committee Report 6/15/09, Hearing Transcript 6/15/09, Assembly Bill, Hearing Transcript - Stated Meeting 6/15/09

This SLR was Referred to Comm by Council to the Committee on State and Federal Legislation

At this point the Speaker (Council Member Quinn) made the following annoucements:

Whereupon on motion of The Speaker (Council Member Quinn), the Public Advocate (Ms. Gotbaum) recessed the Meeting.