

The New York City Council
Recessed Meeting of June 5, 2001

Council Agenda

Stated Meeting

June 07, 2001

10:00 PM

Council Chambers - City Hall

- 1. The President Pro Tem (Council Member Spigner) will call the meeting to order.**
- 2. Roll Call**
- 3. The Clerk will announce the presence of a quorum**

- 1. Adoption of Minutes**
Motion that the Minutes of the Stated Meeting of May 9, 2001 be adopted and printed by COUNCIL MEMBER ESPADA.
- 2. Messages and Papers from the Mayor**

M 1193-2001 **Amend General Municipal Law relating to temporary investments by local governments (S.3814/A.7301)**

Communication from the Mayor - "AN ACT to amend the general municipal law, chapter 130 of the laws of 1998 and chapter 406 of the laws of 1999, both amending the general municipal law relating to temporary investments by local governments, in relation to such investments". S.3814/A.7301
Preconsidered - State and Federal Legislation

M 1194-2001 **Demonstration program to enforce maximum speed limits (S.3799/A.7355-A)**

Communication from the Mayor - "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in each city with a population of one million or more a demonstration program to enforce maximum speed limits by means of speed limit photo devices and providing for the repeal of such provisions upon expiration thereof". S.3799-A/A.7355-A
State and Federal Legislation

3. Communications from City, County, and Borough Offices

M 1195-2001 **New Revenues (MN-6)**

Communication from the Office of Management & Budget - Pursuant to Section 107(e) of the New York City Charter, appropriate new revenues of \$1,638.9 million in fiscal year 2001. (MN-6)
Preconsidered - Finance

M 1196-2001 **Transfer Funds, Expense Budget (MN-7)**

Communication from the Office of Management & Budget - Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in fiscal year

2001 to implement changes to the City's expense budget.
(MN-7)

Preconsidered - Finance

M 1197-2001 Transfer Funds, Miscellaneous Budget, (MN-8)

Communication from the Office of Management & Budget - Pursuant to Section 107(e) of the New York City Charter, transfer City funds in fiscal year 2001 between the Miscellaneous Budget and the Board of Education and to create a new unit of appropriation within the Board. (MN-8)

Preconsidered - Finance

M 1198-2001 Submitting Annual Report, Economic Development Corporation

Communication from the Economic Development Corporation - Submitting annual report, pursuant to Local Law 69 of 1993.

Received, Ordered, Printed and Filed

4. Petitions and Communications

5. Land Use Call-Ups

NONE

6. Communications from the Speaker

7. Discussion of General Orders

8. Report of Special Committees

9. Reports of Standing Committees

Report of the Committee on Finance

- Int 0929-2001** **Additional tax on the city personal income tax.**
- A Local Law to amend the administrative code of the city of New York, in relation to the additional tax on the city personal income tax.
- Coupled on GO*
- Int 0941-2001** **Increase credit allowed under the commercial rent or occupancy tax.**
- A Local Law to amend the administrative code of the city of New York, in relation to increasing a credit allowed under the commercial rent or occupancy tax, increasing exemptions from such tax and increasing the filing threshold for such tax.
- Preconsidered - Coupled on GO with Message of Necessity*
- M 1120-2001** **Submitting Expense Revenue Contract, FY2002**
- Communication from the Mayor - Submitting the Expense Revenue Contract, for Fiscal Year 2002, pursuant to Section 249 of the New York City Charter.
- Coupled on GO*
- Res 1967-2001** **Expense Revenue Contract, FY2002**
- RESOLUTION TO ADOPT A BUDGET APPROPRIATING THE AMOUNTS NECESSARY FOR THE SUPPORT OF THE GOVERNMENT OF THE CITY OF NEW YORK AND THE COUNTIES THEREIN AND FOR THE PAYMENT OF INDEBTEDNESS THEREOF, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2001 AND ENDING ON JUNE 30, 2002 IN ACCORDANCE WITH THE PROVISIONS OF THE CHARTER OF THE CITY OF NEW YORK.
- Coupled on GO*
- Res 1968-2001** **Expense Revenue Contract, FY2002**

Resolution to Adopt a Contract Budget setting forth, by agency, Categories of Contractual Services for which Appropriations had been proposed for the Fiscal Year beginning on July 1, 2001 and ending on June 30, 2002, in accordance with the provisions of the Charter of the City of New York.

Coupled on GO

M 1122-2001 Submitting Executive Capital Budget, FY2002

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2002, pursuant to Section 249 of the New York City Charter.

Coupled on GO

Res 1969-2001 Executive Capital Budget, FY2002

RESOLUTION BY THE NEW YORK CITY COUNCIL PURSUANT TO SECTION 254 OF THE NEW YORK CITY CHARTER, THAT THE CAPITAL BUDGET FOR FISCAL YEAR 2001 AND CAPITAL PROGRAM, BEING THE EXECUTIVE CAPITAL BUDGET FOR FISCAL YEAR 2002 AND PROGRAM AS SUBMITTED BY THE MAYOR ON APRIL 25, 2001, AND BY THE BOROUGH PRESIDENTS PURSUANT TO SECTION 249 OF THE NEW YORK CITY CHARTER, INCLUDING RESCINDMENT OF AMOUNTS FROM PRIOR CAPITAL BUDGETS, BE AND THE SAME ARE HEREBY APPROVED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF CHANGES. (RESOLUTION A)

Coupled on GO

Res 1970-2001 Executive Capital Budget, FY2002

RESOLUTION BY THE NEW YORK CITY COUNCIL PURSUANT TO SECTION 254 OF THE NEW YORK CITY CHARTER, THAT THE CAPITAL BUDGET FOR FISCAL YEAR 2002 AND CAPITAL PROGRAM FOR THE ENSUING THREE YEARS, AS SET FORTH IN THE

EXECUTIVE CAPITAL BUDGET FOR THE FISCAL YEAR 2002 AND CAPITAL PROGRAM AS SUBMITTED BY THE MAYOR ON APRIL 25, 2001, AS AUGMENTED BY THE BOROUGH PRESIDENTS PURSUANT TO SECTION 249 OF THE NEW YORK CITY CHARTER, AND AMENDED BY THE SCHEDULE OF CHANGES APPROVED UNDER RESOLUTION A, INCLUDING AMOUNTS REALLOCATED BY THE RESCINDMENT OF AMOUNTS FROM PRIOR CAPITAL BUDGET APPROPRIATIONS, IS HEREBY ADOPTED IN THE TOTAL AMOUNTS AS FOLLOWS. (RESOLUTION B)

Coupled on GO

M 1126-2001 Submitting the Proposed City Fiscal Year 2002 Community Development Program

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2002 Community Development Program, the Proposed CFY'02 Budget, the Proposed Reallocations - the CD XXVII Funds, Proposed CD XXVIII Statement of Objectives and Budget , dated April 25, 2001.

Coupled on GO

Res 1971-2001 Proposed City FY 2002 Community Development Program

RESOLUTION APPROVING THE FISCAL YEAR 2002 COMMUNITY DEVELOPMENT PROGRAM, REALLOCATION OF TWENTY-SIXTH YEAR COMMUNITY DEVELOPMENT FUNDS, AND THE PROPOSED TWENTY-SEVENTH YEAR COMMUNITY DEVELOPMENT PROGRAM.

Coupled on GO

M 1131-2001 Capital Projects for FY 2002 & the ensuring three fiscal years.

Communication from the Mayor - Submitting the certificate setting forth the maximum amount of debt & reserves which the City, the NYC Transitional Finance Authority, the NYC Municipal Water Finance Authority, the NYS Dormitory

Authority & the NYC Health & Hospitals Corporation may soundly incur for capital projects for Fiscal Year 2002 & the ensuing three fiscal years, & the maximum amount of appropriations & expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.

Coupled on GO

Res 1972-2001

Capital Projects for FY 2002 & the ensuring three fiscal years.

RESOLUTION CONCURRING IN A COMMUNICATION FROM THE MAYOR TRANSMITTING THE CERTIFICATE SETTING FORTH THE MAXIMUM AMOUNT OF DEBT AND RESERVES WHICH THE CITY, THE NEW YORK CITY TRANSITIONAL FINANCE AUTHORITY, THE NEW YORK CITY MUNICIPAL WATER FINANCE AUTHORITY, THE NEW YORK STATE DORMITORY AUTHORITY AND THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION MAY SOUNDLY INCUR FOR CAPITAL PROJECTS FOR FISCAL YEAR 2001 AND THE ENSUING THREE FISCAL YEARS, AND THE MAXIMUM AMOUNT OF APPROPRIATIONS AND EXPENDITURES FOR CAPITAL PROJECTS WHICH MAY SOUNDLY BE MADE DURING EACH FISCAL YEAR, PURSUANT TO SECTION 250 (16) OF THE NEW YORK CITY CHARTER.

Coupled on GO

M 1199-2001

Tax Fixing Resolution, Budget

Report of the Committee on Finance in favor of approving a resolution of the Council of the City of New York fixing the tax rate for the Fiscal Year 2002, adopted June 7, 2001 upon the recommendation of the Committee on Finance of the Council.

Preconsidered - Coupled on GO

Res 1973-2001

Tax Fixing Resolution, Budget

Resolution to provide the amounts necessary for the support of the Government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the Fiscal Year beginning on July 1, 2001 and ending on June 30, 2002 by the levy of taxes on the Real Property in the City of New York, in accordance with the provisions of the constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

Coupled on GO

Res 1965-2001 Real Property for FY2002 to the State Board of Real Property Services.

Resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2002 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

Preconsidered - Coupled on GO

Res 1966-2001 Real Property for FY2002 to the State Board of Real Property Services.

Resolution computing and certifying adjusted base proportion of each class of Real Property for Fiscal 2002 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

Preconsidered - Coupled on GO

M 1187-2001 Changes to Expense Budget (MN-5)

Communication from the Office of Management & Budget - Implement changes to the expense budget which were reflected in the January and Executive Financial Plan. This modification also includes the distribution of certain collective bargaining funds from the Labor Reserve in the Miscellaneous Budget to individual agencies. (MN - 5)

Filed pursuant to Letter of Withdrawal

M 1195-2001 New Revenues (MN-6)

Communication from the Office of Management & Budget - Pursuant to Section 107(e) of the New York City Charter, appropriate new revenues of \$1,638.9 million in fiscal year 2001. (MN-6)

Preconsidered - Coupled on GO

Res 1977-2001 New Revenues (MN-6)

Resolution approving a Modification pursuant to Section 107(e) of the Charter of the City of New York

Preconsidered - Coupled on GO

M 1196-2001 Transfer Funds, Expense Budget (MN-7)

Communication from the Office of Management & Budget - Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in fiscal year 2001 to implement changes to the City's expense budget. (MN-7)

Preconsidered - Coupled on GO

Res 1978-2001 Transfer Funds, Expense Budget (MN-7)

RESOLUTION APPROVING THE MODIFICATION (MN-7) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE CHARTER OF THE CITY OF NEW YORK

Preconsidered - Coupled on GO

M 1197-2001 Transfer Funds, Miscellaneous Budget, (MN-8)

Communication from the Office of Management & Budget - Pursuant to Section 107(e) of the New York City Charter, transfer City funds in fiscal year 2001 between the Miscellaneous Budget and the Board of Education and to create a new unit of appropriation within the Board. (MN-8)

Preconsidered - Coupled on GO

Res 1979-2001 Transfer Funds, Miscellaneous Budget, (MN-8)

RESOLUTION APPROVING A MODIFICATION (MN-8)
PURSUANT TO SECTION 107(E) OF THE CHARTER OF
THE CITY OF NEW YORK

Preconsidered - Coupled on GO

**Report of the Committee on State and Federal
Legislation**

SLR 0026-2001 **Service credit, correction members of the NYCERS (S.1538,
A.2467)**

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Maltese, S.1538, and Assembly Member Seminerio, A.2467, "AN ACT to amend the retirement and social security law, in relation to service credit for correction members of the New York city employees' retirement system".

Coupled on GO

SLR 0029-2001 **Amend chapter 609 of the laws of 1996, extending time for such
elections (S.1541, A.2472)**

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Maltese, S.1541, and Assembly Member Seminerio, A.2472, "AN ACT to amend chapter 609 of the laws of 1996, allowing correction members of the New York city employees' retirement system to elect the benefits provided by chapter 936 of the laws of 1990, or chapter 631 of the laws of 1993, in relation to extending the time for such elections".

Coupled on GO

SLR 0080-2001 **Age fifty-seven retirement program, the mandated physically
taxing program and the incumbent fifty-five/twenty-five
program for certain employees (S.4468, A.8415)**

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Spano, S.4468,

and Committee on Rules, A.8415, "AN ACT to amend the retirement and social security law, in relation to the application of the age fifty-seven retirement program, the mandated physically taxing program and the incumbent fifty-five/twenty-five program for certain employees".

Coupled on GO

SLR 0086-2001 Reclassifying the retirement from the New York city police pension fund (S.3254, A.6496)

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Johnson, S.3254, and Assembly Member Sweeney, A.6496, "AN ACT in relation to reclassifying the retirement from the New York city police pension fund for ordinary disability of DeForest Taylor as a retirement for accident disability".

Coupled on GO

SLR 0100-2001 Withdraw from the twenty-five year early retirement program (S.4471, A.8414)

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Spano, S.4471, and Assembly Member Vitaliano, A.8414, "AN ACT to permit certain employees at the city of New York and the board of education of the city of New York to withdraw from the twenty-five year early retirement program".

Coupled on GO

SLR 0107-2001 Provisional appointments (S.4942, A.8440)

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Leibell, S.4942, and by Committee on Rules A.8440, "AN ACT to amend the civil service law, in relation to provisional appointments".

Preconsidered - Coupled on GO

M 1185-2001 Lease parkland known as Steeplechase Park (S.3761-A, A.8865)

Communication from the Mayor - "AN ACT in relation to authorizing the city of New York to lease certain parkland, commonly known as Steeplechase Park, with improvements thereon, in the borough of Brooklyn to Brooklyn Baseball Company, LLC or its successors or assignees (BBC) in connection with the construction, operation and maintenance of a stadium, related facilities, and concession facilities for use as the home stadium of a professional minor league baseball team and for other uses". S.3761-A/A.8865

Coupled on GO

M 1193-2001

Amend General Municipal Law relating to temporary investments by local governments (S.3814/A.7301)

Communication from the Mayor - "AN ACT to amend the general municipal law, chapter 130 of the laws of 1998 and chapter 406 of the laws of 1999, both amending the general municipal law relating to temporary investments by local governments, in relation to such investments". S.3814/A.7301

Preconsidered - Coupled on GO

10. General Order Calendar

SLR 0024-2001

Designation of deputy warden (S.1439, A.771)

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Maltese, S.1439, and Assembly Member Seminerio, A.771, "AN ACT to amend the administrative code of the city of New York, in relation to the designation of deputy warden (warden level II) in the department of correction of the city of New York".

Laid Over Again

T1999-86

Commissioner of Deeds

Commissioner of Deeds

Coupled on GO

Coupled on General Order

Finance

- Int 0929-2001** **Additional tax on the city personal income tax.**
GO
- Int 0941-2001** **Increase credit allowed under the commercial rent or
occupancy tax.**
Preconsidered - GO
- M 1120-2001** **Submitting Expense Revenue Contract, FY2002**
GO
- Res 1967-2001** **Expense Revenue Contract, FY2002**
GO
- Res 1968-2001** **Expense Revenue Contract, FY2002**
GO
- M 1122-2001** **Submitting Executive Capital Budget, FY2002**
GO
- Res 1969-2001** **Executive Capital Budget, FY2002**
GO
- Res 1970-2001** **Executive Capital Budget, FY2002**
GO
- M 1126-2001** **Submitting the Proposed City Fiscal Year 2002 Community
Development Program**
GO
- Res 1971-2001** **Proposed City FY 2002 Community Development Program**
GO
- M 1131-2001** **Capital Projects for FY 2002 & the ensuring three fiscal years.**

GO

Res 1972-2001 **Capital Projects for FY 2002 & the ensuring three fiscal years.**
GO

M 1199-2001 **Tax Fixing Resolution, Budget**
Preconsidered - GO

Res 1973-2001 **Tax Fixing Resolution, Budget**
GO

Res 1965-2001 **Real Property for FY2002 to the State Board of Real Property Services.**
Preconsidered - GO

Res 1966-2001 **Real Property for FY2002 to the State Board of Real Property Services.**
Preconsidered - GO

M 1187-2001 **Changes to Expense Budget (MN-5)**
Filed

M 1195-2001 **New Revenues (MN-6)**
Preconsidered - GO

Res 1977-2001 **New Revenues (MN-6)**
Preconsidered - GO

M 1196-2001 **Transfer Funds, Expense Budget (MN-7)**
Preconsidered - GO

Res 1978-2001 **Transfer Funds, Expense Budget (MN-7)**
Preconsidered - GO

M 1197-2001 **Transfer Funds, Miscellaneous Budget, (MN-8)**
Preconsidered - GO

Res 1979-2001 **Transfer Funds, Miscellaneous Budget, (MN-8)**

Preconsidered - GO

State and Federal Legislation

- SLR 0026-2001** **Service credit, correction members of the NYCERS (S.1538, A.2467)**
GO
- SLR 0029-2001** **Amend chapter 609 of the laws of 1996, extending time for such elections (S.1541, A.2472)**
GO
- SLR 0080-2001** **Age fifty-seven retirement program, the mandated physically taxing program and the incumbent fifty-five/twenty-five program for certain employees (S.4468, A.8415)**
GO
- SLR 0086-2001** **Reclassifying the retirement from the New York city police pension fund (S.3254, A.6496)**
GO
- SLR 0100-2001** **Withdraw from the twenty-five year early retirement program (S.4471, A.8414)**
GO
- SLR 0107-2001** **Provisional appointments (S.4942, A.8440)**
Preconsidered - GO
- M 1185-2001** **Lease parkland known as Steeplechase Park (S.3761-A, A.8865)**
GO
- M 1193-2001** **Amend General Municipal Law relating to temporary investments by local governments (S.3814/A.7301)**
Preconsidered - GO

General Order Calendar

T1999-86 **Commissioner of Deeds**
GO

Roll Call

- 11. Introduction and Reading of Bills**
See Attached

- 12. General Discussion**

- 13. Extension of Remarks**

INTRODUCTION AND READING OF BILLS

Int 0941-2001 *By The Speaker (Speaker Vallone) and Council Member Berman (in conjunction with the Mayor); also Council Members Fisher, Povman, Abel and Stabile*

A Local Law to amend the administrative code of the city of New York, in relation to increasing a credit allowed under the commercial rent or occupancy tax, increasing exemptions from such tax and increasing the filing threshold for such tax.

Preconsidered - Finance

Int 0942-2001 *By Council Members Berman and Stabile (by request of the Mayor)*

A Local Law to amend the administrative code of the city of New York, in relation to the general corporation tax and the banking corporation tax, and to repeal subparagraphs 6-a and 13 through 15 of paragraph (b) of subdivision 8 of section 11-602, subparagraphs 2-a through 2-c of paragraph (f) of subdivision 8 of section 11-602, subdivisions 11 through 16 of section 11-602, subdivisions 1-a through 1-f of section 11-608, subdivision (a-2) of section 11-645 and paragraph 1-a of subdivision (b) of section 11-645 of the administrative code of the city of New York relating thereto.

Finance

Res 1965-2001 *By Council Member Berman*

Resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2002 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

Preconsidered - Finance

Res 1966-2001 *By Council Member Berman*

Resolution computing and certifying adjusted base proportion of each class of Real Property for Fiscal 2002 to the State

Board of Real Property Services pursuant to Section 1803-a,
Real Property Tax Law.

Preconsidered - Finance

Int 0943-2001 *By Council Member Dear*

A Local Law to amend the administrative code of the city of
New York, in relation to the regulation of newsracks.

Transportation

Int 0944-2001 *By Council Members Linares and Michels ; also Council Member
Boyland*

A Local Law to amend the administrative code of the city of
New York in relation to creating a small business lease
program for establishing an environment for fair negotiation in
order to determine reasonable lease terms.

Housing and Buildings

SLR 0106-2001 *By Council Member McCaffrey ; also Council Members Povman
and Sabini*

State Legislation Resolution requesting the New York State
Legislature to pass bills introduced by Senator Stafford,
S.3782, and by Committee on Rules, A.8362, "AN ACT to
amend the general city law and the administrative code of the
city of New York, in relation to taxation of calls from public
pay telephones".

State and Federal Legislation

SLR 0107-2001 *By The Speaker (Speaker Miller)*

State Legislation Resolution requesting the New York State
Legislature to pass bills introduced by Senator Leibell, S.4942,
and by Committee on Rules A.8440, "AN ACT to amend the
civil service law, in relation to provisional appointments".

Preconsidered - State and Federal Legislation

Int 0945-2001 *By Council Member Pinkett (by request of the Mayor)*

A Local Law to amend the administrative code of the city of

New York, in relation to annual disclosure of financial interests.

Governmental Operations

LU 1125-2001 *By Council Member Eisland*

Uniform Land Use Review Procedure application no. C 010615 ZMK, pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Borough of Brooklyn, Council District no. 33.

Planning, Dispositions and Concessions

LU 1126-2001 *By Council Member Eisland*

Uniform land use review procedure application no. C 010616 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to allow modification of height and setback requirements. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called-up by vote of the Council pursuant to §197-d(b)(3) of the Charter.

Planning, Dispositions and Concessions

LU 1127-2001 *By Council Member Eisland*

Uniform land review procedure application no. C 010619 HAK, an Urban Development Action Area Designation, Project and the disposition of such property located at 460 Kent Avenue, Borough of Brooklyn, Council District no. 33. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

Planning, Dispositions and Concessions