

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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May 13, 2013

Start: 10:09 a.m.

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HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
James Vacca
Albert Vann
Vincent M. Ignizio
Ruben Wills

A P P E A R A N C E S

Jennifer Dickson
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New York City Department of Information Technology and
Telecommunications

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2 CHAIRPERSON WEPRIN: Good morning
3 everyone. I am Mark Weprin, chair of the Zoning
4 and Franchise Subcommittee. I am delighted to be
5 joined by Dan Garodnick, as he steps out, and the
6 other members of the Committee: Al Vann, Ruben
7 Wills, Vincent Ignizio, Leroy Comrie... and we have
8 a quorum. We have a number of items on today, so
9 we are going to get right started with the--we are
10 going to do Land Use number 803 and 804, which is
11 the Gerard Avenue rezoning and text amendments.
12 Who do we have here on those items? Land Use 803
13 and 804, I'd like to call up Jennifer Dickson and
14 Richard Bass. Easel and all, yes. Do you want to
15 move it this way?

16 [background conversation]

17 CHAIRPERSON WEPRIN: Whoever is
18 speaking, you have to sit at the mic. Whenever
19 you are ready, just make sure to state your name
20 for the record. We are joined by Jessica Lappin
21 by the way, and whenever you are ready you can
22 start.

23 JENNIFER DICKSON: My name is
24 Jennifer Dickson. I am from Herrick Feinstein. I
25 am joined by my colleague, Richard Bass. We are

1 here on behalf of the applicant - - LLC. This is
2 an application for a rezoning from an M12 district
3 to an R7A with a C24 overlay and also for an
4 inclusionary housing text amendment. The
5 applicant owns the property at 580 Gerard Avenue.
6 This is located at the corner of Gerard Avenue and
7 150th Street. This is in the south Bronx. It is
8 about ten blocks south of Yankee Stadium, about
9 two blocks over from the Gateway Center, which is
10 a new mall located right off the Major Deegan and
11 Harlem River, and on the other side of the
12 property, it is a couple of blocks away from the
13 Grand Concourse. It's in a somewhat mixed area.
14 The properties that are directly to the east of it
15 are residential as you can see in the photo right
16 there. There are townhouses to the north, just a
17 block to the north there are some higher density
18 residential buildings. The property itself is
19 occupied by a one story garage building. It was
20 built as a garage for the post office. It has not
21 been used for that for many years. It has kind of
22 been used for a variety of uses, most recently as
23 a temporary storage facility for a retailer in the
24 Gateway Center, but as I mentioned, the applicant
25

1 would like to rezone this property. It is
2 currently zoned M12, which does not permit
3 residential use, and we are proposing an R7A
4 district, which does permit residential. It is a
5 mid-density residential zone with a C24 overlay,
6 which will permit ground floor retail use. The
7 R7A district has an 80 foot height limit and this
8 is an illustrative elevation of what we expect
9 that the building will look like that the
10 applicant is proposing to develop on this site.
11 It is seven stories tall. It is 80 feet. It will
12 have ground floor retail. The building contains
13 about 147,000 square feet of which about 24,000
14 will be retail. We are expecting that will be
15 split up into two smaller retail establishments.
16 There will be about 124 residential units, and
17 because we are proposing the inclusionary text
18 amendment we are expecting that it will be built
19 with that bonus and will contain affordable
20 housing--at least 20 percent of the floor area--
21 for low income families to make at most 80 percent
22 of the area median income. That will be about 124
23 units, and we received positive recommendations
24 from both the community board and the borough
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2 president. They were interested in seeing the
3 details of the building, so they requested that
4 the applicant come back after this process to
5 share those with - - . The applicant certainly
6 intends to do so, so... Anything else? I'm happy to
7 answer any questions--

8 CHAIRPERSON WEPRIN: [interposing]
9 I want to just add this is in Council Member
10 Arroyo's district, and her staff has said they are
11 fine with it. It has the approval of the
12 community board, City Planning and the borough
13 president's office. Do any members of the panel
14 have a question - - items? I see none. Okay.
15 Well, thank you very much.

16 JENNIFER DICKSON: Thank you.

17 CHAIRPERSON WEPRIN: We are going
18 to close--anyone else here to testify on this
19 matter on Gerard Avenue? Seeing none, we are
20 going to close this hearing. We are now going to
21 move to Land Use number 802, which is the special
22 Long Island City text amendments in Council Member
23 Van Bramer's district, and we are joined today by
24 Council Member Van Bramer. We welcome him here
25 today. And we would like to call up Carolyn

1
2 Grossman [phonetic] and Penny Lee [phonetic].
3 Whenever you are ready, ladies. Make sure to
4 state your name for the record, and then once you
5 are done Council Member Van Bramer I know wants to
6 comment.

7 PENNY LEE: Good morning. My name
8 is Penny Lee. I am with the Department of City
9 Planning, Queen's Office. I am the planner for
10 Community Board 2, and this is an application that
11 was filed by the Department of City Planning. It
12 touches on two subjects--sidewalk cafes in the
13 Long Island City special mixed use district and
14 the PC district [phonetic], special planned
15 community preservation district in Sunnyside
16 Gardens, and then it also modifies height and set
17 back provisions in the Queens Plaza sub district.
18 I will start with sidewalk cafes. In order to do
19 a sidewalk café if you are located within a
20 special zoning district that special zoning
21 district has to be listed in the list of special
22 zoning districts where sidewalk cafes are allowed,
23 and it came to our attention that neither the
24 special Long Island City mixed use district nor
25 the PC district affecting Sunnyside Gardens were

1 listed in that list. So we are proposing to list
2 the special districts and then within the Long
3 Island City special district, which is the map in
4 front of you, we are proposing to allow unenclosed
5 sidewalk cafes on all of the streets that are
6 highlighted in red, and we are proposing to allow
7 small unenclosed sidewalk cafes in the streets
8 that are highlighted in blue, and I will identify
9 the streets highlighted in blue, since it is kind
10 of hard to see them. It is Queens Plaza North,
11 Queens Plaza South, and a very small segment of
12 Jackson Avenue, and the difference between
13 unenclosed and small is the size. Unenclosed can
14 be as large as the sidewalk allows as long as
15 there is still eight feet of clear sidewalk width
16 or half the sidewalk, whichever is greater. Small
17 sidewalk cafes are restricted to four and a half
18 feet, and it is basically one row of tables
19 adjacent to the building. So along Jackson
20 Avenue, we are proposing small sidewalk cafes
21 because the sidewalk narrows to ten feet in that--
22 what is it? It's about a one and a half block
23 area, and then on Queens Plaza North and Queens
24 Plaza South the sidewalk width is wide there--it's
25

15 feet--but because of the high pedestrian volumes we wanted to minimize potential for pedestrian conflicts, so we are just proposing to allow small sidewalk cafes there. The streets where the sidewalk cafes will be allowed was discussed in great length with both community boards 1 and 2 and the Dutch Kills Civic Associations [phonetic]. And both community boards recommended in favor of this application as did the borough president. Sunnyside Gardens is on this map, and at the request of Councilman Van Bramer, when we did the Sunnyside, Woodside rezoning which affected property to the right and the left of the special district boundaries. The gray line that you see there is the boundary of the special planned community preservation district for Sunnyside Gardens, and we established commercial overlays to the west and the east along Skillman Avenue and we also when the zoning changes went through had a text amendment that would allow small sidewalk cafes on Skillman Avenue, and the Councilman said, we have commercial overlays on Skillman Avenue and the PC district, would you please also for consistency

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2 and for the very continuous stretch of retail uses
3 on the north side of Skillman, would you also
4 please address that? So we did, and the text
5 would allow small sidewalk cafes on the north side
6 of Skillman, which as I mentioned is a continuous
7 row of retail, and then the south side, which has
8 a commercial overlay, but it is a residence and a
9 single story garage, and then the balance of the
10 block is a continuous row of retail. And now I
11 will describe the height and set back changes that
12 are also part of this text amendment. - - .

13 Okay, I need two boards to present this. The
14 board in my hand shows you the boundaries of the
15 special Long Island City mixed use district that
16 has four sub districts--Queens Plaza, Dutch Kills,
17 Hunters Point and Court Square. Queens Plaza is--
18 you can see the QP--it is basically 34 blocks
19 stretching from Court Square up to Queens Plaza,
20 and at the time the special district was adopted
21 in 2001, we established special height and set
22 back provisions for the 34 blocks of the Queens
23 Plaza sub district including minimum and maximum
24 base heights. We didn't establish a minimum base
25 height for two blocks, which are shown here on

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2 this graphic. They are the blocks that are kind
3 of colored in blue that also abut Davis Street,
4 which has the elevated subway tracks running above
5 it for the number 7 line. And on those two
6 blocks, we had a maximum base height, but no
7 minimum, and there is no overall building height
8 limit. It is just the base heights. As we were
9 working with an applicant for a property on the
10 right side of the elevated subway tracks, we
11 realized that it made sense to actually establish
12 a minimum base height for those two blocks.
13 Otherwise, what you could get would be a building
14 with just a 10 to 15 foot base with all of the
15 floor area piled in the middle of the block and
16 just a really high tower, tall tower, really low
17 non-pedestrian scale base. In our discussions
18 with the chair and discussions with senior staff,
19 it was felt that that just was not appropriate.
20 None of the other blocks in the special district
21 can be developed that way, and it is just not a
22 very urban form. We have recently completed
23 street scape improvements to Jackson Avenue. It
24 is a very wide 100 foot wide street--one of the
25 predominant thoroughfares of the special district,

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2 and we really wanted to have a strong pedestrian
3 scale building basis along that street. So we are
4 proposing to have a 60 foot base along Jackson
5 Avenue and along Crain Street and Davis Street
6 within 100 feet of Jackson Avenue, which is
7 identical to the minimum base height in the other
8 blocks in the sub district, and then once you get
9 beyond 75 feet of Jackson Avenue we are
10 establishing a slightly lower building base of 40
11 feet, which does give developers and architects a
12 little bit of flexibility to take more floor area
13 away from the elevated subway line. This change
14 also was recommended in favor by community boards
15 1 and 2 and the borough president. And that
16 covers everything, so I am happy to answer
17 questions.

18 CHAIRPERSON WEPRIN: Before we get
19 to any questions, I know Council Member Van Bramer
20 had a statement he wanted to make.

21 COUNCIL MEMBER VAN BRAMER: Thank
22 you very much, Mr. Chair, and I want to thank
23 Penny and City Planning for all their terrific
24 work on this. I am incredibly supportive of 99
25 percent as this as Penny knows and I believe the

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2 Chair knows as well. I appreciate their
3 responsiveness in our coming back to revisit
4 Sunnyside Gardens to make it fair for those
5 commercial businesses on the north side of
6 Skillman between 46th and 47th, and I think the
7 sidewalk cafes are very, very popular in Long
8 Island City, and will be a good change for us.
9 The one change that I suggest to both chairs and
10 to the Committee is as you can see the red line on
11 the north side is what I wanted and what I believe
12 is very good for the neighborhood. The little red
13 line on the south side is actually a private home,
14 which is a landmark, and a private garage. There
15 is no commercial there. There has never been
16 commercial there, and you don't want commercial to
17 be there, so all I am asking is for that 75 feet
18 to be excluded and with that, I would be 100
19 percent supportive of this project, and this has
20 been brought to me by some concerned residents who
21 simply want to maintain the historic integrity and
22 character of that particular corner so again I
23 thank City Planning for their work and diligence
24 and for coming back to right a wrong on the north
25 side of that street where there is some

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2 restaurants that would love to have an outdoor
3 café just like there are restaurants on the south
4 side of Skillman Avenue there in the blackened
5 portion. Again that little red dot on the
6 southeast corner is a private home, historic home,
7 and I might add, a very beautiful home, and it
8 should be excluded from this zoning text
9 amendment. With that exclusion, I would be 100
10 percent supportive.

11 CHAIRPERSON WEPRIN: So Council
12 Member Van Bramer is suggesting a modification. -
13 - can you state, what is it Skill and 40 what?

14 PENNY LEE: Between 46th and 47th.

15 CHAIRPERSON WEPRIN: Skillman
16 Avenue between 46th and 47th Street, a portion of
17 that you want to exclude.

18 COUNCIL MEMBER VAN BRAMER: So it's
19 75 feet on the southeast corner of Skillman Avenue
20 between 46th and 47th--the 75 feet closest to 47th
21 street, which now is a private historic landmarked
22 home and a garage.

23 CHAIRPERSON WEPRIN: Thank you.
24 Did you want to say something, Ms. Grossman?

25 CAROLYN GROSSMAN: For the record

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2 we are certainly aware of the Council Member's
3 request and we have no objection to that
4 amendment.

5 CHAIRPERSON WEPRIN: Terrific.
6 Okay. So we are going to be suggesting that
7 modification when we do vote. Does anyone on the
8 panel have any.. Is it 75 feet or 72 feet? There
9 seems to be some discrepancy.

10 PENNY LEE: You know, to be honest,
11 I don't know the specific frontage. I think if it
12 is 72 feet, that is what is measured on the zoning
13 map, but the way that the text would be drafted,
14 it just would not include the south side of
15 Skillman Avenue, so--

16 CHAIRPERSON WEPRIN: [interposing]
17 Between 46th and 47th.

18 PENNY LEE: Right. Within the
19 special planned community preservation district.

20 COUNCIL MEMBER VAN BRAMER: Can I
21 just confirm one thing though?

22 CHAIRPERSON WEPRIN: Yes, Council
23 Member Van Bramer.

24 COUNCIL MEMBER VAN BRAMER: Penny,
25 that would not then exclude - - and those folks

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that are already--

PENNY LEE: [interposing] No, it wouldn't because they are not in the special district.

COUNCIL MEMBER VAN BRAMER: Thank you.

CHAIRPERSON WEPRIN: Great. Council Member Comrie, you have a question? No?

COUNCIL MEMBER COMRIE: I just wanted to make sure that we are agreeing on the amendment that we can vote it today? - - .

CHAIRPERSON WEPRIN: We can modify today. We will suggest the modification today.

COUNCIL MEMBER COMRIE: And we are in agreement on 75 feet, Council Member?

PENNY LEE: It's the south side of Skillman Avenue within the PC district.

[crosstalk]

CHAIRPERSON WEPRIN: So seeing no other questions, we thank you very much. Is anyone else here to testify on this matter? Seeing none, we are going to close this hearing. Now we are going to swing back... We are going to call up one of our sidewalk cafes. We have two

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2 sidewalk cafes here today, 820, which is Ben and
3 Jack's Steakhouse. They are not here today.
4 Council Member Quinn, Speaker Quinn, has worked
5 this out, and they are okay with it now. It is a
6 small unenclosed sidewalk café. That is okay. So
7 that is Ben and Jack's Steakhouse. Is anyone here
8 to testify on that? Okay, seeing none we will
9 close the hearing on 820. And then on 822, which
10 is Williamsburg Café in Council Member Reyna's
11 district, and she has joined us here today--I
12 didn't mention that before, and Ahmet [phonetic],
13 are you here? Why don't you come up to the
14 microphone and state your name for the record and
15 describe the café and your application.

16 AHMET HILDERON: Good morning. My
17 name is Ahmet Hilderon [phonetic]. This is for
18 renewal, and my attorney couldn't make it, so I
19 came here, and I am here for any questions.
20 Councilwoman is here.

21 CHAIRPERSON WEPRIN: I know Council
22 Member Reyna wanted to make a statement on this in
23 her district. Can we get her a microphone?

24 COUNCIL MEMBER REYNA: Thank you,
25 Mr. Chair. I apologize for being late. I just

1
2 wanted to make mention that our great Peter
3 Janacek [phonetic] did go to inspect and we are
4 happy to see that the owner is in full
5 communication with certain tables and chairs that
6 had to be removed. Is that correct?

7 AHMET HILDERON: Yes.

8 COUNCIL MEMBER REYNA: And that has
9 been complied with, and everything else checked
10 out. We checked with our local community board,
11 who had nothing but glowing remarks to say, so we
12 are happy to approve this particular sidewalk
13 café.

14 CHAIRPERSON WEPRIN: Thank you very
15 much, Council Member Reyna. Thank you, sir.
16 Sorry to keep you waiting. Please enjoy the rest
17 of your day. Anyone else here to testify on this
18 matter, Williamsburg Café? Okay, seeing none.
19 Thank you very much. We are going to close this
20 hearing. Now we are going to move on to the Land
21 Use number 821, telecommunications authorizing
22 legislation and we have Stanley Shor [phonetic],
23 and the Shorettes [phonetic]. You will state who
24 is here. - - . Stanley, whenever you are ready,
25 you can get started, and describe this extension

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2 to renew for five years.

3 STANLEY SHOR: Thank you. Good
4 morning, Chairman Comrie, Chairman Weprin and
5 members of the Subcommittee on Zoning and
6 Franchises. My name is Stanley Shor. I am
7 assistant commissioner for franchise
8 administration at the Department of Information
9 Technology and Telecommunications or DoITT. With
10 me today far left is Tanessa Cabe [phonetic] of
11 the counsel's office at DoITT and Bruce Regal
12 [phonetic], senior counsel with the New York City
13 Law Department. Thank you for the opportunity to
14 testify on Land Use number 821 of 2013, the
15 communications services authorizing resolution.
16 The resolution before you would renew for an
17 additional five years DoITT's authority to issue
18 non-exclusive franchises for the use of the city's
19 rights of way for provision of landline
20 communication services. These do not include
21 cable television services or sidewalk payphone
22 services, which are covered by other existing
23 council authorizing resolutions. The provisions
24 of the proposed resolution are the same as those
25 of recently expired resolution of similar effect

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2 adopted by the City Council in 2008. DoITT is
3 requesting this renewed authorizing resolution
4 because non-exclusive franchises for the provision
5 of voice, data and similar services - - . DoITT
6 is requesting this renewed authorizing resolution
7 because non-exclusive franchises for the provision
8 of voice, data and similar services continue to
9 promote a competitive marketplace for broadband
10 infrastructure by providing multiple providers
11 access to the city's streets to install their
12 fiber optic lines and related facilities. Having
13 additional competitors in the New York City market
14 ensures more choices for consumers and business
15 users of communication services. Under the
16 proposed renewed authorizing resolution, DoITT
17 anticipates franchise requests from new providers
18 in addition to potential requests for renewal of
19 previously granted franchises. The City Council
20 first adopted a resolution authorizing the grant
21 of franchises for these purposes on March 26th,
22 1992 and thereafter renewed such authorization on
23 August 26th, 1977, renewed it again on November
24 20th, 2002 and again on February 27th, 2008. This
25 series of resolutions has authorized DoITT and its

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2 predecessor agencies to grant non-exclusive
3 franchises for the construction, installation,
4 use, operation and/or maintenance of cable, wire,
5 and/or optical fiber and associated equipment on,
6 over and under the inalienable property of the
7 city including through pipes, conduits and similar
8 improvements for provision of telecommunication
9 services. For this purpose, telecommunication
10 services are defined by proposed resolution as
11 including voice, data and information services and
12 other similar services in the city. DoITT's
13 authority to approve new franchises of this type
14 under the most recent of this series of
15 authorizing resolutions expired on February 27th,
16 2013. Since the Council first authorized this
17 type of franchise more than 20 years ago back in
18 1992, the city's franchise and concession review
19 committee has approved 20 different franchises of
20 the type covered by this series of resolutions
21 providing a wide range of communication services
22 supplied by a diverse group of franchisees
23 including companies large and small, national and
24 local, including MWBEs. Two companies, Stealth
25 Communication Services LLC and United Federal Data

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2 of New York LLC recently sought and were granted
3 approval for franchises authorized pursuant to
4 this type of resolution earlier this year. The
5 city through DoITT continues to receive interest
6 in further new participation in this market.

7 Please note that the franchises authorized by this
8 proposed resolution as in the past would not
9 include franchises for the provision of cable
10 television service, nor would this proposed
11 resolution authorize franchises for the
12 installation on city sidewalks with public paid
13 telephone kiosks or antennas for wireless
14 transmission and reception. Provision of all of
15 these existing services are covered by separate
16 council authorized resolutions. In conclusion we
17 respectfully request that the Council consider and
18 approve the proposed resolution. Thank you again
19 for the opportunity to testify this morning and we
20 will be happy to answer any questions you may
21 have.

22 CHAIRPERSON WEPRIN: Thank you very
23 much, Mr. Shor. So this will extend for five
24 years allowing you to create competition and to
25 get other people to get a franchise agreement. Is

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that correct?

STANLEY SHOR: That is correct.

CHAIRPERSON WEPRIN: Okay. Great.

Does anyone on the panel have a question or a comment? Yes. Chair Comrie has a question.

COUNCIL MEMBER COMRIE: You didn't outline anything about what you expect the agreement to encompass or what are your goals for the agreement on the franchising this year, and how are you going to inform the--what are your goals to see from this agreement as far as services? What are your goals to see as far as making sure there is an outreach and how are you going to ensure that there is some MWBE adopted in this agreement? That is three questions in one. So I guess I'll just focus on the first one. What are your goals in this franchise agreement over this five year term vis a vis the fact that people want to see more out of a payphone now. I have seen proposals for computer tie ins, Wi-Fi stations. Do you have a set of goals, parameters that people can expect or are you leaving the franchise proposal wide open to whatever the market is going to show you?

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2 STANLEY SHOR: This is specifically
3 for franchise or business services in the city, so
4 we are looking to have more competition. These
5 are non-exclusive franchises that if we are
6 approved through this authorizing resolution, we
7 will issue a solicitation that will be open to
8 companies to submit proposals for--provide
9 telecommunications and information services. It
10 is primary for businesses. This is the data and
11 voice services that--

12 COUNCIL MEMBER COMRIE:
13 [interposing] You mean for the city business and
14 not for--

15 STANLEY SHOR: [interposing] Not
16 for city business. This is for private
17 businesses. So these are companies that provide
18 services. Some of the companies are AT&T, MCI.

19 COUNCIL MEMBER COMRIE: They are
20 providing the services to whom? The city
21 agencies?

22 STANLEY SHOR: No, no. This is to
23 businesses in the city.

24 COUNCIL MEMBER COMRIE: Just so
25 that they can have the right to be a business in

1
2 New York City to provide service to any business
3 in the city? I am sorry. I am confused. You are
4 saying that this is just a general franchise
5 agreement for AT&T to exist in New York City to
6 then offer their services to anyone or any major
7 telecommunication company?

8 STANLEY SHOR: This is basically a
9 franchise to provide broadband services, so any
10 company that wants to provide broadband services
11 in the city would have to get this franchise.

12 COUNCIL MEMBER COMRIE: Okay.

13 CHAIRPERSON WEPRIN: Have to apply
14 for the franchise from you, and this gives you
15 extra time to solicit other people not necessarily
16 one company, but hopefully a number of companies
17 to create some competition.

18 STANLEY SHOR: We currently have a
19 number of companies. We recently approved two new
20 companies. We would like to approve a bunch more
21 companies, and renew the companies that are out
22 there, basically so that businesses in the city
23 have choices of who to use for their broadband
24 services.

25 COUNCIL MEMBER COMRIE: So when you

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2 have a business that is applying is it put into--
3 can they apply for a target area, or does it have
4 to be for city-wide for broadband service? I am
5 just trying to--

6 STANLEY SHOR: [interposing] We
7 make the franchise available city-wide. They
8 don't have to build city-wide, but they would be
9 authorized to operate city-wide.

10 COUNCIL MEMBER COMRIE: And how do
11 you know what their capacity is? How are you
12 testing their ability to provide service if you
13 are asking them to do it city-wide?

14 STANLEY SHOR: We don't have a
15 requirement that they build out city-wide, so if
16 they want to just do three blocks in the Bronx,
17 they could just do three blocks in the Bronx.

18 COUNCIL MEMBER COMRIE: But then
19 why are we giving them a city-wide authorization?
20 Why are we not targeting that to their actual
21 capacity? I don't understand that.

22 STANLEY SHOR: We want to be open
23 to whoever comes forward. We don't know who is
24 going to come forward, so we don't want to be
25 limiting who can come forward by just picking out

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2 an area of the city that we don't know whether
3 there is company interest in.

4 CHAIRPERSON WEPRIN: For the
5 record, we are going to lay over this item until
6 our next meeting probably to vote on it.

7 COUNCIL MEMBER COMRIE: What are
8 you doing as far as the MWBE inclusion to make
9 sure that number one, there is a notice of this
10 going out to the MWBE community, and are you doing
11 pre-bid conferences in other communities to ensure
12 that MWBEs can apply for this as well? Because if
13 you are granting open ended franchises, then I am
14 sure that many people that are trying to build
15 capacity would want to if they knew about it,
16 would then bid.

17 STANLEY SHOR: We have a large list
18 of MWBE contractors, so the Department we would
19 send the solicitation out to all of them. That is
20 what we are doing now with all of our--

21 COUNCIL MEMBER COMRIE:
22 [interposing] Are you doing preconference hearings
23 somewhere that they can come and find out what the
24 parameters of the bid would be?

25 STANLEY SHOR: Usually with a

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solicitation like this, we would--

COUNCIL MEMBER COMRIE:

[interposing] Can you bring the mic closer to you because the sound person is going nuts. You either need to lean into the mic or bring it closer to you. You have a low voice.

STANLEY SHOR: I don't know Bruce, if you want to explain - - .

[crosstalk]

BRUCE REGAL: Thank you. Bruce Regal. I am with the New York City Law Department. These solicitations for this type of franchise have traditionally been rolling solicitations that is they are not competitive bids. We are not looking to set a deadline for companies to apply and then compete one against another. We are looking for as much competition as we can encourage So what we do is when we issue these solicitations we do as much outreach as we possibly can reaching out to the full gamut of MWBE contractors that we are aware of to let them know about the opportunity and we encourage them to come in and talk to us about what is involved and we go forward with as many companies as we can

1
2 find have interest and have qualifications to do
3 it.

4 COUNCIL MEMBER COMRIE: So you have
5 never done a pre-bid conference or attended any
6 MWBE events to let them know that you exist and
7 that it's a rolling opportunity? Have you gone to
8 any events as DoITT to say that this available,
9 that this is an opportunity? Have you ever set up
10 a table at - - the Caribbean outreach or the--what
11 is the other large MWBE? Have you done any
12 outreach in the MWBE community as a table at all?

13 BRUCE REGAL: My understanding is
14 DoITT as an agency does do outreach, participate
15 in city-wide activities to try to do that kind of
16 outreach and bring to the attention of the MWBE
17 community that these kinds of opportunities are
18 available.

19 COUNCIL MEMBER COMRIE: I would
20 like to hopefully get back to the community a list
21 of those presentations that DoITT has attended so
22 that we can know that the community has been
23 notified that this is an availability for them.
24 So you are saying that you keep this out on a
25 rolling basis that they companies can apply for

1
2 broadband authorization and you are not checking
3 their capabilities of wiring the entire city, so
4 is there a basic minimum that they have to meet?

5 STANLEY SHOR: In terms of how much
6 to build out?

7 COUNCIL MEMBER COMRIE: What their
8 capability is of providing the service?

9 STANLEY SHOR: We do look at their
10 technical backgrounds. Do they have experience in
11 the field? Do they have sufficient financial
12 ability to ensure the city streets are protected?
13 So we do go through a process of evaluating each
14 company individually to make sure that they are
15 qualified to do the business that they are
16 applying to do.

17 COUNCIL MEMBER COMRIE: Alright.
18 Thank you.

19 CHAIRPERSON WEPRIN: Thank you,
20 Chair Comrie. Okay. Anyone have any questions,
21 further questions? I see none. We thank you all
22 very much. Anyone else here to testify on this
23 matter? We will then close this hearing. We are
24 going to move to vote. We are going to lay over
25 this item we just heard, lay over Land Use number

1
2 821, the franchise agreement telecommunication
3 franchise agreement, so we can answer some more of
4 Council Member Comrie's questions as well as some
5 other issues. We are going to move to couple the
6 following items for a vote: Land Use number 803
7 and 804, which was the Gerard Avenue rezoning and
8 text amendment, which we heard before. Also, Land
9 Use number 820, which was Ben and Jack's
10 Steakhouse, which is in Speaker Quinn's district
11 and the Williamsburg, 822, café, Williamsburg
12 Café. We are coupling all of those. We are also
13 going to add to that the Long Island City text
14 amendment, which is Land Use number 802, but on
15 that item, we are going to approve it with a
16 modification to exclude from the proposed new
17 areas that would allow sidewalk cafes the portion
18 of the south side of Skillman Avenue between 46th
19 Street and 47th Street, which lies within the
20 Sunnyside special planned community district. So
21 with that modification, we will couple all of
22 these items, 803, 804, 820, 822, and 802 with
23 modifications. With that, we call on counsel to
24 please call the roll.

25 COUNSEL: Chair Weprin?

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CHAIRPERSON WEPRIN: Aye.

3

COUNSEL: Council Member Reyna?

4

COUNCIL MEMBER REYNA: Aye.

5

COUNSEL: Chair Comrie?

6

COUNCIL MEMBER COMRIE: Aye.

7

COUNSEL: Council Member Vann?

8

COUNCIL MEMBER VANN: Aye.

9

COUNSEL: Council Member Garodnick?

10

COUNCIL MEMBER GARODNICK: Aye.

11

COUNSEL: Council Member Lappin?

12

COUNCIL MEMBER LAPPIN: Aye.

13

COUNSEL: Council Member Wills?

14

COUNCIL MEMBER WILLS: Aye.

15

COUNSEL: Council Member Ignizio?

16

COUNCIL MEMBER IGNIZIO: Aye.

17

COUNSEL: By a vote of eight in the

18

affirmative, no negatives and no abstentions, Land

19

Use items numbers 803, 804, 820, and 822 are

20

approved and referred to the full Land Use

21

Committee, and Land Use item 802 is approved with

22

modifications and referred to the full Land Use

23

Committee. Thank you.

24

[background conversation]

25

CHAIRPERSON WEPRIN: With that in

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2

mind, we will now adjourn the meeting. Our next

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meeting will be on June 4th I believe, so we will

4

see you all before then I am sure, but until then,

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this meeting is now adjourned.

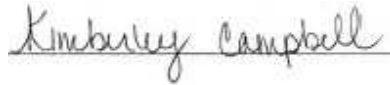
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[gavel]

C E R T I F I C A T E

I, Kimberley Campbell certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Date 5/28/13