

The New York City Council

*New York City Council
City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, November 10, 1999

1:30 PM

Council Chambers - City Hall

City Council

Peter F. Vallone, Speaker

Members: Michael J. Abel, Herbert E. Berman, Tracy Boyland, Adolfo Carrion, Jr., Una Clarke, Lucy Cruz, Noach Dear, Stephen DiBrienza, Martin Malave-Dilan, June M. Eisland, Ronnie M. Eldridge, Pedro G. Espada, Stephen J. Fiala, Kenneth K. Fisher, Wendell Foster, Kathryn E. Freed, Martin Golden, Julia Harrison, Lloyd Henry, Karen Koslowitz, Howard L. Lasher, Sheldon S. Leffler, Guillermo Linares, Margarita Lopez, Helen M. Marshall, Walter L. McCaffrey, Stanley E. Michels, A. Gifford Miller, Eva S. Moskowitz, Michael C. Nelson, Jerome X. O'Donovan, James Oddo, Thomas V. Ognibene, William Perkins, Mary Pinkett, Morton Povman, Madeline Provenzano, Christine C. Quinn, Philip Reed, Jose Rivera, Annette M. Robinson, Victor L. Robles, Angel Rodriguez, John D. Sabini, Archie W. Spigner, Al Stabile, Lawrence A. Warden, Juanita E. Watkins, Thomas White, Jr., Priscilla A. Wooten

Public Advocate (Mr. Green)

1. Council Members

Present,

Abel, Berman, Boyland, Carrion, Clarke, Dear, DiBrienza, Eisland, Eldridge, Espada, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused,

Cruz, Harrison, Pinkett, Stabile and Ognibene

The presence of a quorum was announced by the Public Advocate (Mr. Green)

2. Invocation

The Invocation was delivered by Council Member Lloyd Henry

Council Member Freed moved that the invocation be spread in full upon the Minutes and adopted.

3. Adoption of Minutes

Council Member Clarke moved that the Minutes of the Stated Meeting of Wednesday, October 13, 1999 be adopted as printed.

4. Messages and Papers from the Mayor

5. Communications from City, County, and Borough Offices

M 0668-1999 Communication from the Office of the Comptroller - Submitting a copy of the Comptroller's Comprehensive Annual Financial Report issued pursuant to Section 93L and Section 95 of the New York City Charter.

M 0669-1999 Communication from the Board of Elections in the City of New York - Submitting the Certification of Election of EVA MOSKOWITZ, as the new Council Member of the 4TH COUNCILMANIC DISTRICT, NEW YORK COUNTY.

THE CITY CLERK AND CLERK OF THE COUNCIL PERFORMS THE FORMAL CEREMONY OF THE DULY ELECTED COUNCIL MEMBER EVA MOSKOWITZ TAKING HER OATH OF OFFICE

At this point the First Deputy City Clerk swore in Eva S. Moskowitz as the Council Member from the Fourth District.

6. Petitions and Communications

7. Land Use Call-Ups

M 0670-1999 **By The Speaker (Council Member Vallone):**
Pursuant to Rule 11.20b of the Council and Section 20-226(g) of the
New York City Administrative Code, the Council resolves that the
action of the Department of Transportation approving an
unenclosed sidewalk café located at 33-02 Broadway, Astoria, NY
d/b/a/ Café Kolonaki, Inc. shall be subject to review by the Council.

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

Affirmative, 45 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, DiBrienza, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

8. Communications from the Speaker

9. Discussion of General Orders

10. Report of Special Committees

11. Reports of Standing Committees

Report of the Committee on Environmental Protection

Int 0531-1999 **A Local Law to amend the administrative code of the city of New**
York, in relation to motor fuel storage and dispensing systems

Enactment No: 1999/068

Report of the Committee on Parks, Recreation, Cultural Affairs, and International Intergroup Relations

Int 0518-1999 **A Local Law in relation to a street name, Michael Griffith Street,**
Borough of Brooklyn.

Enactment No: 1999/067

Int 0610-1999 **A Local Law in relation to a street name, Eugene McCabe Way,**
Borough of Manhattan.

Enactment No: 1999/069

Int 0618-1999 A Local Law in relation to a street name, Langston Hughes Walk, Borough of Queens and to repeal local law number 45 for the year 1989.

Enactment No: 1999/070

Int 0628-1999 A Local Law in relation to a triangle name, Barnett Newman Triangle, Borough of Manhattan.

Enactment No: 1999/071

Int 0656-1999 A Local Law in relation to a plaza name, St. Patrick's Plaza, Borough of Brooklyn.

Enactment No: 1999/075

12. General Order Calendar

LU 0462-1999 Uniform Land Use Review Procedure application no. 990218 ZSK pursuant to Sections 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. 43, to modify bulk regulation srelated to FAR, height, open space and lot area per room. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Section 197-d(b)(2) of the Charter or called-up by a vote of the Council pursuant to Section 197d(b)(3) of the Charter.

Affirmative, 44 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

Abstain, 1 -

DiBrienza

Res 1068-1999 Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 990218 ZSK (L.U. No. 462), a special permit to allow modification of certain sections of bulk regulations (Sections 114-101, 114-102, 114-103, and 114-104).

Affirmative, 44 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

Abstain, 1 -

DiBrienza

LU 0463-1999 Zoning resolution amendment application no. 990217 ZRK pursuant to Sections 197-d and 200 of the New York City Charter, concerning changes in the text of the zoning resolution, Borough of Brooklyn, Council District no. 43, relating to a new special permit to allow CPC to modify certain bulk regulations.

Affirmative, 44 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

Abstain, 1 -

DiBrienza

Res 1069-1999 Resolution approving the decision of the City Planning Commission on Application No. N 990217 ZRK, an amendment to the text of the Zoning Resolution relating to Article XI, Chapter 4 (Special Bay Ridge District) creating a new Section 114-15, Special Permit for Development of Zoning Lots 40,000 Square Feet or Greater (L.U. No. 463).

Affirmative, 44 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

Abstain, 1 -

DiBrienza

Int 0291-1998-A A Local Law to amend the administrative code of the city of New York and local law number forty-five for the year 1992, in relation to family child care services.

T1999-86 Commissioner of Deeds

Coupled on General Order

Environmental Protection

Int 0531-1999 A Local Law to amend the administrative code of the city of New York, in relation to motor fuel storage and dispensing systems

Enactment No: 1999/068

Parks, Recreation, Cultural Affairs, and Intergroup Relations

Int 0518-1999 A Local Law in relation to a street name, Michael Griffith Street, Borough of Brooklyn.

Enactment No: 1999/067

Int 0610-1999 A Local Law in relation to a street name, Eugene McCabe Way, Borough of Manhattan.

Enactment No: 1999/069

Int 0618-1999 A Local Law in relation to a street name, Langston Hughes Walk, Borough of Queens and to repeal local law number 45 for the year 1989.

Enactment No: 1999/070

Int 0628-1999 A Local Law in relation to a triangle name, Barnett Newman Triangle, Borough of Manhattan.

Enactment No: 1999/071

General Order Calendar

Res 1068-1999 Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 990218 ZSK (L.U. No. 462), a special permit to allow modification of certain sections of bulk regulations (Sections 114-101, 114-102, 114-103, and 114-104).

Res 1069-1999 Resolution approving the decision of the City Planning Commission on Application No. N 990217 ZRK, an amendment to the text of the Zoning Resolution relating to Article XI, Chapter 4 (Special Bay Ridge District) creating a new Section 114-15, Special Permit for Development of Zoning Lots 40,000 Square Feet or Greater (L.U. No. 463).

T1999-86 Commissioner of Deeds

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

Affirmative, 45 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, DiBrienza, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

The following files were removed from the General Order Calendar and voted separately: LU 462-1999, Res 1068-1999, LU 463-1999 and Res 1069-1999. See files for individual votes.

- 13. Introduction and Reading of Bills
See Attached
- 14. General Discussion
- 15. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Int 0655-1999 A Local Law to amend the administrative code of the city of New York, in relation to permissible parking of vehicles when alternate sides of the street rules are in effect for purposes of street cleaning.

Sponsors: By Council Members Dear, Perkins and Marshall ; also Council Members Lasher, Leffler and Linares

- Res 1062-1999** **Resolution calling upon the City of New York to set aside fifteen percent of the monies received from the Federal Assets Forfeiture Fund to support anti-crime programs of community-based organizations as allowed by the "permissible pass-through" regulation of the United States Department of Justice.**
- Sponsors:** By Council Members Foster, Clarke, Malave-Dilan, Henry, Marshall, Reed and Warden ; also Council Members Eisland, Lasher, Michels, Robinson, Watkins and White
- Res 1063-1999** **Resolution calling upon the members of the New York State Legislature to enact Assembly Bill No. 2913, introduced by Assemblyman John Ravitz, which would require judges to impose consecutive rather than concurrent sentences on convicted serial rapists.**
- Sponsors:** By Council Members Golden, Carrion, Clarke, Malave-Dilan, Espada, Henry, The Speaker (Speaker Miller), Nelson, O'Donovan, Provenzano, Reed, Robles, Rodriguez, Warden, Abel, Fiala and Oddo ; also Council Members Berman, Lasher, Leffler, McCaffrey and Michels
- Res 1064-1999** **Resolution calling upon the New York State Legislature to amend the Penal Law to create a Penal Law Section which provides that a third conviction for violating Penal Law Section 220.03 constitute a Class D felony.**
- Sponsors:** By Council Members Golden, Clarke, Malave-Dilan, Henry, Lasher, O'Donovan, Reed, Robles, Rodriguez, Warden, Provenzano, Fiala and Oddo ; also Council Members Berman and McCaffrey
- Res 1065-1999** **Resolution calling upon the appropriate committee of the Council of the City of New York to conduct an oversight hearing regarding Administration for Children's Services protocol for the training, supervision and discipline of staff at foster care homes in New York City.**
- Sponsors:** By Council Members Lopez, Linares, Clarke, Espada, Freed, Henry, Marshall, Perkins, Reed, Rodriguez and Warden ; also Council Members Eisland, Koslowitz, Leffler, Michels, The Speaker (Speaker Miller), The Speaker (Speaker Quinn), Robinson and White
- Res 1066-1999** **Resolution mourning the death and celebrating the life of jazz legend Milt Jackson, who passed away on October 9, 1999.**
- Sponsors:** By Council Members Michels, Perkins, Reed, Foster, Espada, Henry, Marshall, Nelson, Warden, Spigner and Abel ; also Council Members Eisland, Koslowitz, Leffler, Linares, O'Donovan, Robinson and Wooten

Affirmative, 45 -

Abel, Berman, Boyland, Carrion, Clarke, Dear, DiBrienza, Eisland, Eldridge, Espada, Speaker Fiala, Fisher, Foster, Freed, Golden, Henry, Koslowitz, Lasher, Leffler, Linares, Lopez, Marshall, Malave-Dilan, McCaffrey, Michels, Miller, Nelson, Oddo, O'Donovan, Perkins, Povman, Provenzano, Quinn, Reed, Speaker Rivera, Robinson, Robles, Rodriguez, Sabini, Spigner, Warden, Watkins, White, Wooten and Speaker Vallone

Excused, 5 -

Cruz, Harrison, Pinkett, Stabile and Ognibene

Res 1067-1999 Resolution calling upon the Governor, the State Legislature and the Metropolitan Transportation Authority to stop using the East Harlem Facility at 100th Street and Lexington Avenue as a bus depot.

Sponsors: By Council Members Reed, Carrion, Freed, Lopez, Marshall, The Speaker (Speaker Quinn), Sabini, Eisland and The Speaker (Speaker Miller) ; also Council Members Lasher, Perkins, Robinson, Eldridge and Nelson

LU 0591-1999 Application no. 19995425 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Café Kolonaki, Inc., to establish, maintain and operate an unenclosed sidewalk café located at 33-02 Broadway, Borough of Queens, Council District no. 22. 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 §20-226(g) of the New York City Administrative Code.

Sponsors: By Council Member Eisland

LU 0592-1999 Uniform Land Use Review Procedure application no. Application C 980224 ZMM, pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Borough of Manhattan, Council District no. 5.

Sponsors: By Council Member Eisland

LU 0593-1999 **Uniform land use review procedure application no. 980225 ZSM, 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 Manhattan, Council District no. 8 to allow an attended accessory parking garage with a maximum capacity of 150 spaces . 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.**

Sponsors: By Council Member Eisland

At this point, the Speaker (Council Member Vallone) made the following announcements.

Whereupon on motion of the Speaker (Council Member Vallone), the Clerk of the Council adjourned to meet again on Wednesday, November 23, 1999.

*RAYMOND TEATUM, First Deputy City Clerk
Clerk of the Council*