

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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March 28, 2012

Start: 11:20 a.m.

Recess: 12:03 p.m.

HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:

Karen Koslowitz
Leroy G. Comrie, Jr.
Inez E. Dickens
Robert Jackson
Brad Lander
Albert Vann
Gale A. Brewer
Lewis A. Fidler
Erik Martin Dilan
Elizabeth Crowley
James S. Oddo
Vincent J. Gentile
Christine C. Quinn

A P P E A R A N C E S (CONTINUED)

Michelle de la Uz
Candidate for Appointment
City Planning Commission

Philip Aarons
Candidate for Appointment
Lay Member, New York City Art Commission

Maria Elena Gonzalez
Candidate for Appointment
Sculptor Member, New York City Art Commission

CHAIRPERSON RIVERA: Ladies and gentlemen, my name is Joel Rivera, I chair the Committee on Rules, Privileges, and Elections. Before we begin, let me introduce the members who are here with us today, to my right we have Council Member Karen Koslowitz, we have in front Council Member Leroy Comrie and Council Member Inez Dickens and Council Member Robert Jackson. We also have Council Member Brad Lander, Council Member Al Vann, Council Member Gale Brewer has joined us as well today, and Council Member Lew Fidler as well. And we are also joined by the Committee staff, Charles Davis, Emerson Sykes, Yasmin Vega, and Alycia Vassell, and Diandra Johnson.

Today we have before us three candidates for our review. They are Michelle de la Uz, I think I pronounced that correctly, thank you, a resident of Brooklyn is a candidate for appointment by the Public Advocate to the City Planning Commission. If the Council gives its advice and consent, Ms. de la Uz will succeed Karen Phillips and serve the remainder of her five-year term that expires on June 30th, 2015.

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2 We also have Philip Aarons, a
3 resident of Manhattan. He's a candidate for
4 appointment by the Mayor to the Art Commission,
5 also known as the Public Design Commission. If
6 the Council gives its advice and consent, Mr.
7 Aarons will fill a vacancy and serve as a lay
8 member for the Lay Member for the remainder of his
9 three-year term that expires on December 31st of
10 2012.

11 And also Maria Elena Gonzalez, a
12 resident of Brooklyn is a candidate for
13 appointment by the Mayor to the Art commission as
14 well, also known as the Public Design Commission.
15 If the Council gives it advice and consent, Ms.
16 Gonzalez will replace Alice Aycock as the Sculptor
17 Member and serve for the remainder of a three-year
18 term. It expires on December 31st of 2013.

19 [Crosstalk]

20 MALE VOICE: --is here too.

21 CHAIRPERSON RIVERA: We've also
22 been joined by Council Member Erik Dilan.

23 Will all the candidates please
24 raise your right hands and be sworn in?

25 MALE VOICE: Do you swear or affirm

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2 that you will tell the truth, the whole truth, and
3 nothing but the truth?

4 PHILIP AARONS: Yes.

5 MARIA ELENA GONZALEZ: Yes.

6 CHAIRPERSON RIVERA: Perfect. we
7 will begin with the Planning Commission. To
8 briefly describe it, the City Planning Commission
9 has 13 members: 7 are appointed by the Mayor, one
10 by the Public Advocate, and one by each of the
11 borough presidents. The Planning Commission is
12 responsible for the long-range planning to ensure
13 orderly growth and development, assists in
14 developing the 10-year capital plan, prepares and
15 modifies the zoning resolution, among a number of
16 other critical functions.

17 Commission members serve five-year
18 terms, there is no limitation on the number of
19 terms that any CPC member may serve. CPC members
20 are prohibited to holding any other city office
21 while they serve on the Planning Commission. The
22 Chair receives an annual salary of \$205,180 and
23 the member who is designated as Vice Chair
24 receives an annual salary of \$62,271, and the
25 other members receive an annual salary of 54,150.

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2 Welcome, Ms. de la Uz, do you have
3 anything to say to me?

4 MICHELLE DE LA UZ: I do.

5 CHAIRPERSON RIVERA: Perfect, just
6 make sure the microphone is on, state your name
7 for the record, and you may proceed.

8 MICHELLE DE LA UZ: Sure, my name
9 is Michelle de la Uz, and I appreciate everyone
10 today, and good morning, and thank you to the
11 Members of the Committee on Rules, Privileges, and
12 Elections for the opportunity to appear before you
13 today, and thank you as well as to Public Advocate
14 Bill de Blasio for nominating me to serve on the
15 City Planning Commission.

16 Chairman Rivera, I am honored to be
17 here today to be considered for appointment to the
18 City Planning Commission and I bring to the
19 position more than 20 years experience in public
20 service working in affordable housing,
21 neighborhood preservation, community
22 revitalization, and community-based planning.

23 For the past eight years it's been
24 a privilege to serve as the Executive Director of
25 the Fifth Avenue Committee, which is a 34-year old

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2 nonprofit comprehensive community development
3 corporation based in south Brooklyn whose mission
4 it is to advance economic and social justice. And
5 the organization may be familiar to you because
6 Council Member Brad Lander led the organization
7 prior to my tenure.

8 As Executive Director of the Fifth
9 Avenue Committee and in previous positions I've
10 devoted my professional life to making the city
11 and its neighborhoods a better place for all New
12 Yorkers to live and work with dignity and respect.
13 And I've sought to promote models either through
14 programs serving the low and moderate income New
15 Yorkers, discrete real estate development
16 projects, or through advocacy efforts, promote
17 models of inclusion, sustainability, and economic
18 opportunity. And I've also worked to build
19 collaborations among diverse communities and
20 interests and worked to ensure that the average
21 New Yorker is engaged in the public decision-
22 making process, and the processes that exist, and
23 that public decision-making is local and
24 accountable and transparent.

25 I believe that these experiences

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2 have allowed me to develop the type of knowledge,
3 perspective, and judgment to be an open-minded,
4 fair, and deliberative member of the City Planning
5 Commission and I look forward to participating
6 with the other Planning Commissioners and hearing
7 from the public as I bring my experience as a
8 community leader and advocate to the commission.

9 In closing, I'm grateful for the
10 opportunity to be here before you and welcome any
11 questions you might have.

12 CHAIRPERSON RIVERA: Thank you very
13 much. At this point in time, there is one other
14 matter for Ms. de la Uz that we need to mention
15 upon appointment. Is it your intention to abide
16 by the guidelines set forth in the letter issued
17 to you by the [off mic] Board on March 13th, 2012,
18 concerning the city agencies and offices that
19 Planning Commissioners are prohibited to come
20 before directly or indirectly?

21 MICHELLE DE LA UZ: It is, yes,
22 I've read it very thoroughly.

23 CHAIRPERSON RIVERA: Perfect, thank
24 you very much. Next we'll go on to the Art
25 Commission. The New York City Art Commission,

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2 also known as the Public Design Commission,
3 reviews permanent works of art, architecture, and
4 landscape architecture proposed on or over city-
5 owned property. Projects include construction,
6 renovation, or restoration of buildings, such as
7 museums and libraries, creation of rehabilitation
8 of parks and playgrounds, installation of lighting
9 and other streetscape elements and design,
10 installation and conservation of art work.

11 The Commission is composed of the
12 Mayor or his representative, the President of the
13 Metropolitan Museum of Art, the President of the
14 New York Public Library, the President of the
15 Brooklyn Museum, one painter, one sculptor, one
16 architect, one landscape architect, all of whom
17 shall be residents of the city, and three other
18 residents of the city who cannot be painters,
19 sculptors, architects, landscape architects, or
20 active members of any other profession in the fine
21 arts. The mayor and the museum and library
22 presidents serve in an ex-officio capacity. The
23 appointed members--appointive members whose
24 service is not ex-officio are chosen from a list
25 submitted by the Fine Art Federation of not less

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2 than three times the number to be appointed.

3 If the Federation fails to present
4 a list of nominees within three months from the
5 time when a vacancy occurs, the Mayor may appoint
6 an individual without such input. In case the
7 Mayor fails to appoint within one year from the
8 time when a vacancy occurs, the Commission is
9 authorized to fill such vacancy for any balance of
10 the unexpired term without the Council's advice
11 and consent review.

12 All members serve on the commission
13 without compensation. Members serve for three-
14 year terms or until a successor has been appointed
15 and qualified.

16 Welcome, Mr. Aarons and Ms.
17 Gonzalez, do both of you have opening statements?
18 And if so, just make sure you have the microphone
19 on and state your name for the record.

20 PHILIP AARONS: My name for the
21 record is Philip Aarons, I'm honored to be here, I
22 have no opening statement, [off mic] would welcome
23 any questions any members may have.

24 CHAIRPERSON RIVERA: Perfect.

25 MARIA ELENA GONZALEZ: Good

2 morning, my name is Maria Elena Gonzalez and I am
3 also honored to be here, and I don't have an
4 opening statement, but if you have any questions,
5 I'd be more than happy to answer them. Thank you.

6 CHAIRPERSON RIVERA: Perfect.

7 Sometimes no statement is a great statement. But
8 we'd love to hear, you know, any input that you
9 have.

10 We do have some questions from the
11 members. First on the list is Council Member Lew
12 Fidler.

13 MALE VOICE: Crowley's here as
14 well.

15 CHAIRPERSON RIVERA: And we've been
16 joined by Council Member Crowley as well.

17 COUNCIL MEMBER FIDLER: Well I have
18 an opening statement and I apologize to my
19 colleagues for dragging this out, but I've been
20 waiting a long time for an opportunity to say
21 this. I am not going to be voting in favor of the
22 Arts Commission nominees today, but I'm not going
23 to be voting against them either because this has
24 nothing to do with the nominees, has everything to
25 do with the Art Commission itself, both its role

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2 in governing and its cost factor and the way in
3 which it operates. And I hope that you guys won't
4 take this personally and, I believe on the Arts
5 Commission now and I hope that it guides you
6 because I know I will never be successful in this
7 administration in eliminating the Arts Commission.

8 I have been told by a myriad of
9 people in the Parks Department that 50% of the
10 cost overruns on Parks capital projects is
11 directly attributable to delays at the Public
12 Design Commission, or the Arts Commission. All
13 for [off mic] things that they considered to be
14 arbitrary and capricious. That's inexcusable at a
15 time when we are, you know, you're looking for
16 nickels and dimes to get things done, not just in
17 our parks, but in all our capital programs in the
18 city of New York.

19 To make matters worse, try to get
20 information out of the Arts Commission about their
21 deliberations, just try. Try to FOIL it even and
22 see what you get, because the Arts Commission will
23 do its work in a back room someplace, make their
24 decision, and then come out and have, you know, a
25 little rump [phonetic] meeting where the

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2 decision's been made and, therefore, the record
3 and the minutes as to how they arrived at that
4 decision is tissue thin.

5 I really wonder, you know, where we
6 have come in this society that we need to have a
7 commission for taste and what would qualify to
8 obviously very well-qualified people in the area
9 of art and sculpture to tell me what fence belongs
10 around Fraser Circle in my district because you
11 don't like this fence or this one. Or to deny the
12 bocce players in Marine Park the right to have a
13 proper roof over the bocce court so they can play
14 in inclement weather, as they would like to,
15 because, you know, the Arts Commission thinks that
16 the one that we can actually afford isn't spiffy
17 enough, all right? When the community wants it,
18 the Council wants it, the Parks Department wants
19 it, the money is there to buy it, but the Arts
20 Commission won't permit it, all right?

21 I don't understand the role as
22 everybody--well you may not know, I have a bill in
23 that would eliminate this commission, all right?
24 And, you know, I'm going to abstain on those
25 nominees today to show how I feel about it, but I

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2 would, you know, ask--'cause I know you're going
3 to get nominated and appointed anyway--I would ask
4 that when you get to the commission, you be
5 mindful of the fact that this is the least
6 transparent agency that I'm aware of in all of New
7 York City government, and that's a pretty big, you
8 know, pretty big hurdle to be at.

9 And that you stop having meetings
10 of the committee of the whole in the back room,
11 that you do your deliberations in public, right,
12 you do nothing in private, that you at least
13 justify the decisions you make, that you take into
14 consideration the fact that art is subjective and
15 not, you know, there is no right and wrong, that
16 you may not like it, but other people may and
17 there may be a compelling interest in moving
18 projects along expeditiously so the taxpayers of
19 the city of New York are not looted by, you know,
20 some group of people operating in a back room
21 someplace who have their own set of tastes and
22 standards.

23 So I guess it's just an opening
24 statement, I am not going to ask you to respond to
25 that. If you'd like to, I'd be happy to hear it,

2 but that's my rant for today and my explanation
3 for why I will be abstaining on your nominations
4 later.

5 [Pause]

6 CHAIRPERSON RIVERA: All right,
7 thank you. No response is necessary. [Off mic]
8 is here. Council Member Brewer.

9 [Pause]

10 COUNCIL MEMBER BREWER: Thank you
11 very much. I mean, I have to say that the Panel
12 for Educational Priorities is worse, those of us
13 who had to go before the PEP and DOE, they have no
14 idea except [off mic] as told.

15 I find that the Art Commission,
16 I've had several projects come before it on the
17 west side of Manhattan and I found that they have
18 been open and we have had discussions, and I'm
19 supportive of the Art Commission. However, I
20 think Lew Fidler has a point on the cost. I have
21 spent now on two projects where I put in a lot of
22 money and a lot of sweat and time with the Parks
23 Department. What the Parks Department does--and
24 if I'm talking to school, I often do--they try to
25 go around you and try to get projects done because

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2 of time, not so much money so much, but time.

3 And so my question is what can you
4 think of, both of you who are being considered
5 today, to streamline the process? Because we all
6 want--I don't want a situation with the bocce, I
7 hope that that could be worked out. I know in our
8 case, we do work things out and I think there is a
9 middle ground between quality and figuring out a
10 way of getting this streamlined. So I would like
11 to hear your comments on how that could be--how
12 the process could be streamlined 'cause I don't
13 want projects to either be held up and then
14 [pause] time and money. Thank you.

15 [Pause]

16 CHAIRPERSON RIVERA: [Off mic]
17 Council Member Brad Lander.

18 [Pause]

19 PHILIP AARONS: Council Member--

20 COUNCIL MEMBER BREWER: I think
21 Phil can handle it.

22 PHILIP AARONS: I'll try my best,
23 thank you. Obviously, for the two of us, we've
24 yet to be appointed and yet to be fully informed
25 of the actual processes. Certainly in the brief

2 conversations we've had, we've talked about
3 process and we'll do our best to make sure the
4 process before the Design Commission is as
5 efficient as possible.

6 COUNCIL MEMBER BREWER: That's
7 okay, it's not a great answer, to be honest with
8 you, and all I'm saying is that I think that
9 you're going to hear more complaints if the Art
10 Commission doesn't figure out a way to address
11 some of Lew Fidler's issues, and I think Parks
12 Department won't tell you, but we do spend with
13 them a lot of time trying to go around you, and
14 the idea would be not to do that. So you need to
15 think of some streamlined [off mic]. Thank you.

16 PHILIP AARONS: Thank you.

17 CHAIRPERSON RIVERA: Thank you very
18 much. Next we have Council Member Brad Lander.

19 [Pause]

20 COUNCIL MEMBER LANDER: Thank you,
21 Mr. Chairman, I'm a guest at the hearing and I
22 just, without respect to what I think are
23 important issues, I'm here to just express support
24 for one constituent and one friend and Mr. Aarons
25 [off mic] just seems like a very nice person [off

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2 mic] met before. But I will say that Maria Elena
3 Gonzalez is a constituent of mine and we had [off
4 mic] met earlier, I learned a little of her
5 sculpture and I did ask her to sit down with me
6 and kind of introduce herself. And I will say
7 that on some of these questions, a number of the
8 questions that I had were sort of related to how
9 do we achieve community goals on projects in
10 addition to thinking about what the role of the
11 Art Commission is and I found her to be very
12 thoughtful and in a good dialogue with me about
13 those issues.

14 That doesn't answer your broader
15 concerns, which I [off mic] are important, but I
16 do just want to say that I appreciated the
17 conversation that we had.

18 And I'm a long--with a lot of
19 knowledge of Ms. de la Uz's good work, I think
20 that she will be a great member of the Planning
21 Commission, so congratulations. Thank you.

22 CHAIRPERSON RIVERA: Perfect. Any
23 other questions on behalf of the Committee? At
24 this point in time, I'd like the clerk to please
25 call the roll, and the chair recommends an aye

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vote.

[Long pause]

WILLIAM MARTIN: Excuse me.

William Martin, Committee Clerk, roll call vote on
[off mic] de la Uz. Council Member Rivera.

CHAIRPERSON RIVERA: I vote aye.

WILLIAM MARTIN: Comrie.

COUNCIL MEMBER COMRIE: Thank you
for wanting to serve, I vote aye.

WILLIAM MARTIN: Dilan.

COUNCIL MEMBER DILAN: I vote aye
on all.

WILLIAM MARTIN: Fidler.

COUNCIL MEMBER FIDLER: Mr.
Chairman, my parting shot, I just want to point
out that this is not a new problem, I didn't
discover it, it was a bill introduced in a prior
session on the PDC when it was called the Arts
Commission, and the sponsor of that bill were two
co-sponsors, Christine C. Quinn and James Oddo.
So this has been going on for a long time, it's
got to be fixed. So I vote aye on Ms. de la Uz,
and I abstain on the other two. Thank you.

WILLIAM MARTIN: Jackson.

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2 COUNCIL MEMBER JACKSON: [No
3 response].

4 WILLIAM MARTIN: Vann.

5 COUNCIL MEMBER VANN: I--

6 [Pause]

7 WILLIAM MARTIN: Dickens.

8 COUNCIL MEMBER DICKENS:

9 Congratulations, and aye on all.

10 WILLIAM MARTIN: Vacca.

11 COUNCIL MEMBER VACCA: Like to
12 explain my vote. I'm going to vote aye on Ms. de
13 la Uz, but I have to state that I have an issue--
14 I've had several issues with the Art Commission in
15 my district where Parks had been postponed for
16 months and months on end for reasons that I
17 couldn't understand and don't understand to this
18 day. I have a bridge being removed in my district
19 and a new bridge going up and when I asked the Art
20 Commission for minutes, there are none. You go on
21 the New York City dot gov website and I do not
22 understand how a public agency does not have
23 minutes of its proceedings.

24 So on that basis, I'm sure you're
25 both very qualified and very conscientious

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2 individuals, but I too will abstain on those two
3 appointments.

4 WILLIAM MARTIN: Crowley.

5 COUNCIL MEMBER CROWLEY: I vote aye
6 on all.

7 WILLIAM MARTIN: Koslowitz.

8 COUNCIL MEMBER KOSLOWITZ: Aye on
9 all.

10 [Pause]

11 WILLIAM MARTIN: A Preconsidered M
12 has been adopted by a vote of nine in the
13 affirmative, zero in the negative, and no
14 abstentions. And M749 and 750 have been adopted
15 by a vote of seven in the affirmative, zero in the
16 negative, and two abstentions. Members, please
17 sign the committee reports.

18 CHAIRPERSON RIVERA: We'll have to
19 hold the vote open for a few, the Speaker needs to
20 come back. And congratulations, all appointees.

21 MARIA ELENA GONZALEZ: Thank you.

22 PHILIP AARONS: Thank you.

23 [Pause]

24 WILLIAM MARTIN: Council Member
25 Oddo.

2 COUNCIL MEMBER ODDO: Yes.

3 [Pause]

4 WILLIAM MARTIN: Council Member
5 Jackson.

6 COUNCIL MEMBER JACKSON: Aye on
7 all.

8 [Pause]

9 WILLIAM MARTIN: Council Member
10 Gentile.

11 COUNCIL MEMBER GENTILE: Yes on
12 all.

13 [Pause]

14 WILLIAM MARTIN: Speaker Quinn.

15 SPEAKER QUINN: [Off mic] Arts
16 Commission, aye on all.

17 WILLIAM MARTIN: By a vote of 13 in
18 the affirmative, zero in the negative, and no
19 abstentions, Preconsidered M in relation to de la
20 Uz is now adopted.

21 And by a vote of 11 in the
22 affirmative, zero in the negative, and two
23 abstentions, M749 and M750 in relation to the
24 appointees for the Art Commission adopted as well.

C E R T I F I C A T E

I, Tammy Wittman, 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 *Tammy Wittman*

Date April 12, 2012