

# The New York City Council

## CHARTER MEETING

### Council Agenda

#### Stated Meeting

January 05, 2005

12:00 PM

#### Council Chambers - City Hall

**1. Roll Call**

**2. Invocation**

*Delivered by: Rabbi Jonathan Glass, Civic Center Synagogue,  
49 White Street, New York, New York 10013.*

*Motion to spread the invocation in full upon the record by  
Council Member Brewer.*

**3. Adoption of Minutes**

*Motion that the Minutes of the Stated Meeting of November 23  
and December 7, 2004 be adopted and printed by Council  
Member Dilan.*

**4. Messages & Papers from the Mayor**

**M 0416-2005 Mayor's Veto of Int. 94-A, Staten Island Ferry Service**

Communication for the Mayor - Mayor's veto and disapproval message of Introductory Number 94-A, A Local Law to amend the administrative code of the city of New York, in relation to Staten Island ferry service.

*Transportation*

**5. Communications from City, County & Borough Offices****M 0417-2005 Withdrawal of Base Station Licenses from October 4 to December 22, 2004.**

Communication from the Taxi & Limousine Commission – Withdrawing all for-hire vehicles (FHV) base station applications forwarded to the City Council between October 4, 2004 and December 22, 2004.

*Received, Ordered, Printed and Filed*

**6. Petitions and Communications****M 0418-2005 Resignation of Council Member Jose M. Serrano, December 31, 2004.**

Communication from Council Member Jose M. Serrano - Submitting his resignation as a member of the New York City Council effective December 31, 2004.

*Received, Ordered, Printed and Filed*

**M 0419-2005 Motion to file certain legislation.**

Motion to file certain legislation.

*Received, Ordered, Printed and Filed*

**7. Land Use Call-Ups**

**M 0420-2005**      **ULURP, Lutheran Medical Center, Brooklyn (C030020PPK)**

By the Chair of the Land Use Committee Council Member Katz

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application Number 030020 PPK, a disposition shall be subject to Council review. This application is related to application number 020573 ZMK which is subject to Council review pursuant to Section 197-d of the New York City Charter.

*Coupled on Call-Up Vote*

**M 0421-2005**      **Sidewalk Cafe, 2636 Broadway, Manhattan (20045674TCM)**

By Council Member Reed:

Pursuant to Rule 11.20(b) 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 enclosed sidewalk café located at 2636 Broadway, Borough of Manhattan, Council District no. 7., shall be subject to review by the Council. (Application no. 20045674 TCM.)

*Coupled on Call-Up Vote*

## **Roll Call**

- 8.      Communication from the Speaker**
- 9.      Discussion of General Orders**
- 10.     Reports of Special Committees**

## 11. Reports of Standing Committees

### Report of the Committee on Education

**Int 0226-2004-A Provide the public with information regarding school violence.**

A Local Law to amend the New York city charter, in relation to requiring the police department and the department of education to provide the public with information regarding school violence.

*Coupled on GO*

**Int 0322-2004-A Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to provide information to the City Council regarding school safety agents.

*Coupled on GO*

**M 0410-2004 Mayor's Veto of Int 226-A, Provide the public with information regarding school violence.**

Communication for the Mayor - Mayor's veto and disapproval message of Introductory Number 226-A, in relation to requiring the police department and the department of education to provide the public with information regarding school violence.

*Coupled to be Filed*

**M 0411-2004 Mayor's Veto of Int. 322-A, Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**

Communication for the Mayor - Mayor's veto and disapproval message of Introductory Number 322-A, in relation to requiring the New York City Police Department to provide

information to the City Council regarding school safety agents.

*Coupled to be Filed*

## **Report of the Committee on Finance**

**Int 0531-2005**

**Date of submission by the mayor of a preliminary management report.**

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission

by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand six.

*Preconsidered - Coupled on GO with Message of Necessity*

## **Report of the Committee on Public Safety**

**Int 0144-2004-A Prohibiting the sale of a rifle or shotgun to anyone under 21 years of age.**

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of a rifle or shotgun to anyone under twenty-one years of age and requiring dealers in rifles and shotguns to collect additional information from ammunition purchasers.

*Amended and Coupled on GO*

**Int 0226-2004-A Provide the public with information regarding school violence.**

A Local Law to amend the New York city charter, in relation to requiring the police department and the department of education to provide the public with information regarding school violence.

*Coupled on GO*

**Int 0322-2004-A Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to provide information to the City Council regarding school safety agents.

*Coupled on GO*

**Int 0365-2004-A Creating a cause of action against certain weapons dealers and manufacturers.**

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

New York, in relation to a cause of action against firearms manufacturers and dealers.

*Amended and Coupled on GO*

**Int 0469-2004-A      Assault Weapons**

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

*Amended and Coupled on GO*

**Int 0490-2004-A      Limiting the acquisition of a firearm to one per ninety-day period.**

A Local Law to amend the administrative code of the city of New York, in relation to limiting the acquisition of a rifle or shotgun to one per ninety-day period.

*Amended and Coupled on GO*

**M 0410-2004      Mayor's Veto of Int 226-A, Provide the public with information regarding school violence.**

Communication for the Mayor - Mayor's veto and disapproval message of Introductory Number 226-A, in relation to requiring the police department and the department of education to provide the public with information regarding school violence.

*Coupled to be Filed*

**M 0411-2004      Mayor's Veto of Int. 322-A, Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**

Communication for the Mayor - Mayor's veto and disapproval message of Introductory Number 322-A, in relation to requiring the New York City Police Department to provide information to the City Council regarding school safety agents.

*Coupled to be Filed*

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## 12. General Orders Calendar

**Int 0127-2004-A DOHMH to track and report deaths of homeless persons in NYC.**

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to track and report deaths of homeless persons in the city of New York.

*Laid Over*

**Int 0189-2004-A Clarifying the rights of pet owners in multiple dwellings.**

A Local Law to amend the administrative code of the city of New York, in relation to clarifying the rights of pet owners in multiple dwellings.

*Re-referred to the Committee on Housing and Buildings*

**T2004-0073 Commissioner of Deeds**

Commissioner of Deeds

*Coupled on GO*

### Coupled on General Order Calendar

### Education

**Int 0226-2004-A Provide the public with information regarding school violence.  
GO**

**Int 0322-2004-A Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.  
GO**

**M 0410-2004 Mayor's Veto of Int 226-A, Provide the public with information regarding school violence.  
Filed**



- M 0411-2004**      **Mayor's Veto of Int. 322-A, Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**  
*Filed*

## **Finance**

- Int 0531-2005**      **Date of submission by the mayor of a preliminary management report.**  
*Preconsidered - GO with M/N*

## **Public Safety**

- Int 0144-2004-A**      **Prohibiting the sale of a rifle or shotgun to anyone under 21 years of age.**  
*A and GO*
- Int 0226-2004-A**      **Provide the public with information regarding school violence.**  
*GO*
- Int 0322-2004-A**      **Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**  
*GO*
- Int 0365-2004-A**      **Creating a cause of action against certain weapons dealers and manufacturers.**  
*A and GO*
- Int 0469-2004-A**      **Assault Weapons**  
*A and GO*
- Int 0490-2004-A**      **Limiting the acquisition of a firearm to one per ninety-day period.**  
*A and GO*

**M 0410-2004**      **Mayor's Veto of Int 226-A, Provide the public with information regarding school violence.**  
*Filed*

**M 0411-2004**      **Mayor's Veto of Int. 322-A, Requiring the NYPD and DOE to conduct an annual review and assessment of the need for school safety agents at each school operated by the DOE.**  
*Filed*

## **General Order Calendar**

**T2004-0073**      **Commissioner of Deeds**  
*GO*

### **Roll Call**

**13. Introduction & Reading of Bills**  
**See Attached**

**14. Discussion of Resolutions**

**15. Resolutons**

**Res 0049-2004**      **Amend the Pistol and Revolver Ballistic Identification Databank Law.**

Resolution calling upon the Governor and the New York State Legislature to amend that section of the New York State General Business Law known as the Pistol and Revolver Ballistic Identification Databank Law, to require that assault weapons, rifles and other long-barreled weapons be included in New York State's ballistics fingerprint database.

*Adopted by the Committee on Public Safety*

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**Res 0078-2004-A**                    **Amend Penal Law to better combat illegal gun trafficking.**

Resolution calling upon the New York State Legislature to amend various sections of the Penal Law to better combat illegal gun trafficking.

*Amended and Adopted by the Committee on Public Safety*

**Res 0085-2004-A**                    **"Ballistics, Law Assistance, and Safety Technology Act"**  
**("BLAST Act")**

Resolution calling upon the United States Congress to approve legislation that establishes a national ballistics fingerprint database.

*Amended and Adopted by the Committee on Public Safety*

**Res 0597-2004**                    **Amend the Penal Law to include the denial of a weapons permit for any applicant convicted of violating NYC's assault weapons ban.**

Resolution calling on the State Legislature to amend the Penal Law to include the denial of a weapons permit for any applicant convicted of violating New York City's assault weapons ban.

*Adopted by the Committee on Public Safety*

## **16.        General Discussion**

## **17.        Extension of Remarks**

### **INTRODUCTION AND READING OF BILLS**

**Res 0756-2005**                    *By Council Members Baez, Avella, Clarke, Comrie Jr., Fidler, Foster, Gennaro, Gonzalez, James, Lopez, Martinez, Nelson, Palma and Weprin*

Resolution calling on the United States Postal Service (USPS) to make its Post Offices more accessible to the visually

impaired.

***Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services***

**Res 0757-2005**

*By Council Members Katz, Avella, Clarke, Comrie Jr., Fidler, Foster, Gennaro, Gonzalez, James, Liu, Lopez, Martinez, Nelson, Palma, Recchia Jr., Seabrook, Sears, Weprin, de Blasio, Boyland, Brewer, Reyna, Felder, Gerson and The Public Advocate (Public Advocate Gotbaum)*

Resolution urging the New York State Office of Children and Family Services and the New York City Department of Health and Mental Hygiene to negotiate a contract for the inspection of child care facilities regulated under state law that facilitates the development of a unified database to provide parents in New York City access to crucial information regarding child care providers.

***General Welfare***

**Int 0530-2005**

*By Council Members Provenzano, Avella, Jennings Jr., The Speaker (Speaker Quinn), Katz, Palma, Weprin, Martinez and The Public Advocate (Public Advocate Gotbaum) (by request of the Mayor)*

A Local Law to amend the administrative code of the city of New York, in relation to area eligibility limitations on benefits pursuant to section four hundred twenty-one-a of the real property tax law.

***Housing and Buildings***

**Int 0531-2005**

*By Council Members Weprin and Comrie Jr. (by request of the Mayor)*

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning

commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand six.

*Preconsidered - Finance*

**LU 0364-2005**

*By Council Member Katz*

Application no. 20055130 HHK, pursuant to Sections 7385(6) and 7387(4) of the Consolidated Laws of New York, at the request of the New York City Health and Hospitals Corporation, respecting the leasing of a parcel of land located in the Borough of Brooklyn, Council District no.40.

*Landmarks, Public Siting and Maritime Uses*

**LU 0365-2005**

*By Council Member Katz*

Application no. 20055125 HAX, an Urban Development

Action Area Project located at 1105 College Avenue, Council District no. 16, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

***Planning, Dispositions and Concessions***

**LU 0366-2005**

*By Council Member Katz*

Application no. 20055126 HAM, an Urban Development Action Area Project located at 517, 519 and 521 West 157th Street, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

***Planning, Dispositions and Concessions***

**LU 0367-2005**

*By Council Member Katz*

Application no. 20055127 HAM, an Urban Development Action Area Project located at 539 West 144th Street, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

***Planning, Dispositions and Concessions***

**LU 0368-2005**

*By Council Member Katz*

Application no. 20055128 HAM, an Urban Development Action Area Project located at 765 St. Nicholas Avenue, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and

Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.  
*Planning, Dispositions and Concessions*

**LU 0369-2005** *By Council Member Katz*

Application no. 20055129 HAQ, an Urban Development Action Area Project located at 53-20 102nd Street, 145-14 105th Avenue and 136-17 Farmers Boulevard, Council Districts no. 25, 28 and 31, Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.  
*Planning, Dispositions and Concessions*

**LU 0370-2005** *By Council Member Katz*

Landmarks Preservation Commission designation no. DL – 356, LP – 2144, pursuant to §3020 of the New York City Charter, concerning the designation of the Former Long Island Headquarters of the New York Telephone Company, located at 97-105, Borough of Brooklyn, Council District no. 33, as a landmark. (Non-ULURP no. 20055096 HKK)  
*Landmarks, Public Siting and Maritime Uses*

**LU 0371-2005** *By Council Member Katz*

Uniform Land Use Review Procedure application no. 050111 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 and 34.  
*Zoning and Franchises*

**LU 0372-2005** *By Council Members Katz, Comrie Jr. and Gennaro*

Zoning resolution amendment application no. 050148 ZRY (A), pursuant to §197-d and §200 of the New York City Charter, concerning changes in the text of the zoning

resolution, Borough of Citywide, relating: to establish a new Citywide R2A designation.

***Zoning and Franchises***

**LU 0373-2005** *By Council Members Katz and Gallagher*

Uniform Land Use Review Procedure application no. 050153 ZMQ, pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Borough of Queens, Council District nos. 29, 30, 24, 28.

***Zoning and Franchises***

**LU 0374-2005** *By Council Member Katz*

Uniform Land Use Review Procedure application no. 020573 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. 38.

***Zoning and Franchises***

**LU 0375-2005** *By Council Member Katz*

Uniform land use review procedure application no. C 030020 PPK, pursuant to §197-c and §197-d of the New York City Charter concerning the removal of the “community facility use only” restriction on property located 56th Street and 2nd Avenue Borough of Brooklyn, in Council District no. 38. 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.

***Zoning and Franchises***

**LU 0376-2005** *By Council Member Katz*

Application no. 20045674 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Indus Valley, to establish, maintain and operate an unenclosed sidewalk café located at 2636 Broadway, Borough of Manhattan, Council District no. 7. 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.

*Zoning and Franchises*

**Res 0758-2005**

**IN MEMORIAM - Shirley Chisholm**

IN MEMORIAM - Shirley Chisholm