

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, January 5, 2005

12:00 PM

CHARTER MEETING

Council Chambers - City Hall

City Council

A. Gifford Miller, Speaker

Members: Joseph P. Addabbo, Jr., Tony Avella, Maria Baez, Charles Barron, Tracy L. Boyland, Gale A. Brewer, Yvette D. Clarke, Leroy G. Comrie, Jr., Bill de Blasio, Erik Martin Dilan, Simcha Felder, Lewis A. Fidler, Helen D. Foster, Dennis P. Gallagher, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Robert Jackson, Letitia James, Allan W. Jennings, Jr., Melinda R. Katz, G. Oliver Koppell, Andrew J. Lanza, John C. Liu, Margarita Lopez, Miguel Martinez, Michael E. McMahon, Hiram Monserrate, Eva S. Moskowitz, Michael C. Nelson, James Oddo, Annabel Palma, William Perkins, Madeline Provenzano, Christine C. Quinn, Domenic M. Recchia, Jr., Philip Reed, Diana Reyna, Joel Rivera, James Sanders, Jr., Larry B. Seabrook, Helen Sears, Kendall B. Stewart, Peter F. Vallone, Jr., Albert Vann, David I. Weprin and David Yassky

The Public Advocate (Ms. Gotbaum)

1. Roll Call

Present,

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gallagher, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings Jr., Katz, Lanza, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Excused,

Boylard, Jackson, Koppell, Reyna and Stewart

The presence of a quorum was announced by The Public Advocate (Ms. Gotbaum).

2. Invocation

The Invocation was delivered by: Rabbi Jonathan Glass, Civil Center Synagogue, 49 White Street, New York, New York 10013.

Council Member Brewer moved to spread the Invocation in full upon the Record.

3. Adoption of Minutes

Council Member Dilan moved that the Minutes of the Stated Meetings of November 23 and December 7, 2004 be adopted as printed.

4. Messages & Papers from the Mayor

M 0416-2005

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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting, Hearing Transcript - Stated Meeting - 1/19/05

This Mayor's Message was Referred to Comm by Council to the Committee on Transportation

5. Communications from City, County & Borough Offices

M 0417-2005

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.

Attachments: Hearing Transcript - Charter Meeting

This Communication was Rcvd, Ord, Prnt, Fld by Council

6. Petitions and Communications

M 0418-2005 Communication from Council Member Jose M. Serrano - Submitting his resignation as a member of the New York City Council effective December 31, 2004.

Attachments: Hearing Transcript - Charter Meeting

This Petition was Rcvd, Ord, Prnt, Fld by Council

M 0419-2005 Motion to file certain legislation.

Attachments: Hearing Transcript - Charter Meeting

This Petition was Rcvd, Ord, Prnt, Fld by Council

7. Land Use Call-Ups

M 0420-2005 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.

Attachments: Hearing Transcript - Charter Meeting

A motion was made that this Land Use Call-Up be Approved, by Council approved by consent Roll Call.

**M 0421-2005 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.)**

Attachments: Hearing Transcript - Charter Meeting

A motion was made that this Land Use Call-Up be Approved, by Council approved by consent Roll Call.

The Public Advocate (Ms. Gotbaum) put the question whether the Council would agree with and adopt such motion which was decided in the affirmative by the following vote:

A motion was made that these files be approved by consent vote.

Affirmative, 45 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gallagher, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings Jr., Katz, Lanza, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

At this point, the Public Advocate (Ms. Gotbaum) declared that the aforementioned items were adopted and referred to the Committee on Land Use and to the appropriate Land Use subcommittee.

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 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.

Attachments: Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting

Enactment No: 2005/004

Int 0322-2004 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.

Attachments: Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting

Enactment No: 2005/005

M 0410-2004 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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

M 0411-2004 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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

Report of the Committee on Finance

Int 0531-2005

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.

Attachments: Committee Report, Local Law, Hearing Transcript, Hearing Transcript - Charter Meeting

A motion was made that this Introduction be Approved by Council approved by consent Roll Call.

Enactment No: 2005/010

Report of the Committee on Public Safety

Int 0144-2004 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.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Local Law, Hearing Transcript - Charter Meeting

A motion was made that this Introduction be Approved by Council approved by Roll Call.

Affirmative, 43 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings Jr., Katz, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Negative, 2 -

Gallagher and Lanza

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

Enactment No: 2005/006

Int 0226-2004 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.

Attachments: Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting

A motion was made that this Introduction be Overridden by Council approved by consent Roll Call.

Enactment No: 2005/004

Int 0322-2004 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.

Attachments: Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting

A motion was made that this Introduction be Overridden by Council approved by Roll Call.

Affirmative, 44 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings Jr., Katz, Lanza, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Negative, 1 -

Gallagher

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

Enactment No: 2005/005

Int 0365-2004 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.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Hearing Transcript 1/4/05, Local Law, Hearing Transcript - Charter Meeting

A motion was made that this Introduction be Approved by Council approved by Roll Call.

Affirmative, 43 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings Jr., Katz, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Negative, 2 -

Gallagher and Lanza

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

Enactment No: 2005/007

Int 0469-2004 A Local Law to amend the administrative code of the city of New York, in relation to assault weapons.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Local Law, Hearing Transcript - Charter Meeting

This Introduction was Approved by Council

Affirmative, 41 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Katz, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Negative, 4 -

Gallagher, Jennings Jr., Lanza and Oddo

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

Enactment No: 2005/008

Int 0490-2004 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.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Local Law, Hearing Transcript - Charter Meeting

A motion was made that this Introduction be Approved by Council approved by Roll Call.

Affirmative, 41 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Katz, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Negative, 4 -

Gallagher, Jennings Jr., Lanza and Oddo

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

Enactment No: 2005/009

M 0410-2004 **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.**

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

A motion was made that this Mayor's Message be Filed by Council approved by consent Roll Call.

M 0411-2004 **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.**

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

A motion was made that this Mayor's Message be Filed by Council approved by consent Roll Call.

12. General Orders Calendar

Int 0127-2004 **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.**

Attachments: Committee Report 2/12/04, Hearing Transcript 2/12/04, Committee Report 6/9/05, Committee Report 6/24/04, Hearing Transcript - Stated Meeting 8/12/04, Hearing Transcript - Stated Meeting 9/9/04, Hearing Transcript - Stated Meeting 9/28/04, Hearing Transcript - Stated Meeting 10/13/04, Hearing Transcript - Stated Meeting 10/27/04, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript - Stated Meeting 11/23/04, Hearing Transcript - Charter Meeting, Hearing Transcript - Stated Meeting - 12/7/04, Hearing Transcript - Stated Meeting - 1/19/05, Hearing Transcript - Stated Meeting 2/2/05, Hearing Transcript - Stated Meeting 2/16/05, Hearing Transcript - Stated Meeting 3/9/05

This Introduction was Laid Over by Council

Enactment No: 2005/063

Int 0189-2004 **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.**

Attachments: Committee Report 6/23, Hearing Transcript 6/23, Committee Report 12/14, Hearing Transcript 12/14, Hearing Transcript - Charter Meeting

This Introduction was Re-referred to Committee by Council to the Committee on Housing and Buildings

T2004-0073

Commissioner of Deeds

Attachments: Hearing Transcript - Charter Meeting 1/7/04, Hearing Transcript - Stated Meeting 1/2/04, Hearing Transcript - Stated Meeting 2/4/04, Hearing Transcript - Stated Meeting 2/26/04, Hearing Transcript - Stated Meeting 3/10/04, Hearing Transcript - Stated Meeting 3/24/04, Hearing Transcript - Stated Meeting 4/1/04, Hearing Transcript - Stated Meeting 4/21/04, Hearing Transcript - Stated Meeting 5/5/04, Hearing Transcript - Stated Meeting 5/19/04, Hearing Transcript - Stated Meeting 6/7/04, Hearing Transcript - Stated Meeting 6/21/04, Hearing Transcript - Stated Meeting 6/22/04, Hearing Transcript - Stated Meeting 6/24/04, Hearing Transcript - Stated Meeting 6/28/04, Hearing Transcript - Stated Meeting 7/21/04, Hearing Transcript - Stated Meeting 8/12/04, Hearing Transcript - Stated Meeting 9/9/04, Hearing Transcript - Stated Meeting 9/28/04, Hearing Transcript - Stated Meeting 10/13/04, Hearing Transcript - Stated Meeting 10/27/04, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript - Stated Meeting 11/23/04, Hearing Transcript - Stated Meeting 12/7/04, Hearing Transcript - Stated Meeting 12/15/04, Hearing Transcript - Charter Meeting, Hearing Transcript - Stated Meeting 1/19/05, Hearing Transcript - Stated Meeting 2/2/05, Hearing Transcript - Stated Meeting 2/16/05, Hearing Transcript - Stated Meeting 3/9/05, Hearing Transcript - Stated Meeting 4/20/05, Hearing Transcript - Stated Meeting 6/8/05, Hearing Transcript - Stated Meeting 10/11/05

A motion was made that this Commissioner of Deeds be Approved, by Council approved by consent Roll Call.

Coupled on General Order Calendar

Education

Int 0226-2004

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.

Attachments: Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting

Enactment No: 2005/004

Int 0322-2004 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.

Attachments: Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting

Enactment No: 2005/005

M 0410-2004 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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

M 0411-2004 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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

Finance

Int 0531-2005

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.

Attachments: Committee Report, Local Law, Hearing Transcript, Hearing Transcript - Charter Meeting

Enactment No: 2005/010

Public Safety

- Int 0144-2004** **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.**
- Attachments:** Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Local Law, Hearing Transcript - Charter Meeting
- Enactment No:** 2005/006
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- Int 0226-2004** **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.**
- Attachments:** Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting
- Enactment No:** 2005/004
-
- Int 0322-2004** **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.**
- Attachments:** Committee Report 11/8/04, Committee Report 11/9/04, Committee Report 1/4/05, Local Law, Hearing Transcript 11/9/04, Hearing Transcript 11/8/04, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript 1/4/05, Hearing Transcript - Charter Meeting, Hearing Transcript - Charter Meeting
- Enactment No:** 2005/005
-
- Int 0365-2004** **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.**
- Attachments:** Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Hearing Transcript 1/4/05, Local Law, Hearing Transcript - Charter Meeting
- Enactment No:** 2005/007
-
- Int 0469-2004** **A Local Law to amend the administrative code of the city of New York, in relation to assault weapons.**
- Attachments:** Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Local Law, Hearing Transcript - Charter Meeting
- Enactment No:** 2005/008

Int 0490-2004 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.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05, Local Law, Hearing Transcript - Charter Meeting

Enactment No: 2005/009

M 0410-2004 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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

M 0411-2004 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.

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Charter Meeting

General Order Calendar

T2004-0073 Commissioner of Deeds

Attachments: Hearing Transcript - Charter Meeting 1/7/04, Hearing Transcript - Stated Meeting 1/2/04, Hearing Transcript - Stated Meeting 2/4/04, Hearing Transcript - Stated Meeting 2/26/04, Hearing Transcript - Stated Meeting 3/10/04, Hearing Transcript - Stated Meeting 3/24/04, Hearing Transcript - Stated Meeting 4/1/04, Hearing Transcript - Stated Meeting 4/21/04, Hearing Transcript - Stated Meeting 5/5/04, Hearing Transcript - Stated Meeting 5/19/04, Hearing Transcript - Stated Meeting 6/7/04, Hearing Transcript - Stated Meeting 6/21/04, Hearing Transcript - Stated Meeting 6/22/04, Hearing Transcript - Stated Meeting 6/24/04, Hearing Transcript - Stated Meeting 6/28/04, Hearing Transcript - Stated Meeting 7/21/04, Hearing Transcript - Stated Meeting 8/12/04, Hearing Transcript - Stated Meeting 9/9/04, Hearing Transcript - Stated Meeting 9/28/04, Hearing Transcript - Stated Meeting 10/13/04, Hearing Transcript - Stated Meeting 10/27/04, Hearing Transcript - Stated Meeting 11/10/04, Hearing Transcript - Stated Meeting 11/23/04, Hearing Transcript - Stated Meeting 12/7/04, Hearing Transcript - Stated Meeting 12/15/04, Hearing Transcript - Charter Meeting, Hearing Transcript - Stated Meeting 1/19/05, Hearing Transcript - Stated Meeting 2/2/05, Hearing Transcript - Stated Meeting 2/16/05, Hearing Transcript - Stated Meeting 3/9/05, Hearing Transcript - Stated Meeting 4/20/05, Hearing Transcript - Stated Meeting 6/8/05, Hearing Transcript - Stated Meeting 10/11/05

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

A motion was made that these files be approved by consent vote.

Affirmative, 45 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Brewer, Clarke, Comrie Jr., Dilan, de Blasio, Felder, Fidler, Foster, Gallagher, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings Jr., Katz, Lanza, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Rivera, Sanders Jr., Seabrook, Sears, Vallone Jr., Vann, Weprin and Yassky

Excused, 5 -

Boyland, Jackson, Koppell, Reyna and Stewart

The following files were removed from the General Order Calendar and voted separately:

See files for individual votes. Int No. 322-A (override); Int No. 144-A; Int No. 365-A; Int No. 469-A; Int No. 490-A.

- 13. Introduction & Reading of Bills
See Attached
- 14. Discussion of Resolutions
- 15. Resolutons

Res 0049-2004 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.

Attachments: Memo In Support, Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Gotbaum) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. Gotbaum) declared the Resolution to be adopted.

The following 2 Council Members formally voted against this item: Council Members Gallagher and Lanza.

Adopted by the Council by voice-vote.

A motion was made that this Resolution be Approved, by Council approved by Voice Vote.

Res 0078-2004 Resolution calling upon the New York State Legislature to amend various sections of the Penal Law to better combat illegal gun trafficking.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Gotbaum) called for a voice vote. Hearing no objections, the Public Advocate (Ms. Gotbaum) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

This Resolution was Approved, by Council

Res 0085-2004 Resolution calling upon the United States Congress to approve legislation that establishes a national ballistics fingerprint database.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Gotbaum) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. Gotbaum) declared the Resolution to be adopted.

The following 2 Council Members formally voted against this item: Council Members Gallagher and Lanza.

Adopted by the Council by voice-vote.

This Resolution was Approved, by Council

Res 0597-2004 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.

Attachments: Committee Report 11/15/04, Hearing Transcript 11/15/04, Committee Report 1/4/05

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Gotbaum) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. Gotbaum) declared the Resolution to be adopted.

The following 3 Council Members formally voted against this item: Council Members Gallagher, Lanza and Oddo..

Adopted by the Council by voice-vote.

A motion was made that this Resolution be Approved, by Council approved by Voice Vote.

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Res 0756-2005 Resolution calling on the United States Postal Service (USPS) to make its Post Offices more accessible to the visually impaired.

Sponsors: By Council Members Baez, Avella, Clarke, Comrie Jr., Fidler, Foster, Gennaro, Gonzalez, James, Lopez, Martinez, Nelson, Palma and Weprin

This Resolution was Referred to Comm by Council to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services

Res 0757-2005 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.

Sponsors: 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)

Attachments: Committee Report, Hearing Transcript, Hearing Transcript - Stated Meeting - 1/19/05

This Resolution was Referred to Comm by Council to the Committee on General Welfare

Int 0530-2005 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.

Sponsors: 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)

Attachments: Committee Report 1/31/05, Committee Report 2/15/05, Local Law, Hearing Transcript 2/15/05, Hearing Transcript 1/31/05, Hearing Transcript - Stated Meeting 2/16/05

This Introduction was Referred to Comm by Council to the Committee on Housing and Buildings

Enactment No: 2005/022

Int 0531-2005

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.

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

Attachments: Committee Report, Local Law, Hearing Transcript, Hearing Transcript - Charter Meeting

This Introduction was Referred to Comm by Council to the Committee on Finance

Enactment No: 2005/010

LU 0364-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Landmarks - 1/12/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Landmarks - 1/12/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Landmarks, Public Siting and Maritime Uses

LU 0365-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Landmarks, Public Siting and Maritime Uses

LU 0366-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 0367-2005

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.

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 0368-2005

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.

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Land Use - 1/27/05, Hearing Transcript - Planning - 1/25/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 0369-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Planning - 2/28/05, Hearing Transcript - Planning - 2/8/05, Hearing Transcript - Planning - 1/25/05, Hearing Transcript - Planning - 3/15/05, Hearing Transcript - Planning - 4/4/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Planning - 2/28/05, Hearing Transcript - Planning - 2/8/05, Hearing Transcript - Planning - 1/25/05, Hearing Transcript - Planning - 3/15/05, Hearing Transcript - Planning - 4/4/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 0370-2005 **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**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Landmarks - 1/12/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Landmarks - 1/12/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Landmarks, Public Siting and Maritime Uses

LU 0371-2005 **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.**

Sponsors: By Council Member Katz

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

This Land Use Application was Referred to Comm by Council to the Committee on Contracts

LU 0372-2005 **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.**

Sponsors: By Council Members Katz, Comrie Jr. and Gennaro

Attachments: Hearing Transcript - Land Use 4/5/05

This Land Use Application was Referred to Comm by Council to the By the Committee on Rules

Attachments: Hearing Transcript - Land Use 4/5/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

LU 0373-2005 **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.**

Sponsors: By Council Members Katz and Gallagher

Attachments: Hearing Transcript - Zoning - 2/28/05, Hearing Transcript - Land Use - 3/2/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Zoning - 2/28/05, Hearing Transcript - Land Use - 3/2/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

LU 0374-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Zoning - 1/11/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Zoning - 1/11/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

LU 0375-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Zoning - 1/11/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Zoning - 1/11/05, Hearing Transcript - Land Use - 1/13/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

LU 0376-2005 **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.**

Sponsors: By Council Member Katz

Attachments: Hearing Transcript - Zoning - 1/26/05, Hearing Transcript - Land Use - 1/27/05

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Hearing Transcript - Zoning - 1/26/05, Hearing Transcript - Land Use - 1/27/05

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

Res 0758-2005 **IN MEMORIAM - Shirley Chisholm**

Adopted unanimously by the Council by voice-vote.

A motion was made that this Resolution be Approved, by Council approved by Voice Vote.

At this point the Speaker (Council Member Miller) made the following announcements:

Whereupon on motion of the Speaker (Council Member Miller), the Clerk of the Council adjourned to meet again on Wednesday, January 19, 2005

VICTOR L. ROBLES, City Clerk
Clerk of the Council