

# The New York City Council

## Council Agenda

### Stated Meeting

February 16, 2011

1:30 PM

**Emigrant Savings Bank - 49-51 Chambers  
Street**

**1. Roll Call**

**2. Invocation**

*Delivered by: Reverend Katrina Marsh, Rivers of Living Waters,  
1854 Amsterdam Avenue, New York, NY 10031.*

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

**3. Adoption of Minutes**

*Motion that the Minutes of the Stated Meeting of January 18,  
2011 be adopted as printed by Council Member Mendez.*

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

**M 0385-2011**

**Nancy G. Chaffetz, NYC Civil Service Commission**

Communication from the Mayor - Submitting the name of

Nancy G. Chaffetz to the Council for its advice and consent regarding her reappointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.

*Rules, Privileges and Elections*

**M 0386-2011      **Withdrawing the nomination of Rudy Washington, NYC Civil Service Commission (M 334)****

Communication from the Mayor - Withdrawing the nomination of Rudy Washington (M 334) from the City Council for its advice and consent regarding his reappointment to the New York City Civil Service Commission.

*Received, Ordered, Printed and Filed*

**M 0387-2011      **Withdrawing the nomination of Charles D. McFaul, NYC Civil Service Commission (M335)****

Communication from the Mayor - Withdrawing the nomination of Charles D. McFaul (M 335) from the City Council for its advice and consent regarding his appointment to the New York City Civil Service Commission.

*Received, Ordered, Printed and Filed*

## **5.      **Communications from City, County & Borough Offices****

**M 0392-2011      **Elisa Velazquez, New York City Lobbying Commission.****

Pursuant to §3-212(e) of the New York City Administrative Code, the Council of the City of New York and the Mayor are empowered to jointly appoint five members to serve on the New York City Lobbying Commission. In addition, the Council and the Mayor jointly designate a Chair from among the Commission members. The Council will consider the appointment of Elisa Velazquez as a member of the New York City Lobbying Commission.

*Preconsidered - Rules, Privileges and Elections*

**M 0393-2011      Robert F. Nolan, NYC Health and Hospitals Corporation  
Board of Directors.**

Robert F. Nolan, Council candidate for designation and subsequent appointment by the Mayor to the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2012.

*Preconsidered - Rules, Privileges and Elections*

## **6.      Petitions and Communications**

*None*

## **7.      Land Use Call-Ups**

**M 0388-2011      Sidewalk café, 133 Seventh Ave South, Manhattan (20105332  
TCM)**

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 133 Seventh Avenue South, Community Board 2, Application 20105332 TCM shall be subject to review by the Council.

*Coupled on Call-Up Vote*

**M 0389-2011      Sidewalk café, 16-18 King St, Manhattan (20115341 TCM)**

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 16-18 King Street, Community Board 2, Application 20115341 TCM shall be subject to review by the

Council.

*Coupled on Call-Up Vote*

**M 0390-2011**

**Sidewalk Café, 3738 Riverdale Ave, Bronx (20115344 TCX)**

By Council Member Koppell:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 3738 Riverdale Avenue, Community Board 8, Application 20115344 TCX shall be subject to review by the Council.

*Coupled on Call-Up Vote*

**M 0391-2011**

**Sidewalk Café, 42-21 Broadway, Queens (20115336 TCQ)**

By Council Member Vallone:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 42-21 Broadway, Community Board 1, Application 20115336 TCQ shall be subject to review by the Council.

*Coupled on Call-Up Vote*

## **8. Communication from the Speaker**

## **9. Discussion of General Orders**

## **10. Reports of Special Committees**

*None*

## **11. Reports of Standing Committees**

## Report of the Committee on Finance

**Res 0673-2011**      **Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

*Preconsidered - Coupled on GO*

## Report of the Committee on Land Use

**Res 0678-2011**      **LU 238 - UDAAP, 824 Monroe St, Brooklyn (20115223HAK)**

Application no. 20115223 HAK, an Urban Development Action Area Project located at 824 Monroe Street, Council District no. 41, Borough of Brooklyn. 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.

*Coupled on GO*

**Res 0679-2011**      **LU 288 - Sidewalk café, 28 Eighth Ave, Manhattan (20115241 TCM)**

Application no. 20115241 TCM pursuant to Section 20-226(g) of the New York City Administrative Code, concerning the petition of C & O Coffee Shop Inc. to continue to maintain and operate an unenclosed sidewalk café at 28 Eighth Avenue, Borough of Manhattan Council District no. 3. 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 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code.

***Coupled on GO*****Res 0680-2011 LU 289 - Sidewalk café, 253 Tenth Ave, Manhattan (20105632 TCM)**

Application no. 20105632 TCM pursuant to Section 20-226(g) of the Administrative Code, concerning the petition of Sonny Lou Inc. to establish, maintain and operate an unenclosed sidewalk café at 253 Tenth Avenue, Borough of Manhattan, Council District no. 3. 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 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code.

***Coupled on GO*****Res 0681-2011 LU 290 - Sidewalk café, 40-11 30th Ave, Queens (20115286 TCQ)**

Application no. 20115286 TCQ pursuant to Section 20-226(g) of the Administrative Code concerning the petition of Canz Suffolk 1 Inc. to establish, maintain and operate an unenclosed sidewalk café at 40-11 30th Avenue, Borough of Queens, Council District no. 22. This application is subject to review and action by the Land Use Committee only if called up by vote of the Council pursuant to Rule 11.20 (b) of the Council and Section 20-226(g) of the New York City Administrative Code.

***Coupled on GO*****Res 0682-2011 LU 303 - Sidewalk café, 1 West 125th St, Manhattan (20115323 TCM)**

Application no. 20115323 TCM, pursuant to Section 20-226(g) of the Administrative Code of the City of New York, concerning the petition of Harlem Apple, LLC d.b.a Applebee's Neighborhood Grill & Bar to establish, maintain and operate an unenclosed sidewalk café located at 1 West 125th Street, Borough of Manhattan, Council District no. 9.

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 Section 20-226(g) of the New York City Administrative Code.

*Coupled on GO*

## **Report of the Committee on Rules, Privileges, and Elections**

**Res 0683-2011**      **M 392 - Elisa Velazquez, New York City Lobbying Commission.**

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL, IN CONJUNCTION WITH THE MAYOR, OF ELISA VELAZQUEZ AS A MEMBER OF THE NEW YORK CITY LOBBYING COMMISSION.

*Preconsidered - Coupled on GO*

**Res 0684-2011**      **M 393 - Robert F. Nolan, NYC Health and Hospitals Corporation Board of Directors.**

RESOLUTION APPROVING THE DESIGNATION OF ROBERT F. NOLAN AS A MEMBER OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION BOARD OF DIRECTORS.

*Preconsidered - Coupled on GO*

## **Report of the Committee on Transportation**

**Int 0370-2010-A**      **Pedestrian safety reporting.**

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety reporting.

*Amended and Coupled on GO*

**Int 0374-2010-A**      **Requiring the compilation of bicycle crash data.**

A Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of bicycle

crash data.

*Amended and Coupled on GO*

**Int 0377-2010-A**      **Traffic study determinations.**

A Local Law to amend the administrative code of the city of New York, in relation to traffic study determinations.

*Amended and Coupled on GO*

## **12.      General Orders Calendar**

**T2010-0002**              **Commissioner of Deeds**

Commissioner of Deeds

*Coupled on GO*

### **Coupled on General Order Calendar**

## **Finance**

**Res 0673-2011**              **Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

*Preconsidered - GO*

## **Land Use**

**Res 0678-2011**              **LU 238 - UDAAP, 824 Monroe St, Brooklyn (20115223HAK)**  
***GO***

**Res 0679-2011**              **LU 288 - Sidewalk café, 28 Eighth Ave, Manhattan (20115241 TCM)**  
***GO***

**Res 0680-2011**              **LU 289 - Sidewalk café, 253 Tenth Ave, Manhattan (20105632 TCM)**



*GO*

**Res 0681-2011**      **LU 290 - Sidewalk café, 40-11 30th Ave, Queens (20115286 TCQ)**  
*GO*

**Res 0682-2011**      **LU 303 - Sidewalk café, 1 West 125th St, Manhattan (20115323 TCM)**  
*GO*

## **Rules, Privileges, and Elections**

**Res 0683-2011**      **M 392 - Elisa Velazquez, New York City Lobbying Commission.**  
*Preconsidered - GO*

**Res 0684-2011**      **M 393 - Robert F. Nolan, NYC Health and Hospitals Corporation Board of Directors.**  
*Preconsidered - GO*

## **Transportation**

**Int 0370-2010-A**      **Pedestrian safety reporting.**  
*A and GO*

**Int 0374-2010-A**      **Requiring the compilation of bicycle crash data.**  
*A and GO*

**Int 0377-2010-A**      **Traffic study determinations.**  
*A and GO*

## **General Order Calendar**

**T2010-0002**      **Commissioner of Deeds**  
*GO*

### 13. Introduction & Reading of Bills

**See Attached**

### 14. Discussion of Resolutions

### 15. Resolutions

**Res 0626-2011-A**                    **Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.**

Resolution calling upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

*Amended and Adopted by the Committee on Cultural Affairs, Libraries & International Intergroup Relations*

**Res 0646-2011**                    **Authorizing the Council to join in an amicus brief to be filed with the US Supreme Court in support of the Respondents in the litigation captioned McComish v. Bennett.**

Resolution authorizing the Council to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned McComish v. Bennett, for the purpose of supporting the Respondents' position that the Court should uphold the trigger funds provision of Arizona's campaign finance law.

*Adopted by the Committee on Governmental Operations*

### 16. General Discussion

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## 17. Extension of Remarks

### INTRODUCTION AND READING OF BILLS

**Res 0666-2011**      *By Council Member Arroyo and The Speaker (Council Member Quinn)*

Resolution calling upon the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women's right to access abortion and endanger women's lives by permitting health care providers to deny life saving care in emergencies.

*Health*

**Int 0475-2011**      *By Council Member Barron*

A Local Law to amend the administrative code of the city of New York, in relation to evictions of elderly tenants.

*Housing and Buildings*

**Int 0476-2011**      *By Council Member Barron*

A Local Law to amend the administrative code of the city of New York, in relation to providing operators of a motor vehicle an opportunity to pay the fine immediately.

*Transportation*

**Res 0667-2011**      *By Council Member Brewer*

Resolution calling upon the New York State Legislature to introduce, and the Governor to sign, legislation which would provide a tax credit to commercial building owners who lease space to small business owners.

*Finance*

**Int 0477-2011**      *By Council Member Cabrera*

A Local Law to amend the administrative code of the City of New York, in relation to a tenants bill of rights.

*Housing and Buildings*

**Int 0478-2011**

*By Council Member Chin*

A Local Law to amend the administrative code of the city of New York, in relation to the recovery of relocation expenses incurred by the Department of Housing Preservation and Development pursuant to a vacate order.

***Housing and Buildings***

**Res 0668-2011**

*By Council Member Chin*

Resolution calling upon the New York State Legislature to pass A.4578 and S.2997, and the Governor to sign into law an act to amend the Vehicle and Traffic Law, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more.

***Transportation***

**Res 0669-2011**

*By Council Member Comrie Jr.*

Resolution recognizing the importance of financial aid opportunities for students to pursue higher education and designating the month of February as “Financial Aid Awareness Month.”

***Higher Education***

**Res 0670-2011**

*By Council Member Ferreras and The Speaker (Council Member Quinn)*

Resolution calling upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women’s right to access abortion services.

***Health***

**Res 0671-2011**

*By Council Member Fidler*

Resolution calling on the New York State Legislature to pass legislation that would require that paper ballots be designed in a more user-friendly manner.

***Governmental Operations***

**Int 0479-2011** *By Council Member Garodnick*

A Local Law to amend the administrative code of the city of New York, in relation to requiring city contractors to post information concerning their employees' whistleblower protection rights as established by the New York State and Federal False Claims Acts.

***Contracts***

**Int 0480-2011** *By Council Members Gentile and Eugene*

A Local Law to amend the New York city charter, in relation to the mayor's office of veterans' affairs and the establishment of veteran liaisons.

***Veterans***

**Res 0672-2011** *By Council Member Lappin and The Speaker (Council Member Quinn)*

Resolution urging the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women's reproductive health services by severely restricting funding for family planning providers.

***Health***

**Res 0673-2011** *By Council Member Recchia Jr.*

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

***Preconsidered - Finance***

**Int 0481-2011** *By Council Member Vacca*

A Local Law to amend the administrative code of the city of New York, in relation to the duties and obligations of property owners with respect to maintenance, repair or construction of sidewalks as part of government capital reconstruction projects.

***Transportation***

- Int 0482-2011**      *By Council Member Vacca*
- A Local Law to amend the administrative code of the city of New York, in relation to informing of removal of trees.
- Parks and Recreation***
- Int 0483-2011**      *By Council Members Vallone Jr. and Vacca*
- A Local Law to amend the administrative code of the City of New York, in relation to allowing for Press Vehicle Parking Permits.
- Transportation***
- Int 0484-2011**      *By Council Member Vallone Jr.*
- A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for owning or harboring a dangerous dog.
- Health***
- Res 0674-2011**      *By Council Member Vallone Jr.*
- Resolution calling on the New York State Legislature to pass S.1075 and A.1929, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of certain crimes related to public employment.
- Civil Service and Labor***
- Res 0675-2011**      *By Council Member Vallone Jr.*
- Resolution calling upon the United States Congress to pass and the President to sign the Preservation of Antibiotics for Medical Treatment Act, legislation that would prohibit the routine use of certain types of antibiotics in farm animals in an effort to reduce the spread of dangerous bacteria in humans.
- Health***
- Res 0676-2011**      *By Council Member Vallone Jr.*
- Resolution calling upon the United States Congress to pass the

“Thomas J. Manton Prostate Cancer Early Detection and Treatment Act of 2009” (H.R. 4383), which would amend the Public Health Service Act and Title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

***Health***

**Res 0677-2011**

*By Council Member Vallone Jr.*

Resolution calling upon the United States Congress to pass H.R.4356, the “Downed Animal and Food Safety Protection Act,” which would amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, thus preventing such meat from entering the human food supply.

***Health***

**Int 0485-2011**

*By Council Members Vann, Recchia Jr., Mark-Viverito and Lander*

A Local Law to amend the New York City charter, in relation to classification of depository banks.

***Finance***

**LU 0319-2011**

*By Council Member Comrie Jr.*

Application no. 20115463 HAM, approval of a termination of a prior exemption and the voluntary dissolution of the current owner for property located at Block 1837/Lot 21, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.

***Planning, Dispositions and Concessions***

**LU 0320-2011**

*By Council Member Comrie Jr.*

Uniform land use review procedure application no. C 110114 HUX pursuant to §197-c and §197-d of the Charter of the

City of New York and §505 of the General Municipal Law concerning the approval of the second amendment to the Melrose Commons Urban Renewal Plan, Borough of the Bronx, Council District no. 16.

***Planning, Dispositions and Concessions***

**LU 0321-2011**

*By Council Member Comrie Jr.*

Uniform land use review procedure application no. C 110115 ZMX pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 6a, Borough of the Bronx, Council District no. 16

***Planning, Dispositions and Concessions***

**LU 0322-2011**

*By Council Member Comrie Jr.*

Uniform land use review procedure application no. C 110116 HAX, an Urban Development Action Area Designation and Project located at Block 2408/Lots 35, 41, 43-45,49, 50-53 and the disposition of such property, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

***Planning, Dispositions and Concessions***

**LU 0323-2011**

*By Council Member Comrie Jr.*

Application no. 20115336 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sympatoch Café, Inc d.b.a Dandana to continue to maintain and operate an unenclosed sidewalk café located at 42-21 Broadway, Borough of Queens, Council District no. 22. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

***Zoning and Franchises***



**LU 0324-2011**

*By Council Member Comrie Jr.*

Application no. 20115344 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Salvatores of Soho, Inc. d.b.a Salvatores of Soho to establish, maintain and operate an unenclosed sidewalk café located at 3738 Riverdale Avenue, Borough of the Bronx, Council District no. 11. 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***

**LU 0325-2011**

*By Council Member Comrie Jr.*

Application no. C 110085 ZMX submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 1d and 3c, Council Districts 11 and 12.

***Zoning and Franchises***

**LU 0326-2011**

*By Council Member Comrie Jr.*

Application no. C 110086 ZRX submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas).

***Zoning and Franchises***

**LU 0327-2011**

*By Council Member Comrie Jr.*

Application no. 20105332 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Carabean LLC d.b.a Public House to establish, maintain and operate an unenclosed sidewalk café located at 133 Seventh Avenue South, Borough of Manhattan, Council District no.3. 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***

**LU 0328-2011**

*By Council Member Comrie Jr.*

Application no. 20115341 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of New Mekong Restaurant Corp.. d.b.a Mekong Restaurant to continue to maintain and operate an unenclosed sidewalk café located at 16-18 King Street, Borough of Manhattan, Council District no. 3. 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***