

The New York City Council

Council Agenda

Stated Meeting

March 02, 2011

1:30 PM

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

1. Roll Call

2. Invocation

Delivered by: Reverend Joshua Bartholomew, Abyssinian Baptist Church, 132 Odell Clark Place, New York, NY 10030.

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

3. Adoption of Minutes

Motion that the Minutes of the Stated Meeting of February 2, 2011 be adopted as printed by Council Member Nelson.

4. Messages & Papers from the Mayor

M 0394-2011 Submitting Preliminary Mayor's Management Report (PMMR) for FY'11.

Communication from the Mayor – Submitting Preliminary Mayor’s Management Report (PMMR) for Fiscal Year 2011.
Received, Ordered, Printed and Filed

M 0395-2011 Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2011-2015.

Communication from the Mayor - Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2011-2015, pursuant to Sections 101 and 213 of the New York City Charter.

Finance

M 0396-2011 Submitting Preliminary Expense Budget for FY'12.

Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2012, pursuant to Sections 225 and 236 of the New York City Charter.

Finance

M 0397-2011 Submitting Geographic Reports for Expense Budget for FY'12.

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2012, pursuant to Sections 100 and 231 of the New York City Charter.

Finance

M 0398-2011 Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for FY'12.

Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2012, pursuant to Sections 100, 212 and 231 of the New York City Charter.

Finance

M 0399-2011 Submitting Contract Budget Report for FY'12.

Communication from the Mayor - Submitting Contract Budget Report for Fiscal Year 2012, pursuant to Section 104 of the New York City Charter.

*Finance***M 0400-2011 Submitting the Preliminary Capital Budget, FY'12.**

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2012, pursuant to Section 213 and 236 of the New York City Charter.

*Finance***M 0401-2011 Submitting the Capital Commitment Plan, FY'12, Volumes 1, 2, & 3, and the Capital Commitment Plan, FY'10, Financial Summary.**

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2012, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2010, Financial Summary, pursuant to Section 219 of the New York City Charter.

*Finance***M 0402-2011 Submitting the Preliminary Ten-Year Capital Strategy, FY 2012-2021.**

Communication from the Mayor – Submitting the Preliminary Ten-Year Capital Strategy, Fiscal Year 2012-2021.

*Finance***M 0403-2011 Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for FY'12 and the ensuing three fiscal years, and the maximum am**

Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2012 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal

year, pursuant to Section 250 (16) of the NY City Charter.

Received, Ordered, Printed and Filed

M 0404-2011 Mayor's Withdrawal - Nancy G. Chaffetz, NYC Civil Service Commission

Communication from the Mayor - Withdrawing the nomination of Nancy G. Chaffetz (M 385) from the City Council for its advice and consent regarding her reappointment to the New York City Civil Service Commission.

Received, Ordered, Printed and Filed

M 0405-2011 Frank V. Carone, Taxi and Limousine Commission

Communication from the Mayor – Submitting the name of Frank V. Carone from the City Council for its advice and consent regarding his appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

Preconsidered - Rules, Privileges and Elections

M 0406-2011 Nora Constance Marino, Taxi and Limousine Commission

Communication from the Mayor - Submitting the name of Nora Constance Marino from the City Council for its advice and consent regarding her appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

Preconsidered - Rules, Privileges and Elections

5. Communications from City, County & Borough Offices

M 0407-2011 Submitting Public Advocate's annual report for FY'11.

Communication from the Public Advocate - Submitting Public Advocate's annual report for Fiscal Year 2011, pursuant to section 24 (n) of the New York City Charter.

Received, Ordered, Printed and Filed

6. Petitions and Communications

7. Land Use Call-Ups

M 0408-2011 Sidewalk café, 212 Lafayette St, Manhattan (20115530 TCM)

By Council Member Chin:

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 212 Lafayette Street, Community Board 2, Application 20115530 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M 0409-2011 Sidewalk café, 1022 Lexington Ave, Manhattan (20115128TCM)

By Council Member Garodnick:

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 1022 Lexington Avenue, Community Board 8, Application 20115128 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M 0410-2011 Zoning, Modify the location, area and minimum dimension requirements of Section 62-50. (N100339ZAM)

By Council Member Jackson:

Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application N 100339

ZAM 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

Int 0026-2010-A Sale of tax liens.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.

Amended and Couple on Go with a Message of Necessity

Report of the Committee on Housing and Buildings

Int 0291-2010-A Penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.

A Local Law to amend the administrative code of the city of New York, in relation to penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.

Amended and Coupled on GO

Report of the Committee on Land Use

LU 0316-2011 Sidewalk café, 233 Dyckman St, Manhattan (20115231TCM)

Application no. 20115231 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sol's Restaurant, Inc., d/b/a Il Sole, to continue to maintain and operate an unenclosed sidewalk café located at 233 Dyckman Street, 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.

Disapproved and Laid Over

Res 0695-2011 LU 317 - Sidewalk café, 85 Broadway, Brooklyn (20115165 TCK)

Application no. 20115165 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Marlow, Inc., d/b/a Diner, to continue to maintain and operate an unenclosed sidewalk café located at 85 Broadway, Borough of Brooklyn, Council District no. 34. 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.

Coupled on GO

Res 0696-2011 LU 318 - Sidewalk café, 152 Metropolitan Ave, Brooklyn (20115294 TCK)

Application no. 20115294 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Agora, Inc., d/b/a Barberry, to continue to maintain and operate an unenclosed sidewalk café located at 152 metropolitan Avenue, Borough of Brooklyn, Council District no. 34. 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.

Coupled on GO

Report of the Committee on Rules, Privileges, and Elections

- Res 0697-2011** **M 405 - Frank V. Carone, Taxi and Limousine Commission**
RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF FRANK V. CARONE AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.
Preconsidered - Coupled on GO
- Res 0698-2011** **M 406 - Nora Constance Marino, Taxi and Limousine**
RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF NORA CONSTANCE MARINO AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.
Preconsidered - Coupled on GO

Report of the Committee on Women's Issues

- Int 0371-2010-A** **Pregnancy services centers.**
A Local Law to amend the administrative code of the city of New York, in relation to pregnancy services centers.
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

Int 0026-2010-A **Sale of tax liens.**
A and GO with M / N

Housing and Buildings

Int 0291-2010-A **Penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.**
A and GO

Land Use

Res 0695-2011 **LU 317 - Sidewalk café, 85 Broadway, Brooklyn (20115165 TCK)**
GO

Res 0696-2011 **LU 318 - Sidewalk café, 152 Metropolitan Ave, Brooklyn (20115294 TCK)**
GO

Rules, Privileges, and Elections

Res 0697-2011 **M 405 - Frank V. Carone, Taxi and Limousine Commission**
Preconsidered - GO

Res 0698-2011 **M 406 - Nora Constance Marino, Taxi and Limousine**
Preconsidered - GO

Women's Issues

Int 0371-2010-A **Pregnancy services centers.**
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 **Vote against H.R. 358, a bill which will severely restrict**
0666-2011-A **women's right to access abortion.**

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.

Amended and Adopted by the Committee on Health

Res **Vote against H.R. 3, a bill which will raise taxes on millions of**
0670-2011-A **Americans and severely limit women's right to access abortion**
 services.

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.

Amended and Adopted by the Committee on Health

Res **Vote against H.R. 217, a bill that will restrict access to**
0672-2011-A **women's reproductive health services by severely restricting**
 funding for family planning providers.

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 and the United States Senate to protect family planning funds and reject the total defunding of Planned Parenthood.

Amended and Adopted by the Committee on Health

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Res 0685-2011 *By The Speaker (Council Member Quinn)*

Resolution amending the Council Rules to provide that the Speaker shall issue Council Procurement Procedures.

Rules, Privileges and Elections

Int 0486-2011 *By Council Member Brewer (by request of the Mayor)*

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the transfer of functions from the department of records and information services to the department of citywide administrative services, and to repeal chapter 72 of the charter concerning the department of records and information services.

Governmental Operations

Int 0487-2011 *By Council Members Brewer and Vacca*

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of detectable warning surfaces.

Transportation

Int 0488-2011

By Council Member Brewer

A Local Law to amend the New York city charter, in relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.

Governmental Operations

Res 0686-2011

By Council Members Brewer and Jackson

Resolution calling on the United States Congress to pass and the President to sign into law the “Large Capacity Ammunition Feeding Device Act” (H.R.308/S.32), which would prohibit the transfer or possession of large capacity ammunition feeding devices unless otherwise permissible by law.

Public Safety

Res 0687-2011

By Council Member Comrie Jr.

Resolution calling on the New York City Congressional Delegation and President Barack Obama to prevent cuts to the Community Services Block Grant Program.

Finance

Res 0688-2011

By Council Member Dickens

Resolution calling upon the New York State Legislature to amend the Penal Law by creating the crime of aggravated criminal use of a firearm for discharging a firearm on school grounds or public park lands.

Public Safety

Int 0489-2011

By Council Member Dromm

A Local Law to amend the administrative code of the city of New York, in relation to limiting the parking of motor vehicles by dealers.

Transportation

Res 0689-2011

By Council Member Dromm

Resolution calling on the United States Food and Drug

Administration to make “gluten-free” labeling of foods mandatory.

Health

Int 0490-2011 *By Council Member Gennaro*

A Local Law to amend the administrative code of the city of New York, in relation to cancelling tickets upon showing of valid receipt.

Transportation

Int 0491-2011 *By Council Member Halloran III*

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 report on gang-related arrests in schools.

Public Safety

Int 0492-2011 *By Council Member Halloran III*

A Local Law to amend the New York City Charter, in relation to records access by council members.

Governmental Operations

Res 0690-2011 *By Council Member Jackson*

Resolution proclaiming that the New York City Council stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.

Civil Service and Labor

Int 0493-2011 *By Council Member James*

A Local Law to amend the administrative code of the city of New York, in relation to providing information about free foreclosure prevention assistance.

Consumer Affairs

Res 0691-2011 *By Council Member James*

Resolution calling upon the New York City Department of Health and Mental Hygiene to study the effects of fluoride in tap water.

Health

Int 0494-2011

By Council Members Lander, Comrie Jr., Fidler, Vann, Williams, Brewer, Cabrera, Chin, Dickens, Dromm, Gentile, James, Jackson, Mark-Viverito, Mendez and Rose

A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of a bond to ensure compliance with building and maintenance requirements by holders of mortgages commencing foreclosure actions.

Housing and Buildings

Res 0692-2011

By Council Member Levin

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law A.1306 and S.1337, in relation to requiring all passengers of motor vehicles sixteen years and older to be restrained by safety belts.

Transportation

Res 0693-2011

By Council Members Rodriguez and Dromm

Resolution calling on the United States Senate to ratify the Convention on the Rights of the Child in order to enable New York City to participate in proceedings before its monitoring body.

General Welfare

Res 0694-2011

By Council Member Vann

Resolution that celebrates “Harriet Tubman Day” on March 10, 2011, and supports Senate Bill S.247, sponsored by U.S. Senators Charles Schumer (D-NY), Kirsten Gillibrand (D-NY), Benjamin Cardin (D-MD) and Barbara Mikulski (D-MD), that would create two national historic park sites in New York and Maryland, in honor of Harriet Tubman, who

escaped slavery to become the most famous conductor on the Underground Railroad.

Cultural Affairs, Libraries and International Intergroup Relations

Int 0495-2011 *By Council Member Weprin*

A Local Law to amend the administrative code of the city of New York, in relation to the turn off of unused sprinklers.

Parks and Recreation

LU 0329-2011 *By Council Member Comrie Jr.*

Application no. 20115128 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Magnifique LLC d.b.a Le Magnifique to establish, maintain and operate an unenclosed sidewalk café located at 1022 Lexington Avenue, Borough of Manhattan, Council District no.4. 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 0330-2011 *By Council Member Comrie Jr.*

Application no. 20115530 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC d.b.a Café Select to establish, maintain and operate an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District no. 1. 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 0331-2011 *By Council Member Comrie Jr.*

Application no. C 070245 ZMK 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, changing from an M3-1 District to an M1-4/R6A District, Section No. 12, Council District 33.

Zoning and Franchises

LU 0332-2011 *By Council Member Comrie Jr.*

Application no. N 070246 ZRK 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), Council District 33.

Zoning and Franchises

LU 0333-2011 *By Council Member Comrie Jr.*

Application no. N 100339 ZAM submitted by Columbia University in the City of New York for the grant of an authorization pursuant to Section 62-822 (a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 in connection with a proposed 5-story, approximately 47,700 square foot building, (Block 2244, Lots 1 and 100) in an R7-2 District, Council District 7. 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 0334-2011 *By Council Member Comrie Jr.*

Application no. 20115317 HKM (N 110181 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2427) by the Landmarks Preservation Commission of the 500 Fifth Avenue Building, located at 500 Fifth Avenue, (Block 1258, Lot 34), Council District no. 3.

Landmarks, Public Siting and Maritime Uses

LU 0335-2011

By Council Member Comrie Jr.

Application no. 20115318 HKX (N 110182 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2399) by the Landmarks Preservation Commission of Alderbrook House, located at 4715 Independence Avenue (Block 5926, Lot 76) as a historic landmark, Council District no. 11.

Landmarks, Public Siting and Maritime Uses

LU 0336-2011

By Council Member Comrie Jr.

Application no. 20115315 HKK (N 110183 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2408) by the Landmarks Preservation Commission of the Coney Island Theatre Building, located at 1301 Surf Avenue (Block 7064, Lot 16) as a historic landmark, Council District no. 47.

Landmarks, Public Siting and Maritime Uses

LU 0337-2011

By Council Member Comrie Jr.

Application no. 20115316 HKM (N 110184 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2432) by the Landmarks Preservation Commission of the Rogers, Peet and Company Building, located at 258 Broadway, Council District no. 1.

Landmarks, Public Siting and Maritime Uses

LU 0338-2011

By Council Member Comrie Jr.

Application no. 20115275 SCQ, a proposed site for a new, approximately 757-Seat Primary/Intermediate School Facility, located at southwest corner of Hillside Avenue and 164th Street (Block 9813, Lot 33), Council District no. 24, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Landmarks, Public Siting and Maritime Uses

LU 0339-2011*By Council Member Comrie Jr.*

Application no. 20115299 SCK, a proposed site for a new, approximately 735-Seat Primary/Intermediate School Facility, located at Coney Island Ave., Turner Place, Hinckley Place and East 8th Street (Block 5342, Lot 6, 8, 10, 17, 19, 26, 28 and 30), Council District no. 40, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Landmarks, Public Siting and Maritime Uses