

The New York City Council

Council Agenda

Stated Meeting

December 08, 2011

1:30 PM

Council Chambers - City Hall

1. Roll Call

2. Invocation

Delivered by Minister James Clemons, Greater Eternal Baptist Church, 746 Elton Avenue, Bronx, N.Y. 10451.

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

3. Adoption of Minutes

None

4. Messages & Papers from the Mayor

None

5. Communications from City, County & Borough Offices

None

6. Petitions and Communications

None

7. Land Use Call-Ups

**M 0730-2011 Sidewalk café, 342-344 West 11th Street, Manhattan
(20125094 TCM)**

By The Speaker (Council Member Quinn):
Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 342-344 West 11th Street, CB 2, Application no. 20125094 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

**M 0731-2011 Zoning, Amendment to City Map, Manhattan (C 100122
MMM)**

By the Chair of the Land Use Committee Council Member Comrie
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 no. C 100122 MMM, shall be subject to Council review. This application is related to application no. N 120037 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

**M 0732-2011 Sidewalk café, 88 University Place, Manhattan
(20125025TCM)**

By Council Member Mendez:
Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 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 88 University Place, Council District no. 3 Application no. 20125025 TCM, 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 Consumer Affairs

Int 0720-2011-A Bicycle parking in garages and parking lots.

A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots.

Amended and Coupled on GO

Report of the Committee on Contracts

Int 0624-2011-A Procedure governing agency service contracts.

A Local Law to amend the New York city charter, in relation to the procedure governing agency service contracts.

Coupled on GO**M 0708-2011 Mayor's Veto Message, Int. No. 624-A (Procedure governing agency service contracts.)**

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 624-A, in relation to the procedure governing agency service contracts.

Coupled to be Filed

Report of the Committee on Finance**Int 0643-2011-A Authorizing the TLC to collect the commercial motor vehicle tax imposed on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.**

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the taxi and limousine commission to collect the commercial motor vehicle tax imposed on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.

Amended and Coupled on GO

Report of the Committee on Housing and Buildings**Int 0576-2011-A Regulation of concrete washout water.**

A Local Law to amend the New York city building code, in relation to the regulation of concrete washout water.

Amended and Coupled on GO

Int 0578-2011-A Use of reclaimed asphalt pavement.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of reclaimed asphalt pavement.

Amended and Coupled on GO

Int 0592-2011-A Filtering soot from incoming air in buildings.

A Local Law to amend the New York city mechanical code, in relation to filtering soot from incoming air in buildings.

Amended and Coupled on GO

Report of the Committee on Land Use

Res 1158-2011 **LU 529 - Sidewalk café, 142 North 5th St, Brooklyn (20125096 TCK)**

Application no. 20125096 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 1 & 3 On 5th Corp. d.b.a Fabiane's Café & Pastry, to continue to maintain and operate an unenclosed sidewalk café located at 142 North 5th Street, 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 1159-2011 **LU 530 - Sidewalk café, 116 Havemeyer St, Brooklyn (20115397 TCK)**

Application no. 20115397 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of IL Gallo Cedrone LTD d.b.a Atlas Café, to continue to maintain and operate an unenclosed sidewalk café located at 116 Havemeyer Street, 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 1160-2011 **LU 531 - Sidewalk café, 60 Greenwich Ave, Manhattan (20125072 TCM)**

Application no. 20125072 TCM, pursuant to §20-226 of the

Administrative Code of the City of New York, concerning the petition of 60 Greenwich LLC d.b.a Gusto, to continue to maintain and operate an unenclosed sidewalk café located at 60 Greenwich 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 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Coupled on GO

Res 1161-2011

**LU 532 - Sidewalk café, 173 Mulberry St, Manhattan
(20125093 TCM)**

Application no. 20125093 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Lunella Ristorante Inc. d.b.a Lunella, to continue to maintain and operate an unenclosed sidewalk café located at 173 Mulberry 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.

Coupled on GO

Res 1162-2011

**LU 533 - Sidewalk café, 696 Madison Ave, Manhattan
(20125095 TCM)**

Application no. 20125095 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC d.b.a Nello's, to continue to maintain and operate an unenclosed sidewalk café located at 696 Madison 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.

Coupled on GO

Res 1163-2011 LU 534 - Sidewalk café, 264 Grand St, Brooklyn (20125121 TCK)

Application no. 20125121 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Grand Endeavors, Inc. d.b.a Clem's, to continue to maintain and operate an unenclosed sidewalk café located at 264 Grand Street, 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 1164-2011 LU 535 - Sidewalk café, 133 Mulberry St, Manhattan (20125123 TCM)

Application no. 20125123 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 133 Mulberry Street Restaurant, LLC d.b.a Ristorante S.P.Q.R. , to continue to maintain and operate an unenclosed sidewalk café located at 133 Mulberry 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.

Coupled on GO

Res 1165-2011 LU 537 - Landmarks, Madison-Belmont Building, 181 Madison Ave (20125152 HKM (N 120080 HKM))

Application no. 20125152 HKM (N 120080 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Madison-Belmont Building located at 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2425), Council District no.2, as an historic landmark .

Coupled on GO

Res 1166-2011 **LU 538 - Landmarks, Madison-Belmont Building, First Floor Interior, 181 Madison Ave (20125153 HKM (N 120081 HKM))**

Application no. 20125153 HKM (N 120081 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Madison-Belmont Building, First Floor Interior, located at 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2426), Council District no.2, as an historic landmark .

Coupled on GO

Res 1167-2011 **LU 539 - Landmarks, Primary School Facility, P.S. 62R, Crabtree Ave, Staten Island (20125038 SCR)**

Application no. 20125038 SCR, a proposed site for a new, approximately 444 seat Primary School Facility, P.S. 62R to be located at Crabtree Avenue (Block 7092, Lots 39 and 75), Community School District No. 31, Borough of Staten Island, Council District 51. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Coupled on GO

12. General Orders Calendar

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

Coupled on General Order Calendar

Consumer Affairs

Int 0720-2011-A **Bicycle parking in garages and parking lots.**
A and GO

Contracts

Int 0624-2011-A **Procedure governing agency service contracts.**
GO

M 0708-2011 **Mayor's Veto Message, Int. No. 624-A (Procedure governing agency service contracts.)**
Filed

Finance

Int 0643-2011-A **Authorizing the TLC to collect the commercial motor vehicle tax imposed on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.**
A and GO

Housing and Buildings

Int 0576-2011-A **Regulation of concrete washout water.**
A and GO

Int 0578-2011-A **Use of reclaimed asphalt pavement.**
A and GO

Int 0592-2011-A **Filtering soot from incoming air in buildings.**
A and GO

Land Use

Res 1158-2011 **LU 529 - Sidewalk café, 142 North 5th St, Brooklyn (20125096 TCK)**
GO

Res 1159-2011 **LU 530 - Sidewalk café, 116 Havemeyer St, Brooklyn (20115397 TCK)**

GO

**Res 1160-2011 LU 531 - Sidewalk café, 60 Greenwich Ave, Manhattan
(20125072 TCM)
*GO***

**Res 1161-2011 LU 532 - Sidewalk café, 173 Mulberry St, Manhattan
(20125093 TCM)
*GO***

**Res 1162-2011 LU 533 - Sidewalk café, 696 Madison Ave, Manhattan
(20125095 TCM)
*GO***

**Res 1163-2011 LU 534 - Sidewalk café, 264 Grand St, Brooklyn (20125121
TCK)
*GO***

**Res 1164-2011 LU 535 - Sidewalk café, 133 Mulberry St, Manhattan
(20125123 TCM)
*GO***

**Res 1165-2011 LU 537 - Landmarks, Madison-Belmont Building, 181 Madison
Ave (20125152 HKM (N 120080 HKM)
*GO***

**Res 1166-2011 LU 538 - Landmarks, Madison-Belmont Building, First Floor
Interior,181 Madison Ave (20125153 HKM (N 120081 HKM)
*GO***

**Res 1167-2011 LU 539 - Landmarks, Primary School Facility, P.S. 62R,
Crabtree Ave, Staten Island (20125038 SCR)
*GO***

General Order Calendar

T2010-0002 Commissioner of Deeds

GO

13. Introduction & Reading of Bills

See Attached

14. Discussion of Resolutions

15. Resolutions

Res 0917-2011-A **Efforts to reform NYS's tax code to allow for a fairer and more progressive distribution of the burden of taxation on NYC residents.**

Resolution in support of the Governor's and Legislature's efforts to reform New York State's tax code to allow for a fairer and more progressive distribution of the burden of taxation on New York City residents.

Amended and adopted by the Committee on Finance

Res 0892-2011 **The Motorcoach Enhanced Safety Act of 2011.
(H.R.873/S.453)**

Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled "The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.

Adopted by the Committee on Transportation

Res 1000-2011 **Qualifications of bus drivers. (A.8113)**

Resolution calling upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.

Adopted by the Committee on Transportation

Res 0958-2011 **Improve the disability compensation evaluation procedure of**

the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes. (H.R. 930)

Resolution urging the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

Adopted by the Committee on Veterans

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Res 1154-2011 *By Council Member Brewer*

Resolution calling upon the New York State Department of Motor Vehicles to reinstate the requirement that drivers get a vision test as part of the driver's license renewal process.

Transportation

Int 0724-2011 *By Council Member Cabrera*

A Local Law to amend the administrative code of the city of New York, in relation to removing the off-street parking requirement for base station licenses.

Transportation

Res 1155-2011 *By Council Member Cabrera*

Resolution calling upon the New York State legislature to pass and the Governor to sign legislation amending the New

York State Education Law to afford houses of worship maximum access to school property.

Education

Res 1156-2011 *By Council Member Dromm*

Resolution calling on the New York State Legislature to pass and the Governor to sign legislation to protect human trafficking victims by creating a separate private right of action to allow victims to sue perpetrators, to increase the penalties for sex trafficking and labor trafficking, and to provide funding for law enforcement training, public awareness campaigns, and additional social services for victims of human trafficking.

Women's Issues

Int 0725-2011 *By Council Member Ferreras*

A Local Law to amend the administrative code of the city of New York, in relation to the unlawful use of vehicles for the purpose of promoting prostitution.

Transportation

Int 0726-2011 *By Council Member Garodnick*

A Local Law to amend the administrative code of the city of New York, to require the Department of Transportation to create a task force to review the clarity of parking signs.

Transportation

Int 0727-2011 *By Council Member Garodnick*

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.

Consumer Affairs

Int 0728-2011 *By Council Member Greenfield*

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

New York, in relation to the provision of voter registration materials to families.

Education

Int 0729-2011 *By Council Member Mealy*

A Local Law to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.

Finance

Int 0730-2011 *By Council Member Recchia Jr.*

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of certain information regarding certain construction projects.

Housing and Buildings

Int 0731-2011 *By Council Members Recchia Jr., Lappin and Greenfield*

A Local Law to amend the administrative code of the city of New York, in relation to the administration of the senior citizen rent increase exemption program.

Be it enacted by the Council as follows:

Finance

Int 0732-2011 *By Council Member Rose*

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on streets adjacent to public schools.

Transportation

Int 0733-2011 *By Council Member Sanders Jr.*

A Local Law to amend the administrative code of the city of New York, in relation to the boundaries of the Far Rockaway empire zone.

Economic Development

Int 0734-2011

By Council Member Vacca

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an emergency repair program for elevators.

Housing and Buildings

Int 0735-2011

By Council Members Vacca and Crowley

A Local Law to amend the administrative code of the city of New York, in relation to strengthening the penalties for illegally operating non-TLC licensed vehicles for hire.

Transportation

Res 1157-2011

By Council Member Vallone Jr.

Resolution in support of S.5876-A/A.8558-A, which would amend the Penal Law by creating the felony crime of forcible touching against a child.

Public Safety

LU 0542-2011

By Council Member Comrie Jr.

Application no. 20125025TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Arta LLC d.b.a Scarpina Bar & Grill, to establish, maintain and operate an unenclosed sidewalk café located at 88 University Place, Borough of Manhattan, Council District no.2. 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 0543-2011

By Council Member Comrie Jr.

By Council Member Comrie

Application no. 20125094 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Schatzi Corp. d.b.a Wallse Restaurant, to continue

to maintain and operate an unenclosed sidewalk café located at 342-344 West 11th 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

LU 0544-2011

By Council Member Comrie Jr.

Application no. N 120037 ZRM by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 201 of the New York City Charter for the Zoning Resolution of the City of New York, concerning Section 12-10 (DEFINITIONS), relating to the defined term “wide street” Community District 7, Borough of Manhattan, Council District no. 6..

Zoning and Franchises

LU 0545-2011

By Council Member Comrie Jr.

Application no. C 100122 MMM by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment of the City Map, Community District 7, Borough of Manhattan, Council District no. 6..

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