

The New York City Council

Council Agenda

Stated Meeting

November 16, 2009

1:30 PM

Council Chambers - City Hall

1. Roll Call

2. Invocation

*Delivered by: Rev. Walter Tonelotto, Pastor, St. James Church,
23 Oliver Street, New York, NY 10002.*

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

3. Adoption of Minutes

*Motion that the Minutes of the Stated Meeting of September 30,
2009 be adopted as printed by Council Member Crowley.*

4. Messages & Papers from the Mayor

None

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

M 1656-2009 Kimberley A. Hayes, Youth Board.

Kimberley A. Hayes, a candidate for recommendation by the Council to the Youth Board, pursuant to § 734 of the New York City Charter.

Preconsidered - Rules, Privileges and Elections

6. Petitions and Communications

None

7. Land Use Call-Ups**M 1655-2009 Sidewalk Cafe, 119 7th Avenue Cafeteria, LLC, Manhattan (20095499TCM)**

By The Speaker (Council Member Quinn):
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 Consumer Affairs approving an unenclosed sidewalk café located at 119 7th Avenue, Community Board 4, Application 20095499 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 Finance

Int 1057-2009 Times Square Business Improvement District

A Local Law to amend the administrative code of the city of New York, in relation to the extension of the Times Square business improvement district

Coupled on GO

Res 2262-2009 Approving the New Designation And Changes In The Designation Of Certain Organizations To Receive Funding In The FY'10 Expense Budget.

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 and Fiscal 2010 Expense Budgets.

Preconsidered - Coupled on GO

Res 2263-2009 PAYMENT OF INDEBTEDNESS THEREOF, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2009 AND ENDING ON JUNE 30, 2010, BY THE LEVY OF TAXES ON THE REAL PROPERTY IN THE CITY OF NY.

RESOLUTION AMENDING AND RESTATING THE RESOLUTION TO PROVIDE THE AMOUNTS NECESSARY FOR THE SUPPORT OF THE GOVERNMENT OF THE CITY OF NEW YORK AND THE COUNTIES THEREIN AND FOR THE PAYMENT OF INDEBTEDNESS THEREOF, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2009 AND ENDING ON JUNE 30, 2010, BY THE LEVY OF TAXES ON THE REAL PROPERTY IN THE CITY OF NEW YORK, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION OF THE STATE OF NEW YORK, THE REAL PROPERTY TAX LAW AND THE CHARTER OF THE CITY OF NEW YORK.

Preconsidered - Coupled on GO

Res 2264-2009 **AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FY'10 TO THE STATE BOARD OF REAL PROPERTY SERVICES.**

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2010 TO THE STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

Preconsidered - Coupled on GO

Res 2265-2009 **AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FY'10 TO THE STATE BOARD OF REAL PROPERTY SERVICES.**

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2010 TO THE STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

Preconsidered - Coupled on GO

Report of the Committee on Land Use

Res 2266-2009 **LU 1240 - Landmark, 28th Avenue, Ulmer Street, 31st Avenue and College Point Boulevard, Queens (C090403PSQ)**

Uniform land use review procedure application no. C 090403 PSQ, submitted by the New York City Police Department and the Department of Citywide Administrative Services pursuant to §197-c of the Charter of the City of New York for site

selection of property generally bounded by 28th Avenue, Ulmer Street, 31st Avenue and College Point Boulevard for use as a police academy in the Borough of Queens, Council District no. 19. 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.

Coupled on GO

Report of the Committee on Rules, Privileges, and Elections

Res 2267-2009 **M 1656 - Kimberley A. Hayes, Youth Board.**

RESOLUTION APPROVING THE RECOMMENDATION BY THE COUNCIL OF KIMBERLEY A. HAYES AS A MEMBER OF THE NEW YORK CITY YOUTH BOARD.

Preconsidered - Coupled on GO

Report of the Committee on Transportation

Int 0662-2007-A **Clergy parking permits.**

A Local Law to amend the administrative code of the city of New York, in relation to clergy parking permits.

Amended and Coupled on GO

Int 0907-2009 **Establishing a grace period for certain parking violations.**

A Local Law to amend the administrative code of the city of New York, in relation to establishing a grace period for certain parking violations.

Coupled on GO

Int 1017-2009-A **Notification of changes in parking restrictions.**

A Local Law to amend the administrative code of the city of New York, in relation to notification of changes in parking restrictions.

Amended and Coupled on GO

Int 1076-2009-A **Notification of changes in parking meter regulations.**

A Local Law to amend the administrative code of the city of New York, in relation to notification of certain changes involving parking meters.

Amended and Coupled on GO

12. General Orders Calendar

T2006-0001 **Commissioner of Deeds**

Commissioner of Deeds

Coupled on GO

Coupled on General Order Calendar

Finance

Int 1057-2009 **Times Square Business Improvement District**
GO

Res 2262-2009 **Approving the New Designation And Changes In The**
Designation Of Certain Organizations To Receive Funding In
The FY'10 Expense Budget.
Preconsidered - GO

Res 2263-2009 **PAYMENT OF INDEBTEDNESS THEREOF, FOR THE**
FISCAL YEAR BEGINNING ON JULY 1, 2009 AND
ENDING ON JUNE 30, 2010, BY THE LEVY OF TAXES ON
THE REAL PROPERTY IN THE CITY OF NY.
Preconsidered - GO

Res 2264-2009 **AMENDING AND RESTATING THE RESOLUTION**
COMPUTING AND CERTIFYING BASE PERCENTAGE,
CURRENT PERCENTAGE AND CURRENT BASE

**PROPORTION OF EACH CLASS OF REAL PROPERTY
FOR FY'10 TO THE STATE BOARD OF REAL PROPERTY
SERVICES.**

Preconsidered - GO

Res 2265-2009 **AMENDING AND RESTATING THE RESOLUTION
COMPUTING AND CERTIFYING ADJUSTED BASE
PROPORTION OF EACH CLASS OF REAL PROPERTY
FOR FY'10 TO THE STATE BOARD OF REAL PROPERTY
SERVICES.**

Preconsidered - GO

Land Use

Res 2266-2009 **LU 1240 - Landmark, 28th Avenue, Ulmer Street, 31st Avenue
and College Point Boulevard, Queens (C090403PSQ)**
GO

Rules, Privileges, and Elections

Res 2267-2009 **M 1656 - Kimberley A. Hayes, Youth Board.**
Preconsidered - GO

Transportation

Int 0662-2007-A **Clergy parking permits.**
A and GO

Int 0907-2009 **Establishing a grace period for certain parking violations.**
GO

Int 1017-2009-A **Notification of changes in parking restrictions.**
A and GO

Int 1076-2009-A **Notification of changes in parking meter regulations.**

A and GO

General Order Calendar

T2006-0001 Commissioner of Deeds
GO

13. Introduction & Reading of Bills

See Attached

14. Discussion of Resolutions

15. Resolutons

Res **Pass H.R. 2776 of 2009, removing the exemption for hydraulic**
1850-2009-A **fracturing from the Safe Drinking Water Act**

Resolution calling on the United States Congress to pass H.R. 2776 of 2009, removing the exemption for hydraulic fracturing from the Safe Drinking Water Act; on the United States Environmental Protection Agency to reassess its 2004 study of hydraulic fracturing with respect to its risks to unfiltered drinking water systems and to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing; on the New York State Department of Health to study the public health and regulatory risks of hydraulic fracturing to the New York City water supply system and to propose any necessary actions to protect public health; on the New York State Department of Environmental Conservation, the New York State Legislature, and New York State Governor David Paterson to prohibit drilling for natural gas within the boundaries of the watershed; and on the New York State Department of Environmental Conservation to extend the public comment period on its draft

Supplemental Generic Environmental Impact Statement relating to high-volume hydraulic fracturing to February 28, 2010.

Amended and Adopted by the Committee on Environmental Protection

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Int 1095-2009 *By Council Members Avella and Palma*

A Local Law to amend the New York City charter, in relation to requiring the advice and consent of the council for mayoral appointees.

Governmental Operations

Int 1096-2009 *By Council Member Brewer*

A Local Law to amend the administrative code of the city of New York, in relation to improving the health and safety of nail salon employees.

Health

Res 2256-2009 *By Council Members Brewer, Sanders Jr., Mark-Viverito and The Speaker (Speaker Quinn)*

Resolution calling upon the New York State Legislature to pass, and the Governor to approve, legislation revising the priority occupancy clauses of the Mitchell-Lama housing program to give priority admission to veterans of the Iraq, Afghanistan and Gulf Wars and to their widows and widowers and to widowers of Vietnam War-era veterans.

Veterans

Res 2257-2009 *By Council Member Comrie Jr. and The Speaker (Speaker Quinn)*

Resolution calling on the New York State Legislature to pass tougher laws against drivers who drive under the influence of alcohol and drugs, especially those with child passengers.

Public Safety

Res 2258-2009 *By Council Member Gennaro*

Resolution denouncing the decision to tenure Joseph Massad at Columbia University.

Cultural Affairs, Libraries and International Intergroup Relations

Res 2259-2009 *By Council Member Koppell*

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

General Welfare

Int 1097-2009 *By Council Member Lappin*

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 complaints of harassment in the transit system.

Public Safety

Int 1098-2009 *By Council Member Mark-Viverito*

A local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in buildings owned, or managed, in whole or in part by persons receiving financial assistance or rent derived in whole or in part from the

city treasury.

Finance

Res 2260-2009 *By Council Member Mark-Viverito*

Resolution urging President Obama to put an end to the 287(g) program, an immigration enforcement program, which is causing an increase in racial profiling and civil rights abuses in localities throughout the United States.

Immigration

Res 2268-2009 *By Council Members Nelson and Vallone Jr.*

Resolution calling upon the United States Congress to immediately allocate to New York City the necessary funding needed to complete the “anti-nuke screening system.”

Public Safety

Res 2261-2009 *By Council Member Seabrook*

Resolution calling upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the “one person, one vote” principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

Civil Rights

Int 1100-2009 *By Council Member Vallone Jr.*

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fine for parking in front of a driveway.

Transportation

Int 1101-2009 *By Council Member Weprin*

A Local Law to amend the administrative code of the city of New York, in relation to requiring signs indicating the locations of abandoned infant protection act drop-off points.

General Welfare**Res 2262-2009***By Council Member Weprin*

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 and Fiscal 2010 Expense Budgets.

Preconsidered - Finance**LU 1271-2009***By Council Member Katz*

Application no. 20105209 HAQ, an amendment to an Urban Development Action Area Project located at 89-06 138th Street and 107-05 Sutphin Boulevard, Council Districts no. 24 and 28, Borough of Queens. This matter is subject to Council review and action at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Planning, Dispositions and Concessions**LU 1272-2009***By Council Member Katz*

Application no. 20095499 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 119 7th Avenue Cafeteria, LLC. d/b/a Cafeteria to continue to maintain and operate an unenclosed sidewalk café located at 119 Seventh 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.

Zoning and Franchises**LU 1273-2009***By Council Member Katz*

Application no. N 090293 ZRM 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 the Special Lower Manhattan

District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions, Community Board 1, Borough of Manhattan.

Zoning and Franchises

LU 1274-2009

By Council Member Katz

Application no. 20105074 HKQ (N 100104 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2319) by the Landmarks Preservation Commission of the Ridgewood North as a historic district, Council District no. 30.

Landmarks, Public Siting and Maritime Uses

LU 1275-2009

By Council Member Katz

Application no. 20105075 HKR (N 100105 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2377) by the Landmarks Preservation Commission of 411 Westervelt Avenue (Block 25, Lot 5), Horton's Row as a historic landmark, Council District no. 49.

Landmarks, Public Siting and Maritime Uses

LU 1276-2009

By Council Member Katz

Application no.20105076 HKR (N 100106 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2378) by the Landmarks Preservation Commission of 413 Westervelt Avenue (Block 25, Lot 4) , Horton's Row as a historic landmark, Council District no. 49.

Landmarks, Public Siting and Maritime Uses

LU 1277-2009

By Council Member Katz

Application no.20105078 HKR (N 100107 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2381) by the Landmarks Preservation Commission of 415 Westervelt Avenue (Block

25, Lot 3) , Horton's Row as a historic landmark, Council District no. 49.

Landmarks, Public Siting and Maritime Uses

LU 1278-2009

By Council Member Katz

Application no. 20105077 HKR (N 100109 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2382) by the Landmarks Preservation Commission of 417 Westervelt Avenue (Block 25, Lot 1), Horton's Row as a historic landmark, Council District no. 49.

Landmarks, Public Siting and Maritime Uses