

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Monday, November 25, 2002

3:00 PM

Recessed Meeting of November 20, 2002

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, James E. Davis, Bill de Blasio, Ruben Diaz, Erik Martin Dilan, Simcha Felder, Lewis A. Fidler, Helen D. Foster, Dennis P. Gallagher, James F. Gennaro, Alan J. Gerson, Eric N. Gioia, Martin J. Golden, Sara M. Gonzalez, Robert Jackson, Allan W. Jennings, 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, William Perkins, Madeline Provenzano, Christine C. Quinn, Philip Reed, Domenic M. Recchia, Jr., Diana Reyna, Joel Rivera, James Sanders, Larry B. Seabrook, Helen Sears, Jose M. Serrano, Kendall B. Stewart, Peter F. Vallone, Jr., Albert Vann, David I. Weprin, David Yassky.

RECESSED MEETING of November 20, 2002 held on November 25, 2002

1. The Presiding Officer will call the meeting to order
2. Roll Call

Present:

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Davis, Diaz, Dilan, Felder, Fidler, Foster, Gallagher, Gerson, Gioia, Gonzalez, Jackson, Jennings Jr., Katz, Koppell, de Blasio, Lanza, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin, Yassky and Oddo

Excused:

Gennaro, Golden, Lopez and Reed

3. The Clerk (Mr. Victor L. Robles) will announce the presence of a quorum
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1. Adoption of Minutes
None.
2. Messages & Papers from the Mayor
None.
3. Communications from City, County & Borough Offices

M 0380-2002 Communication from the Office of Management & Budget - withdrawing from the Council consideration budget modification (MN-1), dated November 20, 2002. This modification has been replaced by (MN -2).

M 0381-2002 Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2003 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN - 2)

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

M 0382-2002 Communication from the Office of Management & Budget - Modification to reflect an increase in City revenues in fiscal year 2003 in the amount of \$82 million. (MN - 3)

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

4. Petitions and Communications

None.

5. Land Use Call-Ups

None.

6. Communication from the Speaker

7. Discussion of General Orders

8. Reports of Special Committees

None.

9. Reports of Standing Committees

Report of the Committee on Finance

Int 0317-2002 A Local Law to provide for the levy and collection of additional real property taxes for fiscal year 2003.

Attachments: Local Law, Hearing Transcript, Stated Meeting - Hearing Transcript

Affirmative: 41 -

Speaker Miller, Addabbo Jr., Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Diaz, Dilan, Felder, Fidler, Foster, Gerson, Gioia, Gonzalez, Jackson, Katz, Koppell, de Blasio, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

Negative: 6 -

Avella, Davis, Gallagher, Jennings Jr., Lanza and Oddo

Excused: 4 -

Gennaro, Golden, Lopez and Reed

Enactment No: 2002/040

M 0371-2002 Communication from the Office of Management and Budget - Transfer City funds between various agencies in Fiscal Year 2003 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-1)

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

Pursuant to a Letter of Withdrawal

Affirmative: 41 -

Speaker Miller, Addabbo Jr., Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Diaz, Dilan, Felder, Fidler, Foster, Gerson, Gioia, Gonzalez, Jackson, Katz, Koppell, de Blasio, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

Negative: 6 -

Avella, Davis, Gallagher, Jennings Jr., Lanza and Oddo

Excused: 4 -

Gennaro, Golden, Lopez and Reed

M 0381-2002 Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2003 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN - 2)

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

Affirmative: 41 -

Speaker Miller, Addabbo Jr., Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Diaz, Dilan, Felder, Fidler, Foster, Gerson, Gioia, Gonzalez, Jackson, Katz, Koppell, de Blasio, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

Negative: 6 -

Avella, Davis, Gallagher, Jennings Jr., Lanza and Oddo

Excused: 4 -

Gennaro, Golden, Lopez and Reed

M 0382-2002 Communication from the Office of Management & Budget - Modification to reflect an increase in City revenues in fiscal year 2003 in the amount of \$82 million. (MN - 3)

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

Affirmative: 41 -

Speaker Miller, Addabbo Jr., Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Diaz, Dilan, Felder, Fidler, Foster, Gerson, Gioia, Gonzalez, Jackson, Katz, Koppell, de Blasio, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

Negative: 6 -

Avella, Davis, Gallagher, Jennings Jr., Lanza and Oddo

Excused: 4 -

Gennaro, Golden, Lopez and Reed

Res 0601-2002 RESOLUTION APPROVING THE MODIFICATION (MN-2) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(B) OF THE CHARTER OF THE CITY OF NEW YORK (PART A); AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2003 TO THE STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW (PART B); AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2003 TO THE STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW (PART C); 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, 2002 AND ENDING ON JUNE 30, 2003 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 AND PROVIDING THE AMOUNTS NECESSARY FOR THE ADDITIONAL SUPPORT OF THE GOVERNMENT AND THE COUNTIES THEREIN AND FOR PAYMENT OF THE INDEBTEDNESS THEREOF BY THE LEVY OF ADDITIONAL TAXES ION THE REAL PROPERTY IN THE CITY OF NEW YORK FOR THE PERIOD OF FISCAL YEAR 2003 BEGINNING JANUARY 1, 2003 AND ENDING JUNE 30, 2003 (PART D); APPROVING A MODIFICATION PURSUANT TO SECTION 107(E) (MN-3) OF THE CHARTER OF THE CITY OF NEW YORK (PART E); AND SETTING FORTH AN EFFECTIVE DATE FOR THE PROVISIONS OF THIS RESOLUTION (PART F).

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

Affirmative: 41 -

Speaker Miller, Addabbo Jr., Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Diaz, Dilan, Felder, Fidler, Foster, Gerson, Gioia, Gonzalez, Jackson, Katz, Koppell, de Blasio, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

Negative: 6 -

Avella, Davis, Gallagher, Jennings Jr., Lanza and Oddo

Excused: 4 -

Gennaro, Golden, Lopez and Reed

Report of the Committee on Rules, Privileges, and Elections

Res 0602-2002 Resolution approving Membership Changes to Certain Standing Committees

Attachments: Committee Report, Standing Committees of the Council, Hearing Transcript, Stated Meeting - Hearing Transcript

Affirmative: 46 -

Speaker Miller, Addabbo Jr., Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Davis, Diaz, Dilan, Felder, Fidler, Foster, Gallagher, Gerson, Gioia, Gonzalez, Jackson, Jennings Jr., Katz, Koppell, de Blasio, Lanza, Liu, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin, Yassky and Oddo

Negative: 1 -

Avella

Excused: 4 -

Gennaro, Golden, Lopez and Reed

10. General Orders Calendar

Int 0027-2002 A Local Law to amend the administrative code of the city of New York in relation to eliminating all gender biased terminology in all documents, materials and laws generated by the city of New York.

Attachments: Committee Report 7/1, Hearing Transcript 7/1, Committee Report 11/15, Fiscal Impact Statement - A, Local Law, Hearing Transcript 11/15, Hearing Transcript - Stated Meeting - 12/4/02

Enactment No: 2002/042

Int 0070-2002 A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for violations of the littering law.

Attachments: Committee Report 6/13/02, Committee Report 11/15/02, Hearing Transcript - Stated Meeting - 12/18/02, Hearing Transcript 6/13/02, Local Law, Hearing Transcript 11/15/02, Fiscal Impact Statement - A

Enactment No: 2003/001

Int 0146-2002 A Local Law to amend the administrative code of the city of New York, in relation to unlawful posting.

Attachments: Committee Report 6/13/02, Committee Report 11/15/02, Fiscal Impact Statement, Hearing Transcript - Stated Meeting - 12/18/02, Hearing Transcript 6/13/02, Local Law, Hearing Transcript 11/15/02

Enactment No: 2003/002

Int 0211-2002 A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the issuance of a permit for the possession and purchase of rifles and shotguns to certain persons.

Attachments: Committee Report 6/27, Committee Report 10/29, Fiscal Impact Statement - A, Local Law, Hearing Transcript 6/27, Hearing Transcript 10/29, Hearing Transcript - Stated Meeting - 12/4/02

Enactment No: 2002/044

Int 0216-2002 A Local Law to amend the New York City Charter, in relation to the composition of the Veterans' Advisory Board.

Attachments: Committee Report, Fiscal Impact Statement - A, Local Law, Hearing Transcript, Hearing Transcript - Stated Meeting - 12/4/02

Enactment No: 2002/045

Int 0257-2002 A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of mobile telephones in a place of public performance.

Attachments: Committee Report 9/24/02, Committee Report 10/21/02, Committee Report 11/19/02, Hearing Transcript - Stated Meeting - 12/18/02, Committee Report 2/6/03, Local Law, Hearing Transcript 9/24/02, Hearing Transcript 10/21/02, Hearing Transcript 11/19/02, Hearing Transcript 2/6/03, Stated Meeting - Hearing Transcript - 2/12/03, Fiscal Impact Statement - A

Enactment No: 2003/009

Coupled on General Order Calendar

Finance

Int 0317-2002 A Local Law to provide for the levy and collection of additional real property taxes for fiscal year 2003.

Attachments: Local Law, Hearing Transcript, Stated Meeting - Hearing Transcript
Passed with Mayor's Message of Necessity.

Enactment No: 2002/040

M 0371-2002 Communication from the Office of Management and Budget - Transfer City funds between various agencies in Fiscal Year 2003 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-1)

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M 0381-2002 Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2003 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN - 2)

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

M 0382-2002 Communication from the Office of Management & Budget - Modification to reflect an increase in City revenues in fiscal year 2003 in the amount of \$82 million. (MN - 3)

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Res 0601-2002 RESOLUTION APPROVING THE MODIFICATION (MN-2) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(B) OF THE CHARTER OF THE CITY OF NEW YORK (PART A); AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2003 TO THE STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW (PART B); AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2003 TO THE STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW (PART C); 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, 2002 AND ENDING ON JUNE 30, 2003 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 AND PROVIDING THE AMOUNTS NECESSARY FOR THE ADDITIONAL SUPPORT OF THE GOVERNMENT AND THE COUNTIES THEREIN AND FOR PAYMENT OF THE INDEBTEDNESS THEREOF BY THE LEVY OF ADDITIONAL TAXES ION THE REAL PROPERTY IN THE CITY OF NEW YORK FOR THE PERIOD OF FISCAL YEAR 2003 BEGINNING JANUARY 1, 2003 AND ENDING JUNE 30, 2003 (PART D); APPROVING A MODIFICATION PURSUANT TO SECTION 107(E) (MN-3) OF THE CHARTER OF THE CITY OF NEW YORK (PART E); AND SETTING FORTH AN EFFECTIVE DATE FOR THE PROVISIONS OF THIS RESOLUTION (PART F).

Attachments: Hearing Transcript, Stated Meeting - Hearing Transcript

Rules, Privileges, and Elections

11. Introduction & Reading of Bills
See Attached

None.

12. Discussion of Resolutions

None.

13. Resolutions

None.

14. General Discussion

15. Extension of Remarks

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 December , 2002.

*VICTOR L. ROBLES, City Clerk
Clerk of the Council*