

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, December 9, 2009

1:30 PM

Council Chambers - City Hall

City Council

Christine C. Quinn, Speaker

Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron, Gale A. Brewer, Leroy G. Comrie, Jr., Elizabeth Crowley, Bill de Blasio, Inez E. Dickens, Erik Martin Dilan, Mathieu Eugene, Simcha Felder, Julissa Ferreras, Lewis A. Fidler, Helen D. Foster, Daniel R. Garodnick, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Letitia James, Melinda R. Katz, G. Oliver Koppell, Jessica S. Lappin, John C. Liu, Melissa Mark-Viverito, Darlene Mealy, Rosie Mendez, Kenneth C. Mitchell, Michael C. Nelson, James S. Oddo, Annabel Palma, Domenic M. Recchia, Jr., Diana Reyna, Joel Rivera, Ydanis A. Rodriguez, James Sanders, Jr., Larry B. Seabrook, Helen Sears, Kendall B. Stewart, Eric A. Ulrich, James Vacca, Peter F. Vallone, Jr., Albert Vann, David I. Weprin, Thomas White, Jr. and David Yassky

The President Pro Tempore (Council Member Dickens)

1. Roll Call

Present,

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr., Yassky and Rodriguez

Excused,

Baez and Gotbaum

The presence of a quorum was announced by The President Pro Tempore (Council Member Dickens).

Editor's Note re Attendance and Voting for the Stated Council Meeting of December 9, 2009: This Stated Council Meeting of December 9, 2009 was opened and subsequently recessed on December 9, 2009 before being re-opened and adjourned on December 14, 2009. The Recessed Meeting held on December 14, 2009, therefore, is the continuation of this Stated Council Meeting of December 9, 2009. Though not present on December 9, 2009, Council Members Liu, Sanders, Seabrook and Rodriguez were present at the Recessed Meeting of December 9, 2009 held on December 14, 2009, and are thereby, considered present for attendance and voting purposes for the Stated Council Meeting of December 9, 2009. Council Members Liu, Sanders, Seabrook, and Rodriguez chose to cast affirmative votes on December 14, 2009 for the items coupled on the Land Use Call-ups and the General Order Calendar of the Stated Council Meeting held on December 9, 2009 (please see the LU Call-up and General Order vote printed in these Minutes of the Stated Council Meeting of December 9, 2009).

2. Invocation

The Invocation was delivered by: Rev. James B. Barnwell, Pastor, Mt. Olivet Baptist Church, 202-03 Hollis Avenue, Hollis, N.Y. 11412.

Council Member Comrie moved to spread the Invocation in full upon the Record.

3. Adoption of Minutes

Council Member Nelson moved that the Minutes of the Stated Meeting of October 28, 2009 be adopted as printed.

At a certain point, Council Member Rivera assumed the Chair as the President Pro Tempore.

4. Messages & Papers from the Mayor

M 1688-2009

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 662-A, in relation to clergy parking permits.

Attachments: Committee Report

This Mayor's Message was Referred to Comm by Council to the Committee on Transportation

- M 1689-2009 Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 907, in relation to establishing a grace period for certain parking violations.**

Attachments: Committee Report

This Mayor's Message was Referred to Comm by Council to the Committee on Transportation

5. Communications from City, County & Borough Offices

- M 1690-2009 Communication from the Comptroller – Submitting projection of the City's debt-incurring power for Fiscal Years 2010-2013, pursuant to Section 232 of the New York City Charter.**

This Communication was Rcvd, Ord, Prnt, Fld by Council

6. Petitions and Communications

None

7. Land Use Call-Ups

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motion which was decided in the affirmative by the following vote:

- M 1691-2009 By Council Member Katz
Application no. 20105147 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Rajmar Holdings, Inc. d/b/a Hudson Bar & Books to continue, to maintain and operate an unenclosed sidewalk café located at 636 Hudson 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.**

A motion was made that this Land Use Call-Up be Approved, by Council approved by Roll Call.

Affirmative, 50 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr., Yassky and Rodriguez

Excused, 1 -

Baez

At this point, the President Pro Tempore (Council Member Rivera) declared that the aforementioned item was adopted and referred to the Committee on Land Use and to the appropriate Land Use Subcommittee.

Editor's Note: The revised LU Call-up vote is 50-0-0 (superseding the original December 9, 2009 vote of 46-0-0; for further explanation of the revised lu call-up vote, please see the Editor's Note re Attendance and Voting for the Stated Council Meeting of December 9, 2009 printed after the Roll Call for Attendance in these Minutes).

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 Environmental Protection

Int 0476-2006 A Local Law to amend the administrative code of the city of New York, in relation to benchmarking the energy and water efficiency of buildings.

Attachments: Int. No. 476 - 11/15/06, Proposed Int. No. 476-A - 6/26/09, Committee Assignment Change, Committee Report 6/27/08, Hearing Transcript 6/27/08, Hearing Testimony 6/27/08, Committee Report 6/26/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

A motion was made that this Introduction be Approved by Council approved by Consent Roll Call.

Int 0564-2007 A Local Law to amend the administrative code of the city of New York, in relation to establishing a New York city energy code.

Attachments: Int. No. 564 - 4/23/07, Proposed Int. No. 564-A - 6/29/09, Committee Assignment Change, Committee Report 6/26/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

A motion was made that this Introduction be Approved by Council approved by Consent Roll Call.

Int 0967-2009 A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings.

Attachments: Committee Report 6/26/09, Int. No. 967 - 4/22/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

A motion was made that this Introduction be Approved by Council approved by Roll Call.

Affirmative, 45 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Vacca, Vallone Jr., Vann, Weprin, White Jr., Yassky and Rodriguez

Negative, 5 -

Dilan, Felder, Ignizio, Oddo and Ulrich

Excused, 1 -

Baez

Int 0973-2009 A Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems and the installation of sub-meters in certain buildings.

Attachments: Int. No. 973 - 4/22/09, Committee Report 6/26/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

A motion was made that this Introduction be Approved by Council approved by Roll Call.

Affirmative, 48 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr., Yassky and Rodriguez

Negative, 2 -

Felder and Ignizio

Excused, 1 -

Baez

- Res 2289-2009** **Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A and Proposed Int. No. 973-A.**

Attachments: Committee Report 12/8/09, Committee Report - Stated Meeting 12/9/09

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

Report of the Committee on Land Use

- LU 1227-2009** **Uniform Land Use Review Procedure application no. C 090413 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section No.13b, Borough of Brooklyn, Council District no. 34**

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009, Postponement of the Planning Subcommittee Meeting to 11/19/2009, Land Use Calendar - Week of November 23 - November 27, 2009, Cancellation of Planning Subcommittee Meeting Scheduled for November 23 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Subcommittee Meetings Change, Hearing Transcript - Planning 11/19/09, Hearing Testimony - Planning 11/19/09, Reconvening of the Recessed Meetings on 12/7/09, Hearing Transcript - Planning 12/2/09, Hearing Transcript - Planning 12/3/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

- LU 1228-2009** **Zoning resolution amendment application no. N 090414 ZRK, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, relating to Article II, Chapter 3, Sections 23-90, inclusive.**

Attachments: Postponement of the Planning Subcommittee Meeting to 11/19/2009, Land Use Calendar - Week of November 23 - November 27, 2009, Cancellation of Planning Subcommittee Meeting Scheduled for November 23 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Subcommittee Meetings Change, Hearing Transcript - Planning 11/19/09, Reconvening of the Recessed Meetings on 12/7/09, Hearing Testimony - Planning 11/19/09, Land Use Calendar - Week of November 9 - November 20, 2009, Hearing Transcript - Planning 12/2/09, Hearing Transcript - Planning 12/3/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1229-2009 **Uniform land use review procedure, application no. C 090415 HUK 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 an amendment to the Broadway Triangle Urban Renewal Plan, Borough of Brooklyn, Council District no. 34.**

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009, Postponement of the Planning Subcommittee Meeting to 11/19/2009, Land Use Calendar - Week of November 23 - November 27, 2009, Cancellation of Planning Subcommittee Meeting Scheduled for November 23 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Subcommittee Meetings Change, Hearing Transcript - Planning 11/19/09, Hearing Testimony - Planning 11/19/09, Reconvening of the Recessed Meetings on 12/7/09, Hearing Transcript - Planning 12/2/09, Hearing Transcript - Planning 12/3/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1230-2009 **Uniform land use review procedure application no. C 090416 HAK, an Urban Development Action Area Designation and Project, located within the Broadway Triangle URA, and the disposition of such property, Borough Brooklyn, Council District no. 33. 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.**

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009, Postponement of the Planning Subcommittee Meeting to 11/19/2009, Land Use Calendar - Week of November 23 - November 27, 2009, Cancellation of Planning Subcommittee Meeting Scheduled for November 23 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Subcommittee Meetings Change, Hearing Transcript - Planning 11/19/09, Hearing Testimony - Planning 11/19/09, Reconvening of the Recessed Meetings on 12/7/09, Hearing Transcript - Planning 12/2/09, Hearing Transcript - Planning 12/3/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1255-2009 Application no. C 080039 ZMM submitted by West 129th Street Realty I LLC and West 129th Street Realty II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a, changing from an R7-2 District to an R7A District and changing from an M1-1 District to an R7A

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Transcript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Hearing Transcript - Zoning 12/3/09, Hearing Transcript - Land Use 12/3/09, Hearing Testimony - Zoning 11/23/09

A motion was made that this Land Use Application be Approved, by Council approved by Consent Roll Call.

Res 2292-2009 Resolution approving the decision of the City Planning Commission on ULURP No. C 080039 ZMM, a Zoning Map amendment (L.U. No. 1255).

Attachments: Committee Report

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1269-2009 Uniform land use review procedure application no. C 100014 HAK an Urban Development Action Area Designation and Project and the disposition of such property, located at 371 Van Siclen Avenue, Borough of Brooklyn, Council District no. 37. 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.

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009, Postponement of the Planning Subcommittee Meeting to 11/19/2009, Land Use Calendar - Week of November 23 - November 27, 2009, Cancellation of Planning Subcommittee Meeting Scheduled for November 23 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Subcommittee Meetings Change, Hearing Transcript - Planning 11/19/09, Hearing Testimony - Planning 11/19/09, Hearing Testimony - Planning 12/2/09, Hearing Transcript - Planning 12/2/09, Reconvening of the Recessed Meetings on 12/7/09, Hearing Transcript - Planning 12/3/09, Hearing Transcript - Land Use 12/3/09

A motion was made that this Land Use Application be Approved, by Council approved by Consent Roll Call.

Res 2293-2009 **Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development (“HPD”), No. C 100014 HAK, approving the designation of property located at 371 Van Siclen Avenue (Block 4026, Lot 2), Borough of Brooklyn, as an Urban Development Action Area (the “Area”), approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1269; C 100014 HAK).**

Attachments: Committee Report

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

Report of the Committee on Parks and Recreation

Int 1083-2009 **A Local Law to amend the administrative code of the city of New York, in relation to requiring local representation on park conservancies.**

Attachments: Int. No. 1083 - 9/17/09, Proposed Int. No. 1083-A - 10/30/09, Committee Report 10/30/09, Hearing Transcript 10/30/09, Hearing Testimony 10/30/09, Committee Report 12/8/09

This Introduction was Laid Over by Council

12. General Orders Calendar

LU 1244-2009 **Application no. N 090412 ZRY by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution relating to Article VI, Chapter 3, concerning provisions related to the establishment of FRESH Food Stores.**

Attachments: Land Use Calendar - Week of October 26 - October 30, 2009, Land Use Calendar - Week of November 9 - November 20, 2009, Hearing Transcript - Zoning 10/26/09, Hearing Testimony - Zoning 10/26/09, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Hearing Transcript - Land Use 11/24/09, Hearing Transcript - Stated Meeting 11/30/09

A motion was made that this Land Use Application be Approved, by Council approved by Consent Roll Call.

Res 2294-2009 **Resolution approving with modification the decision of the City Planning Commission on Application No. N 090412 ZRY, for an amendment of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores, Citywide (L.U. No. 1244).**

Attachments: Committee Report

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

T2006-0001

Commissioner of Deeds

Attachments: Hearing Transcript - Charter Meeting 1/4/06, Hearing Transcript - Stated Meeting 1/18/06, Hearing Transcript - Stated Meeting 2/1/06, Hearing Transcript - Stated Meeting 2/15/06, Hearing Transcript - Stated Meeting 3/1/06, Hearing Transcript - Stated Meeting 3/22/06, Hearing Transcript - Stated Meeting 4/5/06, Hearing Transcript - Stated Meeting 4/26/06, Hearing Transcript - Stated Meeting 5/10/06, Hearing Transcript - Stated Meeting 5/24/06, Hearing Transcript - Stated Meeting 6/13/06, Hearing Transcript - Stated Meeting 6/20/06, Hearing Transcript - Stated Meeting 6/29/06, Hearing Transcript - Stated Meeting 7/19/06, Hearing Transcript - Stated Meeting 8/16/06, Hearing Transcript - Stated Meeting 9/13/06, Hearing Transcript - Stated Meeting 9/27/06, Hearing Transcript - Stated Meeting 10/11/06, Hearing Transcript - Stated Meeting 10/25/06, Hearing Transcript - Stated Meeting 11/15/06, Hearing Transcript - Stated Meeting 11/29/06, Hearing Transcript - Stated Meeting 12/6/06, Hearing Transcript - Stated Meeting 12/20/06, Hearing Transcript - Stated Meeting 1/3/07, Hearing Transcript - Stated Meeting 1/9/07, Hearing Transcript - Stated Meeting 2/1/07, Hearing Transcript - Stated Meeting 2/28/07, Hearing Transcript - Stated Meeting 3/14/07, Hearing Transcript - Stated Meeting 3/28/07, Hearing Transcript - Stated Meeting 4/12/07, Hearing Transcript - Stated Meeting 4/23/07, Hearing Transcript - Stated Meeting 5/9/07, Hearing Transcript - Stated Meeting 5/30/07, Hearing Transcript - Stated Meeting 6/5/07, Hearing Transcript - Stated Meeting 6/15/07, Hearing Transcript - Stated Meeting 6/27/07, Hearing Transcript - Stated Meeting 7/25/07, Hearing Transcript - Stated Meeting 8/6/07, Hearing Transcript - Stated Meeting 8/22/07, Hearing Transcript - Stated Meeting 9/10/07, Hearing Transcript - Stated Meeting 9/25/07, Hearing Transcript - Stated Meeting 10/17/07, Hearing Transcript - Stated Meeting 10/23/07, Hearing Transcript - Stated Meeting 10/29/07, Hearing Transcript - Stated Meeting 11/15/07, Hearing Transcript - Stated Meeting 11/28/07, Hearing Transcript - Stated Meeting 12/11/07, Hearing Transcript - Stated Meeting 12/19/07, Hearing Transcript - Charter Meeting 1/9/08, Hearing Transcript - Stated Meeting 1/30/08, Hearing Transcript - Stated Meeting 2/13/08, Hearing Transcript - Stated Meeting 2/27/08, Hearing Transcript - Stated Meeting 3/12/08, Hearing Transcript - Stated Meeting 3/26/08, Hearing Transcript - Stated Meeting 3/31/08, Hearing Transcript - Stated Meeting 4/16/08, Hearing Transcript - Stated Meeting 4/30/08, Hearing Transcript - Stated Meeting 5/14/08, Hearing Transcript - Stated Meeting 5/28/08, Hearing Transcript - Recessed Stated Meeting 5/28/08, Hearing Transcript - Stated Meeting 6/12/08, Hearing Transcript - Recessed Stated Meeting 6-23-08, Hearing Transcript - Stated Meeting 6/29/08, Hearing Transcript - Stated Meeting 7/23/08, Hearing Transcript - Stated Meeting 8/14/08, Hearing Transcript - Stated Meeting 9/4/08, Hearing Transcript - Stated Meeting 9/24/08, Hearing Transcript - Stated Meeting 10/7/08, Hearing Transcript - Stated Meeting 10/23/08, Hearing Transcript - Stated Meeting 11/13/08, Hearing Transcript - Stated Meeting 11/19/08, Hearing Transcript - Stated Meeting 12/9/08, Hearing Transcript - Stated Meeting 12/18/08, Hearing Transcript - Charter Meeting 1/7/09, Hearing Transcript - Stated Meeting 1/28/09, Hearing Transcript - Stated Meeting 2/11/09, Hearing Transcript - Stated Meeting 3/11/09, Hearing Transcript - Stated Meeting 3/24/09, Hearing Transcript - Stated Meeting 4/2/09, Hearing Transcript - Stated Meeting 4/22/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing

Transcript - Stated Meeting 5/20/09, Hearing Transcript - Stated Meeting 6/10/09, Hearing Transcript - Stated Meeting 6/19/09, Hearing Transcript - Stated Meeting 6/30/09, Hearing Transcript - Stated Meeting 7/29/09, Hearing Transcript - Stated Meeting 8/20/09, Hearing Transcript - Stated Meeting 9/17/09, Hearing Transcript - Stated Meeting 9/30/09, Hearing Transcript - Stated Meeting 10/14/09, Hearing Transcript - Stated Meeting 10/28/09, Hearing Transcript - Stated Meeting 11/16/09, Hearing Transcript - Stated Meeting 11/30/09

A motion was made that this Commissioner of Deeds be Approved, by Council approved by Consent Roll Call.

Coupled on General Order Calendar

Environmental Protection

Int 0476-2006 A Local Law to amend the administrative code of the city of New York, in relation to benchmarking the energy and water efficiency of buildings.

Attachments: Int. No. 476 - 11/15/06, Proposed Int. No. 476-A - 6/26/09, Committee Assignment Change, Committee Report 6/27/08, Hearing Transcript 6/27/08, Hearing Testimony 6/27/08, Committee Report 6/26/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

Int 0564-2007 A Local Law to amend the administrative code of the city of New York, in relation to establishing a New York city energy code.

Attachments: Int. No. 564 - 4/23/07, Proposed Int. No. 564-A - 6/29/09, Committee Assignment Change, Committee Report 6/26/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

Int 0967-2009 A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings.

Attachments: Committee Report 6/26/09, Int. No. 967 - 4/22/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

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Attachments: Int. No. 973 - 4/22/09, Committee Report 6/26/09, Hearing Transcript 6/26/09, Hearing Testimony 6/26/09, Committee Report 12/8/09, Res. No. 2289, Fiscal Impact Statement, Committee Report - Stated Meeting 12/9/09

With Message of Necessity

Res 2289-2009 Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A and Proposed Int. No. 973-A.

Attachments: Committee Report 12/8/09, Committee Report - Stated Meeting 12/9/09

Land Use

Res 2292-2009 Resolution approving the decision of the City Planning Commission on ULURP No. C 080039 ZMM, a Zoning Map amendment (L.U. No. 1255).

Attachments: Committee Report

Res 2293-2009 Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development (“HPD”), No. C 100014 HAK, approving the designation of property located at 371 Van Siclen Avenue (Block 4026, Lot 2), Borough of Brooklyn, as an Urban Development Action Area (the “Area”), approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1269; C 100014 HAK).

Attachments: Committee Report

General Order Calendar

Res 2294-2009 **Resolution approving with modification the decision of the City Planning Commission on Application No. N 090412 ZRY, for an amendment of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores, Citywide (L.U. No. 1244).**

Attachments: Committee Report

T2006-0001

Commissioner of Deeds

Attachments: Hearing Transcript - Charter Meeting 1/4/06, Hearing Transcript - Stated Meeting 1/18/06, Hearing Transcript - Stated Meeting 2/1/06, Hearing Transcript - Stated Meeting 2/15/06, Hearing Transcript - Stated Meeting 3/1/06, Hearing Transcript - Stated Meeting 3/22/06, Hearing Transcript - Stated Meeting 4/5/06, Hearing Transcript - Stated Meeting 4/26/06, Hearing Transcript - Stated Meeting 5/10/06, Hearing Transcript - Stated Meeting 5/24/06, Hearing Transcript - Stated Meeting 6/13/06, Hearing Transcript - Stated Meeting 6/20/06, Hearing Transcript - Stated Meeting 6/29/06, Hearing Transcript - Stated Meeting 7/19/06, Hearing Transcript - Stated Meeting 8/16/06, Hearing Transcript - Stated Meeting 9/13/06, Hearing Transcript - Stated Meeting 9/27/06, Hearing Transcript - Stated Meeting 10/11/06, Hearing Transcript - Stated Meeting 10/25/06, Hearing Transcript - Stated Meeting 11/15/06, Hearing Transcript - Stated Meeting 11/29/06, Hearing Transcript - Stated Meeting 12/6/06, Hearing Transcript - Stated Meeting 12/20/06, Hearing Transcript - Stated Meeting 1/3/07, Hearing Transcript - Stated Meeting 1/9/07, Hearing Transcript - Stated Meeting 2/1/07, Hearing Transcript - Stated Meeting 2/28/07, Hearing Transcript - Stated Meeting 3/14/07, Hearing Transcript - Stated Meeting 3/28/07, Hearing Transcript - Stated Meeting 4/12/07, Hearing Transcript - Stated Meeting 4/23/07, Hearing Transcript - Stated Meeting 5/9/07, Hearing Transcript - Stated Meeting 5/30/07, Hearing Transcript - Stated Meeting 6/5/07, Hearing Transcript - Stated Meeting 6/15/07, Hearing Transcript - Stated Meeting 6/27/07, Hearing Transcript - Stated Meeting 7/25/07, Hearing Transcript - Stated Meeting 8/6/07, Hearing Transcript - Stated Meeting 8/22/07, Hearing Transcript - Stated Meeting 9/10/07, Hearing Transcript - Stated Meeting 9/25/07, Hearing Transcript - Stated Meeting 10/17/07, Hearing Transcript - Stated Meeting 10/23/07, Hearing Transcript - Stated Meeting 10/29/07, Hearing Transcript - Stated Meeting 11/15/07, Hearing Transcript - Stated Meeting 11/28/07, Hearing Transcript - Stated Meeting 12/11/07, Hearing Transcript - Stated Meeting 12/19/07, Hearing Transcript - Charter Meeting 1/9/08, Hearing Transcript - Stated Meeting 1/30/08, Hearing Transcript - Stated Meeting 2/13/08, Hearing Transcript - Stated Meeting 2/27/08, Hearing Transcript - Stated Meeting 3/12/08, Hearing Transcript - Stated Meeting 3/26/08, Hearing Transcript - Stated Meeting 3/31/08, Hearing Transcript - Stated Meeting 4/16/08, Hearing Transcript - Stated Meeting 4/30/08, Hearing Transcript - Stated Meeting 5/14/08, Hearing Transcript - Stated Meeting 5/28/08, Hearing Transcript - Recessed Stated Meeting 5/28/08, Hearing Transcript - Stated Meeting 6/12/08, Hearing Transcript - Recessed Stated Meeting 6-23-08, Hearing Transcript - Stated Meeting 6/29/08, Hearing Transcript - Stated Meeting 7/23/08, Hearing Transcript - Stated Meeting 8/14/08, Hearing Transcript - Stated Meeting 9/4/08, Hearing Transcript - Stated Meeting 9/24/08, Hearing Transcript - Stated Meeting 10/7/08, Hearing Transcript - Stated Meeting 10/23/08, Hearing Transcript - Stated Meeting 11/13/08, Hearing Transcript - Stated Meeting 11/19/08, Hearing Transcript - Stated Meeting 12/9/08, Hearing Transcript - Stated Meeting 12/18/08, Hearing Transcript - Charter Meeting 1/7/09, Hearing Transcript - Stated Meeting 1/28/09, Hearing Transcript - Stated Meeting 2/11/09, Hearing Transcript - Stated Meeting 3/11/09, Hearing Transcript - Stated Meeting 3/24/09, Hearing Transcript - Stated Meeting 4/2/09, Hearing Transcript - Stated Meeting 4/22/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing

Transcript - Stated Meeting 5/20/09, Hearing Transcript - Stated Meeting 6/10/09, Hearing Transcript - Stated Meeting 6/19/09, Hearing Transcript - Stated Meeting 6/30/09, Hearing Transcript - Stated Meeting 7/29/09, Hearing Transcript - Stated Meeting 8/20/09, Hearing Transcript - Stated Meeting 9/17/09, Hearing Transcript - Stated Meeting 9/30/09, Hearing Transcript - Stated Meeting 10/14/09, Hearing Transcript - Stated Meeting 10/28/09, Hearing Transcript - Stated Meeting 11/16/09, Hearing Transcript - Stated Meeting 11/30/09

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports, which were decided in the affirmative by the following vote:

Passed The Consent Agenda

A motion was made that these files be approved by consent vote.

Affirmative, 50 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr., Yassky and Rodriguez

Excused, 1 -

Baez

The following files were removed from the General Order Calendar and voted separately:

revised vote for Int No. 967-A, 45-5-0 (superseding the December 9, 2009 vote of 45-0-0; revised vote for Int No. 973-A, 48-2-0 (superseding the December 9, 2009 vote of 48-2-0

See files for individual votes.

(Editor's Note--for further explanation of the revised GO vote, please see the Editor's Note re: Attendance and Voting for the Stated Council Meeting of December 9, 2009 printed after the Roll Call for the Attendance in these Minutes)

13. Introduction & Reading of Bills
See Attached

14. Discussion of Resolutions

15. Resolutons

None

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Int 1103-2009

A Local Law in relation to the naming of 70 thoroughfares and public places, Ron Carey Avenue, Borough of Queens, Betty Pegen Way, Borough of Queens, Sol Soskin Way, Borough of Queens, Kenneth Jackson, Jr. Blvd., Borough of Brooklyn, Power Memorial Way, Borough of Manhattan, Morris R. Lee Place, Borough of Queens, John Hicks Way, Borough of Manhattan, Sugar Ray Robinson Way, Borough of Manhattan, Anthony Aristedes Delgado Way, Borough of Brooklyn, Thomas Joseph Sgroi A 9-11 Memorial Way, Borough of Brooklyn, Mitad del Mundo, Borough of Queens, Veterans Memorial Way, Borough of Brooklyn, Rev. Robert G. Lane Blvd., Borough of the Bronx, FF Alfred Ronaldson Place, Borough of the Bronx, Walter L. Johnson Corner Developer of Dyker Heights, Borough of Brooklyn, Rosemarie O' Keefe Way, Borough of Brooklyn, Hank Vogt Way, Borough of Brooklyn, Dr. Michael Brienza Way, Borough of Brooklyn, Hon. Thomas Tam Way, Borough of Manhattan, The Bowery Mission Way, Borough of Manhattan, Roger Laghezza Place, Borough of Queens, Nicolas A. Nowillo Place, Borough of Queens, Francesco "Frankie" Loccisano Way, Borough of Brooklyn, Dr. Jitendra Sukhadia Crossing, Borough of Staten Island, Benny A. Lyde Place, Borough of Brooklyn, Bernard L. Shapiro Boulevard, Borough of Queens, Janice Marie Knight Street, Borough of Brooklyn, Dr. Saul J. Farber Way, Borough of Manhattan, NYS Senator 1956-2006, Hon. John J. Marchi Way, Borough of Staten Island, Catherine Vanden-Heuvel Way, Borough of Staten Island, Elizabeth Stanton Way, Borough of Staten Island, Arthur F. Newcombe Sr. Way, Borough of Staten Island, FDNY Lt. John "Muzz" Murray Way, Borough of Staten Island, Corporal John C. Johnson, Sr. Road, Borough of Staten Island, Custodian Engineer Martin T. Cavanagh Way, Borough of Staten Island, Sergeant Gerald A. Johnson Corner, Borough of Staten Island, Carmine Narducci Way, Borough of Staten Island, Bobby Smith Court, Borough of Staten Island, Curtis High School Association of Alumni & Friends, Borough of Staten Island, Michael Coccozza Way, Borough of Staten Island, Rabbi Dr. Joseph I. Singer Way, Borough of Brooklyn, Sheila Nelson Way, Borough of Brooklyn, P.O. Kevin M. Lee Way, Borough of Staten Island, Eugene S. Devlin III Way, Borough of Staten Island, Michael A. Primiano Way, Borough of Staten Island, Sal Somma Way, Borough of Staten Island, PV2 Isaac T. Cortes Way, Borough of the Bronx, Sister Jane Talbot Way, Borough of Brooklyn, Ken Siegelman Way, Borough of Brooklyn, Lance Corporal Alberto Francesconi Place, Borough of the Bronx, Supervising Fire Dispatcher Dennis Patrick O' Connell Place, Borough of the Bronx, Mr. Joseph Zinzi Place,

Borough of the Bronx, J. Clifford Gadsden Place, Borough of Queens, Edith Copeland Baldwin Way, Borough of the Bronx, Detective Rudolph Vinston Edwards, Sr. Way, Borough of the Bronx, Gloria D. Alexander Way, Borough of the Bronx, Dorothy Gomes Way, Borough of the Bronx, Christian Regenhard Way, Borough of the Bronx, Charles Carrocetto Corner, Borough of the Bronx, Port Authority Police Officer Dominick Pezzulo Triangle, Borough of the Bronx, Beverly Baxter Blvd., Borough of Queens, Sean Bell Way, Borough of Queens, Ghanwatti Boodram Way, Borough of Queens, Mike Lee Corner, Borough of Brooklyn, Burlingame Court, Borough of Queens, James Court, Borough of Queens, McKee Court, Borough of Queens, Calhoun Court, Borough of Queens, Moncrief Court, Borough of Queens, Lockwood Court, Borough of Queens and the repeal of sections 7 and 10 of local law number 46 for the year 2009, the repeal of sections 17 and 37 of local law number 48 for the year 2008 and the repeal of section 48 of local law number 64 for the year 2008.

Sponsors: By Council Members Avella, Barron, Brewer, Comrie Jr., Dickens, Dilan, Felder, Ferreras, Foster, Gentile, Gerson, Gioia, Gonzalez, Ignizio, James, Liu, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Recchia Jr., Rivera, Sanders Jr., Seabrook, Vacca, Ulrich and White Jr.

Attachments: Committee Report 12/10/09

This Introduction was Referred to Comm by Council to the Committee on Parks and Recreation

Int 1104-2009

A Local Law to amend the administrative code of the city of New York, in relation to benefits pursuant to section four hundred twenty-one-a of the real property tax law.

Sponsors: By Council Member Dilan

This Introduction was Referred to Comm by Council to the Committee on Housing and Buildings

Res 2287-2009

Resolution calling upon the Mayor and the New York City Department of Correction to end their involvement with United States department of Immigration and Customs Enforcement by refusing to allow Immigration and Customs Enforcement to have access to pre-trial detainees at Rikers Island and other Department of Correction facilities and declining to participate in the Secure Communities Program.

Sponsors: By Council Members Foster, Ferreras, Jackson, James, Mark-Viverito, Mealy and Palma

This Resolution was Referred to Comm by Council to the Committee on Immigration

Res 2288-2009 **Resolution urging the United States Senate to approve a health care reform bill that will not restrict women's reproductive health or burden their right to choose by forcing women to seek alternative or supplemental insurance to obtain an abortion.**

Sponsors: By Council Members Garodnick, The Speaker (Speaker Quinn), Brewer, Ferreras, Foster, Jackson, James, Koppell, Lappin, Mark-Viverito, Palma and Weprin

This Resolution was Referred to Comm by Council to the Committee on Health

Res 2289-2009 **Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A and Proposed Int. No. 973-A.**

Sponsors: By Council Members Gennaro, Arroyo and Palma

Attachments: Committee Report 12/8/09, Committee Report - Stated Meeting 12/9/09

This Resolution was Referred to Comm by Council to the Committee on Environmental Protection

Int 1105-2009 **A Local Law to amend the administrative code of the city of New York, in relation to requiring the payment of a living wage to employees employed on property developed by recipients of financial assistance for economic and community development.**

Sponsors: By Council Members Koppell, Palma, Arroyo, Brewer, Foster, Gerson, Jackson, James, Mark-Viverito and Mealy

This Introduction was Referred to Comm by Council to the Committee on Contracts

Res 2290-2009 **Resolution calling upon the New York State Assembly to pass A.5671, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, amending the real property tax law in relation to the creation of a vacant land property classification.**

Sponsors: By Council Members Mark-Viverito, Brewer, James and Palma

Attachments: Cover Sheet

This Resolution was Referred to Comm by Council to the Committee on Finance

Res 2291-2009 **Resolution condemning the interrogation practices used by Immigration and Customs Enforcement officials on detainees housed in New York City Department of Corrections' facilities.**

Sponsors: By Council Members Stewart, James, Mark-Viverito and Mealy

This Resolution was Referred to Comm by Council to the Committee on Immigration

Int 1106-2009 **A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in eight business improvement districts.**

Sponsors: By Council Member Weprin (by request of the Mayor)

This Introduction was Referred to Comm by Council to the Committee on Finance

LU 1287-2009 **Application no.20105215 PPK, the exchange of city-owned property located at Application no.20105215 PPK, the exchange of city-owned property located at 250 Baltic Street for state-owned property located at 338 Forbell Street, Borough of Brooklyn, Council Districts no. 39 and 37. This matter is subject to Council review and action pursuant to §72-h of the General Municipal Law. for state-owned property located at 338 Forbell Street, Borough of Brooklyn, Council Districts no. 39 and 37. This matter is subject to Council review and action pursuant to §72-h of the General Municipal Law.**

Sponsors: By Council Member Katz

Attachments: Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Subcommittee on Landmarks, Public Siting and Maritime Uses

LU 1288-2009 **Uniform land use review procedure application no. C 100067 HAK, an Urban Development Action Area Designation and Project, located at 1612 Park Place and 404A, 408, 414 and 416 Hopkinson Avenue, and the disposition of such property, Borough of Brooklyn, Council District no. 41. 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.**

Sponsors: By Council Member Katz

Attachments: Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 1289-2009 **Application no. 20105212 HAX, an Urban Development Action Area Project located at 1100 Elder Avenue, Council District no. 18, Borough of the Bronx. 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 577 of the Private Housing Finance Law for an exemption from real property taxes.0000**

Sponsors: By Council Member Katz

Attachments: Reconvening of the Recessed Meetings on 12/7/09, Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Reconvening of the Recessed Meetings on 12/7/09, Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 1290-2009 **Application no. 20105213 HAM, an Urban Development Action Area Project located at 342 East 100th Street, Council District no. 8, Borough of Manhattan. 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 577 of the Private Housing Finance Law for an exemption from real property taxes.**

Sponsors: By Council Member Katz

Attachments: Reconvening of the Recessed Meetings on 12/7/09, Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Reconvening of the Recessed Meetings on 12/7/09, Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 1291-2009 **Application no. 20105214 HAM, an Urban Development Action Area Project located at 310-312 West 122nd Street, Council District no. 9, Borough of Manhattan. 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 577 of the Private Housing Finance Law for an exemption from real property taxes.**

Sponsors: By Council Member Katz

Attachments: Reconvening of the Recessed Meetings on 12/7/09, Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Reconvening of the Recessed Meetings on 12/7/09, Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Subcommittee on Planning, Dispositions and Concessions

LU 1292-2009 **Application no. 20105203 HKQ (N 100137 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.420, LP-2321) by the Landmarks Preservation Commission of the Herman A. Schleicher Mansion, located at 11-41 123rd Street (Block 3997, Lot 40) as an historic landmark, Council District no. 19.**

Sponsors: By Council Member Katz

Attachments: Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

Attachments: Land Use Calendar - Week of December 14 - December 18, 2009

This Land Use Application was Referred to Comm by Council to the Subcommittee on Landmarks, Public Siting and Maritime Uses

LU 1293-2009 **Application no. 20105147 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Rajmar Holdings, Inc. d/b/a Hudson Bar & Books to continue, to maintain and operate an unenclosed sidewalk café located at 636 Hudson 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.**

Sponsors: By Council Member Katz

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

At this point the Speaker (Council Member Quinn) made the following announcements:

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) declared the Meeting in recess.