



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN
CHAIR & PRESIDING OFFICER
IKAIKA ANDERSON
VICE CHAIR
ROMY M. CACHOLA
FLOOR LEADER
TOM BERG
STANLEY CHANG
NESTOR R. GARCIA
BREENE HARIMOTO
ANN H. KOBAYASHI
VACANT (DISTRICT VI)

JOURNAL

REGULAR MEETING
27TH SESSION
WEDNESDAY, SEPTEMBER 12, 2012

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: The video of the full proceedings of this meeting can be viewed at <http://www1.honolulu.gov/cameras/council/index.htm> or a copy of the video may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ernest Y. Martin, at 10:36 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Berg, Cachola, Chang, Garcia, Harimoto, Kobayashi, Martin - 8.

INTRODUCTION OF GUESTS

Councilmember Cachola recognized Bob McGraw, who was on Senator Donna Mercado Kim's staff when she was at Council, and his wife, Maria Klemack-McGraw, a Councilmember of Ward 4 of Grove City, Ohio.

APPROVAL OF MINUTES

Councilmember Anderson moved that the Minutes of the 25th Session (August 15, 2012) and 26th Session (August 22, 2012) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Cachola.

The following individual testified:

Arvid T. Youngquist (General comment)

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

ORDER OF THE DAY – MORNING CALENDAR

ADOPTION

RESOLUTION 12-224 – COMMITTEE REPORT 306

RESOLUTION RELATING TO THE RE-APPOINTMENT OF ADAM C. WONG TO SERVE ON THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Chang moved that Committee Report 306 and Resolution 12-224 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Councilmember Anderson spoke in strong support of Resolution 12-224 and he thanked Mr. Wong for his dedication and willingness to continue serving the people of the City and County of Honolulu.

Councilmember Chang noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-229).

Committee Report 306 and Resolution 12-224 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Chair Martin recognized and congratulated Mr. Wong on his appointment.

ADOPTION

RESOLUTION 12-225 – COMMITTEE REPORT 307

RESOLUTION RELATING TO THE APPOINTMENT OF KAULANA H.R. PARK TO SERVE ON THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Chang moved that Committee Report 307 and Resolution 12-225 be adopted. Seconded by Councilmember Kobayashi.

The following individuals testified:

1. Polly Grace (Support)
2. Arvid T. Youngquist (Support)
3. Willie Holly (General comment)

Committee Report 307 and Resolution 12-225 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Chair Martin recognized and congratulated Mr. Park on his appointment.

RECESS/RECONVENE

At 10:45 a.m., the Chair called for a short recess and reconvened the meeting at 10:46 a.m.

ADOPTION

RESOLUTION 12-198, CD1 – COMMITTEE REPORT 290

RESOLUTION RELATING TO THE APPOINTMENT OF CHARLES ZAHN TO SERVE ON THE NEIGHBORHOOD COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Cachola stated that his review of the last six months of the subject neighborhood board meetings indicated personality conflicts between certain members of the neighborhood board; however, it is possible that the problem can be corrected.

Councilmember Cachola moved that Committee Report 290 and Resolution 12-198, CD1 be adopted. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Arvid T. Youngquist (Support)
2. Debra Murphy (Oppose)
3. Polly Grace (Support)

In response to councilmembers, Executive Secretary Tom Heinrich, Neighborhood Commission, stated that:

- The current policy is that a member of a neighborhood board can concurrently serve on the Neighborhood Commission.
- He would like to propose to the City Council a Charter amendment prohibiting concurrent service on a neighborhood board and the Neighborhood Commission.
- There have been long-standing personality conflicts between members on a number of neighborhood boards.
- When an informal complaint is made to the Neighborhood Commission, the complaint is investigated and the office will work with the individuals or the neighborhood board involved to resolve the issue.
- Formal written complaints must be submitted to the Neighborhood Commission within 45 days of the alleged incident. Copies of the complaint are sent out to the affected parties who are given time to respond to the allegations.
- The current Neighborhood Commission members are committed to dealing with the backlog of complaints in a timely manner.

In response to Councilmember Cachola, Charles Zahn stated that if he is appointed to the Neighborhood Commission, he will resign from Neighborhood Board No. 34 on September 26 which would allow him to follow through on some outstanding items before the Board.

Councilmember Berg noted that Mr. Zahn is an outstanding citizen. He stated that every neighborhood board has different personalities and the key is to have the Neighborhood Commission address all complaints fairly. He expressed concern that Executive Secretary Heinrich did not notify all board members that there was an opening on the Neighborhood Commission.

Councilmember Berg moved that Resolution 12-198, CD1 be deferred. The motion failed due to lack of a second.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-240).

Councilmember Garcia spoke in support of Resolution 12-198, CD1 and noted he was glad that Mr. Zahn will resign from the neighborhood board after its September 26 meeting. He commended Mr. Zahn for his service to the community. He stated that the Council should review whether individuals serving on neighborhood boards should be allowed to serve concurrently on the Neighborhood Commission.

Councilmember Cachola urged councilmembers to adopt Resolution 12-198, CD1. He noted that Mr. Zahn's September 26 resignation would diminish future conflicts within that specific neighborhood board and that Mr. Zahn would be just one vote out of nine members on the Neighborhood Commission. He urged neighborhood boards to conduct their meetings in a civil manner. He noted Executive Secretary Heinrich's commitment to propose a Charter amendment prohibiting a neighborhood board member from serving concurrently on the Neighborhood Commission.

Councilmember Berg spoke in opposition to Resolution 12-198, CD1 and noted his focus was on the process of objectivity and neutrality and not on Mr. Zahn. He expressed his concern that the Neighborhood Commission has failed to consider complaints regarding violations of the Sunshine Law, the Office of Information Practices rules, and the Neighborhood Plan.

Committee Report 290 and Resolution 12-198, CD1 were adopted.

AYES: ANDERSON, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI,
 MARTIN – 7.

NOES: BERG – 1.

Chair Martin recognized and congratulated Mr. Zahn on his appointment.

Related communications:

M-2291 Representative Ty Cullen
M-2292 Kathleen M. Pahinui
M-2293 Pat Lee
M-2294 Senator Mike Gabbard
M-2306 Phyllis Okada Kacher, Hawaiiana Management Company, Ltd.
M-2310 Representative Sharon E. Har

THIRD READING

BILL 53, CD1 – COMMITTEE REPORT 276

A BILL FOR AN ORDINANCE RELATING TO PEDDLING.

Councilmember Garcia moved that Committee Report 276 be adopted and Bill 53, CD1 pass third reading. Seconded by Councilmember Berg.

Councilmember Garcia clarified that Bill 53, CD1 would affect the McCully/Moiliili area and not the Waikiki community as reported by the media.

The following individuals testified:

1. Edwin Bond (General comment)
2. M. Dupre (General comment)
3. Arvid Youngquist (General comment)
4. Barbra Armentrout (General comment)
5. Debra Murphy (Support)

Councilmember Kobayashi urged councilmembers to support passage of Bill 53, CD1. She noted the measure would not affect Waikiki, but specifically targets a historic portion of Moiliili from Stadium Park to Church Lane and would allow the businesses in the area to place their flowers outside, 4 feet from their property line.

Councilmember Garcia spoke in support of Bill 53, CD1 and thanked Councilmember Kobayashi for introducing the measure for consideration. He reiterated that the area under consideration is historic Moiliili along both sides of King Street between Stadium Park and Church Lane and that there is no reference to Waikiki in the measure. He noted he would be conferring with Councilmember Chang to determine whether or not to revisit the issue of allowing street performers on public sidewalks in Waikiki.

Committee Report 276 was adopted and Bill 53, CD1 passed third reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

THIRD READING

BILL 50, CD1 – COMMITTEE REPORT 294

A BILL FOR AN ORDINANCE RELATING TO FARMERS HOME ADMINISTRATION
LOAN FUND.

Councilmember Kobayashi moved that Committee Report 294 be adopted and Bill 50, CD1
pass third reading. Seconded by Councilmember Anderson.

The following individual testified:

Arvid T. Youngquist (Support)

Committee Report 294 was adopted and Bill 50, CD1 passed third reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

FIRST READING

BILL 57

(Parks and Cultural Affairs)

A BILL FOR AN ORDINANCE RELATING TO ANIMAL CONTROL LAWS.

Councilmember Anderson moved that Bill 57 pass first reading. Seconded by
Councilmember Cachola.

The following individuals testified:

1. Cathy Goeggel, Animal Rights Hawai'i (M-2311) (Support with reservations)
2. Arvid Youngquist (Support)
3. Stephanie Ryan (Support)
4. Inga Gibson, The Humane Society of the United States (Support)

5. Jacque LeBlanc (General comment)

In response to councilmembers, Ms. LeBlanc stated that:

- Each year, more than 10,000 cats and a few thousand dogs are euthanized.
- Bill 57 could create overcrowding in shelters and indefinite holding times.
- The Humane Society is willing to work with the Council on amendments to the measure in order to save more animals.
- The Humane Society works collaboratively with rescue shelters, transferring animals on a limited basis to save more lives.
- She is not aware of any organization which currently shelters feral and unsocialized cats.

Bill 57 passed first reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

| | |
|--------|---------------------------------------|
| M-2295 | P. Fern |
| M-2296 | P. Fern |
| M-2297 | Jill Voeks |
| M-2298 | Ginger Westerman |
| M-2303 | Susan Scott |
| M-2304 | Laurie Pottish |
| M-2307 | Joel Fischer |
| M-2312 | Linda Nunn and Paul Johnson |
| M-2313 | Kevin J. McEntire, Animal Rights Fund |
| M-2314 | Naomi Egami |
| M-2315 | Pamela Miedtke-Wolf |
| M-2316 | Kim Williams |

FIRST READING

BILL 58

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE ISLAND-WIDE FARE STRUCTURE.

Councilmember Anderson moved that Bill 58 pass first reading. Seconded by Councilmember Cachola.

The following individuals testified:

1. Richard A. DeConti (General comment)
2. Barbra Armentrout (General comment)
3. Arvid T. Youngquist (General comment)
4. Daniel Neyer (Oppose)
5. Natalie Iwasa (Oppose)
6. Jim Hayes (General comment)
7. Debra Murphy (General comment)
8. Marissa Capelouto (General comment)

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-263).

Councilmember Berg stated that before he could support free bus passes for seniors, he would need to know what the fare would be to ride the rail.

Bill 58 passed first reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

FIRST READING

BILL 59

(Parks and Cultural Affairs)

A BILL FOR AN ORDINANCE RELATING TO EXCEPTIONAL TREES.

Councilmember Anderson moved that Bill 59 pass first reading. Seconded by Councilmember Cachola.

There was no public testimony.

Bill 59 passed first reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

FIRST READING

BILL 60

(Transportation)

A BILL FOR AN ORDINANCE RELATING TO PRIVATE STREETS AND ROADS.

Councilmember Anderson moved that Bill 60 pass first reading. Seconded by Councilmember Cachola.

The following individuals testified:

1. Natalie Iwasa (General comment)
2. Rick Fucini (M-2317) (Support)
3. Arvid Youngquist (General comment)

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-262).

Bill 60 passed first reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

FIRST READING

BILL 61

(Budget)

A BILL FOR AN ORDINANCE RELATING TO TERMINATE RECYCLING RESIDUE DISCOUNT.

Councilmember Anderson moved that Bill 61 pass first reading. Seconded by Councilmember Cachola.

The following individuals testified:

1. Arvid T. Youngquist (General comment)
2. Natalie Iwasa (Support)

In response to Councilmember Berg, Ms. Iwasa stated that she hopes existing recycling companies would step in and pick up abandoned cars for recycling.

3. Debra Murphy (Support)
4. Marissa Capelouto (Support)
5. Polly Grace (General comment)
6. Hanni Hartman (Support)

In response to Councilmember Berg, Mr. Hartman stated that there would not be an increase in abandoned and derelict vehicles because recycling businesses will continue to salvage abandoned vehicles for the valuable automobile shredder residue.

7. Barbra Armentrout (Support)

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-261).

Bill 61 passed first reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.
NOES: None.

Related communication:

M-2318 Schnitzer Steel Hawaii

ADOPTION

RESOLUTION 12-196 – COMMITTEE REPORT 277

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM 24-HOUR FITNESS FOR THE HONOLULU FIRE DEPARTMENT'S FIRE OPERATIONS.

Councilmember Garcia moved that Committee Report 277 and Resolution 12-196 be adopted. Seconded by Councilmember Berg.

The following individuals testified:

1. Arvid T. Youngquist (Support)
2. Marissa Capelouto (Oppose)

Committee Report 277 and Resolution 12-196 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, KOBAYASHI, MARTIN – 7.

NOES: None.

ABSENT: HARIMOTO – 1.

ADOPTION

RESOLUTION 12-201 – COMMITTEE REPORT 278

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE HAWAI'IGAS TO FUND LIQUEFIED NATURAL GAS TRAINING FOR HONOLULU FIRE DEPARTMENT PERSONNEL.

Councilmember Garcia moved that Committee Report 278 and Resolution 12-201 be adopted. Seconded by Councilmember Berg.

There was no public testimony.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-260).

Committee Report 278 and Resolution 12-201 were adopted.

AYES: ANDERSON, BERG, CACHOLA, GARCIA, HARIMOTO, KOBAYASHI,
MARTIN – 7.
NOES: None.
ABSENT: CHANG – 1.

ADOPTION

RESOLUTION 12-203 – COMMITTEE REPORT 279

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM CHONBUK NATIONAL UNIVERSITY, JEONJU, SOUTH KOREA.

Councilmember Garcia moved that Committee Report 279 and Resolution 12-203 be adopted. Seconded by Councilmember Berg.

There was no public testimony.

Committee Report 279 and Resolution 12-203 were adopted.

AYES: ANDERSON, BERG, CACHOLA, GARCIA, HARIMOTO, KOBAYASHI,
MARTIN – 7.
NOES: None.
ABSENT: CHANG – 1.

ADOPTION

RESOLUTION 12-214 – COMMITTEE REPORT 281

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT OF THREE DRAGON BOATS TO THE CITY AND COUNTY OF HONOLULU FROM DB PRODUCTIONS, INC. DBA HAWAII DRAGON BOAT ASSOCIATION.

Councilmember Garcia moved that Committee Report 281 and Resolution 12-214 be adopted. Seconded by Councilmember Berg.

The following individual testified:

Arvid T. Youngquist (Support)

Committee Report 281 and Resolution 12-214 were adopted.

AYES: ANDERSON, BERG, CACHOLA, GARCIA, HARIMOTO, KOBAYASHI,
MARTIN – 7.

NOES: None.

ABSENT: CHANG – 1.

ADOPTION

RESOLUTION 12-215 – COMMITTEE REPORT 282

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM HONOLULU FESTIVAL FOUNDATION OF TRAVEL TO SOUTH KOREA.

Councilmember Garcia moved that Committee Report 282 and Resolution 12-215 be adopted. Seconded by Councilmember Berg.

There was no public testimony.

Committee Report 282 and Resolution 12-215 were adopted.

AYES: ANDERSON, BERG, CACHOLA, GARCIA, HARIMOTO, KOBAYASHI,
MARTIN – 7.

NOES: None.

ABSENT: CHANG – 1.

ADOPTION

RESOLUTION 12-207, CD1 – COMMITTEE REPORT 280

RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO ADDRESS CAMPAIGN SPENDING ISSUES BY PROPOSING AMENDMENTS TO CLARIFY THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH.

Councilmember Garcia moved that Committee Report 280 and Resolution 12-207, CD1 be adopted. Seconded by Councilmember Berg.

The following individuals testified:

1. Nikki Love, Common Cause Hawaii (M-2319) (Support)
2. Natalie Iwasa (Support)
3. Arvid Youngquist (Support)
4. Debra Murphy (Support)

Councilmember Chang spoke in strong support of Resolution 12-207, CD1 and noted that he would be very proud to add the Council's voice to the growing chorus advocating for amendments to laws governing corporate campaign spending.

Committee Report 280 and Resolution 12-207, CD1 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

M-2299 David Monk
M-2320 Elton Johnson, Open Law Alliance
M-2321 Nancy Deviantes
M-2322 Barbara Polk, Americans for Democratic Action

ADOPTION

RESOLUTION 12-217, CD1 – COMMITTEE REPORT 283

RESOLUTION AUTHORIZING THE MANAGING DIRECTOR OR HIS DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII TOURISM AUTHORITY, STATE OF HAWAII, FOR THE ACCEPTANCE AND DISBURSEMENT OF FUNDS TO IMPLEMENT THE COUNTY PRODUCT ENRICHMENT PROGRAM.

Councilmember Garcia moved that Committee Report 283 and Resolution 12-217, CD1 be adopted. Seconded by Councilmember Harimoto.

The following individual testified:

Arvid T. Youngquist (Support)

Committee Report 283 and Resolution 12-217, CD1 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION

RESOLUTION 12-220 – COMMITTEE REPORT 284

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO LIGHT HONOLULU HALE PINK DURING THE MONTH OF OCTOBER IN RECOGNITION OF NATIONAL BREAST CANCER AWARENESS MONTH.

Councilmember Garcia moved that Committee Report 284 and Resolution 12-220 be adopted. Seconded by Councilmember Berg.

The following individuals testified:

1. Arvid T. Youngquist (Support)
2. Marissa Capelouto (Oppose)

Chair Martin noted that Director Westley Chun, Department of Facility Maintenance, previously stated that the cost would be very minimal to change the color of the lighting at City Hall.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-239).

In response to Councilmember Kobayashi, Director Westley Chun, Department of Facility Maintenance, stated that the Administration would be willing to work with the American Cancer Society to put up a banner or display during October in recognition of National Breast Cancer Awareness Month.

Councilmember Anderson spoke in strong support of Resolution 12-220 and he thanked Councilmember Kobayashi for introducing the measure commemorating October in recognition of National Breast Cancer Awareness Month. Noting that September was National Prostate Cancer Awareness Month, he advised councilmembers that prostate cancer affects roughly one in six men.

Committee Report 284 and Resolution 12-220 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION

RESOLUTION 12-193 – COMMITTEE REPORT 285

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM EWA BEACH COMMUNITY-BASED DEVELOPMENT ORGANIZATION.

Councilmember Berg moved that Committee Report 285 and Resolution 12-193 be adopted. Seconded by Councilmember Anderson.

The following individual testified:

Natalie Iwasa (Support)

Committee Report 285 and Resolution 12-193 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, HARIMOTO, KOBAYASHI,
MARTIN – 7.

NOES: None.

ABSENT: GARCIA – 1.

ADOPTION

RESOLUTION 12-194 – COMMITTEE REPORT 286

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM SHINNYO-EN HAWAII.

Councilmember Berg moved that Committee Report 286 and Resolution 12-194 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 286 and Resolution 12-194 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, HARIMOTO, KOBAYASHI,
 MARTIN – 7.
NOES: None.
ABSENT: GARCIA – 1.

ADOPTION

RESOLUTION 12-216 – COMMITTEE REPORT 288

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE COCA-COLA COMPANY FOR THE PURPOSE OF RESTORING, REBUILDING OR ENHANCING RECREATIONAL AREAS WITHIN ALA MOANA REGIONAL PARK WHERE PEOPLE CAN PLAY OR BE ACTIVE.

Councilmember Berg moved that Committee Report 288 and Resolution 12-216 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 288 and Resolution 12-216 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, HARIMOTO, KOBAYASHI,
 MARTIN – 7.
NOES: None.
ABSENT: GARCIA – 1.

ADOPTION

RESOLUTION 12-226 – COMMITTEE REPORT 289

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FRIENDS OF KOKO HEAD DISTRICT PARK.

Councilmember Berg moved that Committee Report 289 and Resolution 12-226 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 289 and Resolution 12-226 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, HARIMOTO, KOBAYASHI,
 MARTIN – 7.
NOES: None.
ABSENT: GARCIA – 1.

ADOPTION

RESOLUTION 12-211 – COMMITTEE REPORT 287

RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION OR THE DIRECTOR'S DESIGNEE, TO ENTER INTO AN AGREEMENT CONCERNING THE NATIONAL RECREATION AND PARK ASSOCIATION FOR THE "TAKE ME FISHING 2012-2013 PROGRAM."

Councilmember Berg moved that Committee Report 287 and Resolution 12-211 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 287 and Resolution 12-211 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, HARIMOTO, KOBAYASHI,
 MARTIN – 7.
NOES: None.
ABSENT: GARCIA – 1.

ADOPTION

RESOLUTION 12-206 – COMMITTEE REPORT 291

RESOLUTION AMENDING THE COUNCIL RULES RELATING TO ORDER AND DECORUM.

Councilmember Cachola moved that Committee Report 291 and Resolution 12-206 be adopted. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Richard A. DeConti (General comment)
2. Natalie Iwasa (General comment)
3. Debra Murphy (Support)
4. Arvid Youngquist (Oppose)
5. Daniel Neyer (Oppose)
6. Marissa Capelouto (General comment)

In response to Councilmember Berg, Diane Kawauchi, Department of the Corporation Counsel, stated that:

- She did not know whether the rules would be applied ex post facto to acts that had already occurred.
- Although the Revised Ordinances provides for the assessment of civil (monetary) fines for land use violations, these violations are not criminal acts so the fines are not criminal penalties.
- A suspension of salary would not necessarily be a criminal fine because such a suspension is one of several sanctions the investigative committee could recommend to the full Council and is not mandated.
- The Charter provision that allows the rule to be adopted has existed since the 1959 Charter. It may be the first time the Council is adopting rules to implement procedures in order to apply sanctions.

Councilmember Berg spoke in opposition to Resolution 12-206. He supported the measure in Committee because it would allow due process; however, he raised concerns that the threat of monetary penalties (i.e., suspension of salary) could be used to intimidate the behavior of councilmembers.

Councilmember Anderson spoke in support of Resolution 12-206 with reservations because he does not agree with the Charter provision which permits the Council to suspend without pay any councilmember who engages in disorderly or contentious behavior in the presence of the Council. However, since that provision does exist in the Charter, he believes the Council should have a process in place to implement such action against a particular member.

Committee Report 291 and Resolution 12-206 were adopted.

AYES: ANDERSON*, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI*,
 MARTIN – 7.
NOES: BERG – 1.

*Councilmembers Anderson and Kobayashi voted aye with reservations.

ADOPTION

RESOLUTION 12-237 – COMMITTEE REPORT 292

RESOLUTION TO REQUEST ADDITIONAL FUNDS FOR THE PAYMENT OF SERVICES BY SPECIAL COUNSEL FOR DEFENDANTS CITY AND COUNTY OF HONOLULU, FRANK DOYLE, TIMOTHY HOUGHTON, AND CRAIG NISHIMURA.

Councilmember Cachola moved that Committee Report 292 and Resolution 12-237 be adopted. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Arvid T. Youngquist (Support)
2. Debra Murphy (General comment)

Committee Report 292 and Resolution 12-237 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.
NOES: None.

ADOPTION

RESOLUTION 12-200 – COMMITTEE REPORT 298

RESOLUTION AUTHORIZING THE RECEIPT AND EXPENDITURE OF EMERGENCY SOLUTIONS GRANTS FUNDS IN EXCESS OF THE TOTAL AMOUNT APPROPRIATED BY ORDINANCE 11-11.

Councilmember Kobayashi moved that Committee Report 298 and Resolution 12-200 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 298 and Resolution 12-200 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION

RESOLUTION 12-205 – COMMITTEE REPORT 299

RESOLUTION AUTHORIZING THE DIRECTOR OF BUDGET AND FISCAL SERVICES TO ISSUE AND SELL IN ONE OR MORE SERIES NOT TO EXCEED \$925,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Kobayashi moved that Committee Report 299 and Resolution 12-205 be adopted. Seconded by Councilmember Anderson.

The following individual testified:

Willie Holly (General comment)

In response to Councilmember Kobayashi, Director Michael Hansen, Department of Budget and Fiscal Services, stated that the Resolution specifically states the bond monies are not for the rail project.

Councilmember Cachola spoke in strong support of Resolution 12-205 and noted the bonds being issued will be used to repay or refund previous bonds with higher interest rates, for road repairs and other City improvements, and will not be used for the rail project.

Committee Report 299 and Resolution 12-205 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION
RESOLUTION 12-210 – COMMITTEE REPORT 300

RESOLUTION AUTHORIZING THE DIRECTOR OF BUDGET AND FISCAL SERVICES TO ISSUE AND SELL NOT TO EXCEED \$300,000,000 PRINCIPAL AMOUNT OF WASTEWATER SYSTEM REVENUE BONDS, SENIOR SERIES 2012 AND RELATED MATTERS.

Councilmember Kobayashi moved that Committee Report 300 and Resolution 12-210 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Requesting that his comments be reflected in the minutes, Councilmember Berg noted that Honolulu is ranked last in the United States when it comes to lane miles per capita per its residents, and he expressed concern that the City has not applied for the \$15 billion in tax-exempt bonds to build roads being offered to Honolulu by the Federal government.

Committee Report 300 and Resolution 12-210 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.
NOES: None.

ADOPTION
RESOLUTION 12-212, FD1 – COMMITTEE REPORT 301

RESOLUTION URGING THE CITY TO EXPAND THE MEMBERSHIP OF THE COMMITTEE OF THE CITY AND COUNTY OF HONOLULU 457(B) DEFERRED COMPENSATION PLAN TO INCLUDE ADDITIONAL EMPLOYEE MEMBERS AND RETIREE REPRESENTATION.

Councilmember Kobayashi moved that Committee Report 301 and Resolution 12-212 be adopted. Seconded by Councilmember Anderson.

Councilmember Kobayashi moved that the Resolution be amended to FD1. Seconded by Councilmember Anderson. The amendment spells out the membership of the Committee.

The following individuals testified:

1. Natalie Iwasa (Support)
2. Michael Hansen, Department of Budget and Fiscal Services (Support)

Resolution 12-212 was amended to FD1.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-259).

Councilmember Berg stated that the committee should include a member from the private sector, someone with a different perspective who does not receive a paycheck from the taxpayers.

Councilmember Kobayashi clarified that the committee will consist of seven members, three of whom will be elected by the employees, one of which must be a retiree, and the remaining four are directors appointed by the Mayor and confirmed by the Council.

Committee Report 301 and Resolution 12-212, FD1 were adopted.

AYES: ANDERSON, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI,
MARTIN – 7.

NOES: BERG – 1.

Related communications:

CC-247 Councilmember Ann H. Kobayashi

M-2305 Randy Perreira, Hawaii Government Employees Association

ADOPTION

RESOLUTION 12-208 – COMMITTEE REPORT 304

RESOLUTION REQUESTING THE DEPARTMENT OF DESIGN AND CONSTRUCTION TO BEGIN THE PROCESS TO INSTALL A SIDEWALK ON PAOAKALANI AVENUE IN WAIKIKI, BETWEEN KUHIO AVENUE AND KANELOA ROAD.

Councilmember Chang moved that Committee Report 304 and Resolution 12-208 be adopted. Seconded by Councilmember Kobayashi.

The following individuals testified:

1. Polly Grace (Support)
2. Willie Holly (General comment)

In response to Mr. Holly, Director Lori Kahikina, Department of Design and Construction, stated that the City owns the property, so there will be no condemnation in the process.

3. Mark Smith (M-2323) (Support)

In response to Councilmember Cachola, Mr. Smith stated that he supports sidewalk improvements to provide the elderly with safe walkways when they go out.

Requesting that his comments be reflected in the minutes, Councilmember Berg spoke in support of Resolution 12-208 and noted that the Ewa Beach, Nanakuli and Waianae communities would like to see sidewalk improvements in their neighborhoods. He reiterated his concerns about the premature rail contracts approved by the 2009 Administration and the millions of dollars being expended on contract delays.

Committee Report 304 and Resolution 12-208 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION

RESOLUTION 12-218 – COMMITTEE REPORT 305

RESOLUTION APPROVING THE AMENDMENT TO THE GRANT OF EASEMENT WITHIN WAIMANALO GULCH SANITARY LANDFILL FOR ELECTRICAL LINES TO HAWAIIAN ELECTRIC COMPANY, INC., WITHIN TMK: 9-2-003:73.

Councilmember Chang moved that Committee Report 305 and Resolution 12-218 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-241).

Councilmember Berg spoke in opposition to Resolution 12-218 because he did not know whether the 15-year extension for the Waimanalo Gulch Sanitary Landfill had been approved by the Planning Commission.

Committee Report 305 and Resolution 12-218 were adopted.

AYES: ANDERSON, CHANG, GARCIA, HARIMOTO, KOBAYASHI, MARTIN – 6.
NOES: BERG – 1.
ABSENT: CACHOLA – 1.

ADOPTION

RESOLUTION 12-74, CD1 – COMMITTEE REPORT 310

RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO TEMPORARY SHELTERS.

Councilmember Anderson moved that Committee Report 310 and Resolution 12-74, CD1 be adopted. Seconded by Councilmember Garcia.

The following individual testified:

Polly Grace (Support)

Councilmember Anderson congratulated Councilmember Berg for introducing Resolution 12-74, CD1 and thanked him for his hard work and efforts on behalf of his community.

Councilmember Garcia spoke in support of Resolution 12-74, CD1 and also congratulated Councilmember Berg for introducing the measure and all of his efforts. He noted that the temporary workforce housing could be used as a template in the future for temporary housing for individuals who have been displaced due to man-made or natural disasters.

Committee Report 310 and Resolution 12-74, CD1 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

M-2290 John Gallagher
M-2300 William Harris, M.D.

ADOPTION
RESOLUTION 12-195 – COMMITTEE REPORT 312

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR ST. AUGUSTINE BY-THE-SEA CHURCH TO CONSTRUCT A ST. DAMIEN MUSEUM; DEMOLISH AND REPLACE AN EXISTING PARISH HALL (INCLUDING A NEW MULTI-PURPOSE BUILDING WITH PARKING, PARISH HALL, OFFICES, AND STORAGE SPACES); AND APPURTENANT SITE IMPROVEMENTS.

Councilmember Anderson moved that Committee Report 312 and Resolution 12-195 be adopted. Seconded by Councilmember Cachola.

The following individual testified:

Barbra Armentrout (Support)

Committee Report 312 and Resolution 12-195 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION

RESOLUTION 12-221 – COMMITTEE REPORT 313

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE DEVELOPMENT OF FOUR SINGLE-FAMILY DWELLINGS ON A SINGLE RESIDENTIAL LOT, AND ASSOCIATED IMPROVEMENTS.

Councilmember Anderson moved that Committee Report 313 and Resolution 12-221 be adopted. Seconded by Councilmember Cachola.

There was no public testimony.

Committee Report 313 and Resolution 12-221 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

ADOPTION

RESOLUTION 12-202 – COMMITTEE REPORT 315

RESOLUTION URGING THE CITY ADMINISTRATION TO CONSTRUCT RESTROOM FACILITIES AT THE NEW ALAPAI TRANSIT CENTER.

Councilmember Harimoto moved that Committee Report 315 and Resolution 12-202 be adopted. Seconded by Councilmember Chang.

The following individuals testified:

1. Barbra Armentrout (Support)
2. Daniel Neyer (Support)
3. Willie Holly (General comment)
4. Polly Grace (Support)

RECESS/RECONVENE

At 1:56 p.m., the Chair called for a short recess and reconvened the meeting at 2 p.m.

In response to Councilmember Cachola, Managing Director Doug Chin stated that:

- The Administration currently has no plans to build restrooms at the Alapai Transit Center, nor does the Administration intend to provide restrooms at all bus stations and centers.
- Should Resolution 12-202 be adopted, the Administration would need to program the funds to add restrooms at the Alapai Transit Center.
- With regard to the communication from Senator Joshua Booth Green (M-2309), the Administration would need to review how the Hawaii Administrative Rules would apply to City facilities.
- While it would be more convenient to have restroom facilities, the Administration is concerned about criminal activity, keeping the facilities clean and people staying in the restrooms.
- He did not know whether the \$5 million budgeted for the transit center included monies for the planning, scope and design of restroom facilities.

Councilmember Garcia spoke in support of Resolution 12-202 and he urged the Administration to abide by the Federal laws governing facilities constructed with Federal funding. He noted that the discussion on restrooms was not new and the Council could revisit the issue of restrooms facilities at bus and transit stops.

Requesting that his comments be reflected in the minutes, Councilmember Harimoto spoke in strong support of Resolution 12-202 and he thanked the members of the public for bringing their concerns to the attention of the Council. Although there were good reasons not to build public restrooms at transit stations, given concerns about health issues, the City must revisit the possibility of providing public restrooms. Originally the restrooms at the transit stations were for employees and there would be an attendant who could open the restroom for the public for emergencies; however, Executive Director Dan Grabauskas is revisiting the possibility of public restrooms at some of the train stations.

Councilmember Cachola spoke in strong support of Resolution 12-202 and he urged the Administration to provide public restrooms for both rail and bus riders. He noted the concerns regarding vandalism could be addressed through the enforcement of existing laws assessing criminal sanctions for acts of vandalism.

Committee Report 315 and Resolution 12-202 were adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Related communication:

M-2309 Senator Joshua Booth Green

FILE

RESOLUTION 12-222 – COMMITTEE REPORT 314

RESOLUTION RELATING TO THE APPOINTMENT OF JEFFREY PORTNOY TO SERVE ON THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Anderson moved that Committee Report 314 be adopted and Resolution 12-222 be filed. Seconded by Councilmember Cachola.

There was no public testimony.

Councilmember Chang noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-228).

Committee Report 314 was adopted and Resolution 12-222 was filed.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

BALANCE OF COMMITTEE REPORTS

EMLACR-293 To request authorization to settle a claim against the City entitled, Krystina Katayama v. City and County of Honolulu; Matter I.D. Number: 12-01196.

BCR-302 Tax compromise in the amount of \$52,706.27 for the Honolulu Academy of Arts. (D-570)

- BCR-303 Tax compromise in the amount of \$9,642.30 for the Windward Retreat Center. (D-571)
- PWSCR-308 Deed conveying roadway Lots 8, 9, 10, 462, 463 and 464; and Grant of Sewer Easement 3 for public use in Waianae (Ma'ili Kai Subdivision, Unit 2-A). (D-577)

Councilmember Anderson moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Cachola.

The following individual testified:

Natalie Iwasa (General comment on BCR-303)

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office for PWSCR-308 (CC-242).

The Balance of Committee Reports was adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.
NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION **RESOLUTION 12-232**

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM CRIMESTOPPERS HONOLULU, INC., FOR THE HONOLULU POLICE DEPARTMENT TO SEND SERGEANT KIM BUFFETT TO THE CRIMESTOPPERS INTERNATIONAL CONFERENCE IN LAS VEGAS, NEVADA, FROM SEPTEMBER 30 THROUGH OCTOBER 5, 2012.

Resolution 12-232 was waived to the Council floor by the Chair of the Safety, Economic Development and Government Affairs Committee.

Councilmember Anderson moved that Resolution 12-232 be adopted. Seconded by Councilmember Garcia.

There was no public testimony.

Resolution 12-232 was adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

CC-245 Councilmember Nestor Garcia
D-642 Louis M. Kealoha, Police Department

ADOPTION
RESOLUTION 12-240

RESOLUTION ACCEPTING A GIFT TO THE CITY TO PARTICIPATE IN THE RAIL~VOLUTION NATIONAL CONFERENCE 2012 IN LOS ANGELES, CALIFORNIA.

Councilmember Anderson moved that Resolution 12-240 be adopted. Seconded by Councilmember Cachola.

There was no public testimony.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-258).

Chair Martin noted that Kimberly Ribellia is the recipient of the gift from the Conference organizers.

Resolution 12-240 was adopted.

AYES: ANDERSON, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI,
 MARTIN – 7.
NOES: BERG – 1.

ADOPTION

RESOLUTION 12-241, FD1

RESOLUTION AUTHORIZING THE CITY AND COUNTY OF HONOLULU TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF AQUATIC RESOURCES, AND MALAMA PUPUKEA-WAIMEA FOR THE INSTALLATION AND MAINTENANCE OF INTERPRETIVE SIGNS AT PUPUKEA BEACH PARK.

The following amendment was handcarried to the meeting:

Resolution 12-241, Proposed FD1

Resolution 12-241 was waived to the Council floor by the Chair of the Parks and Cultural Affairs Committee.

Councilmember Anderson moved that Resolution 12-241 be adopted. Seconded by Councilmember Cachola.

Councilmember Anderson moved that the Resolution be amended to FD1. Seconded by Councilmember Cachola.

RECESS/RECONVENE

At 2:27 p.m., the Chair called for a short recess and reconvened the meeting at 2:28 p.m.

The amendment corrects a typographical error in the fifth Whereas clause.

There was no public testimony.

Resolution 12-241 was amended to FD1.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Council Rule 19.F relating to 48-hour notice was waived.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Resolution 12-241, FD1 was adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Related communication:

CC-249 Councilmember Tom Berg

SUNSHINE/ADOPTION
RESOLUTION 12-231, FD1

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM
CHENGDU MUNICIPAL PEOPLE'S GOVERNMENT TO ATTEND THE 2012 CHINA
INTERNATIONAL FRIENDSHIP CONFERENCE.

The following amendment was handcarried to the meeting:

Resolution 12-231, Proposed FD1

Resolution 12-231 was waived to the Council floor by the Chair of the Executive Matters
and Legislative Affairs Committee.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that
Resolution 12-231 be added to the agenda. Seconded by Councilmember Cachola.

Resolution 12-231 was added to the agenda.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Councilmember Anderson moved that Resolution 12-231 be adopted. Seconded by Councilmember Cachola.

Councilmember Anderson moved that the Resolution be amended to FD1. Seconded by Councilmember Cachola. The amendment includes the Declaration of Gift form in Exhibit A and amends the revised gift amount of \$1,601.70.

There was no public testimony.

Resolution 12-231 was amended to FD1

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Councilmember Garcia urged councilmembers to adopt Resolution 12-231, FD1 and he advised the Administration to submit gift resolutions in a timely manner in the future.

Resolution 12-231, FD1 was adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

CC-254 Councilmember Romy M. Cachola
MM-85 Ann Chung, Office of Economic Development
MM-87 Ann Chung, Office of Economic Development

SUNSHINE/ADOPTION
RESOLUTION 12-243

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CO-SPONSORSHIP AGREEMENT WITH NFL PROPERTIES, LLC REGARDING THE 2013 PRO BOWL AND RELATED PRE-GAME ACTIVITIES AND AUTHORIZING THE USE OF THE CITY'S SEAL IN CONNECTION THEREWITH.

Resolution 12-243 was waived to the Council floor by the Chair of the Safety, Economic Development and Government Affairs Committee.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that Resolution 12-243 be added to the agenda. Seconded by Councilmember Cachola.

Resolution 12-243 was added to the agenda.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI, MARTIN – 8.

NOES: None.

Councilmember Anderson moved that Resolution 12-243 be adopted. Seconded by Councilmember Cachola.

There was no public testimony.

Resolution 12-243 was adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

CC-255 Councilmember Nestor Garcia
D-665 Samuel E. H. Moku, Department of Community Services

SUNSHINE/ADOPTION
RESOLUTION 12-250

RESOLUTION ACCEPTING A GIFT TO THE CITY AND COUNTY OF HONOLULU FROM THE CITY OF LONG BEACH, CALIFORNIA, AUDITOR'S OFFICE AND THE ASSOCIATION OF LOCAL GOVERNMENT AUDITORS FOR TRAVEL EXPENSES TO LONG BEACH, CALIFORNIA.

Resolution 12-250 was waived to the Council floor by the Chair of the Safety, Economic Development and Government Affairs Committee.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that Resolution 12-250 be added to the agenda. Seconded by Councilmember Cachola.

Resolution 12-243 was added to the agenda.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI, MARTIN – 8.

NOES: None.

Councilmember Anderson moved that Resolution 12-250 be adopted. Seconded by Councilmember Cachola.

There was no public testimony.

Councilmember Garcia spoke in support of Resolution 12-250 and noted that once again the Council is accepting a gift after the fact.

Resolution 12-250 was adopted.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI, MARTIN – 8.

NOES: None.

Related communication:

CC-256 Edwin S. W. Young, Office of the City Auditor

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

RECESS/RECONVENE

At 2:34 p.m., the Chair called for a recess and reconvened the meeting at 2:43 p.m.

Excused: Councilmembers Anderson and Chang – 2.

EXECUTIVE SESSION ITEMS

There were no Executive Session items.

ORDER OF THE DAY - AFTERNOON CALENDAR

APPOINTMENTS

PUBLIC HEARING

STANFORD YUEN, ETHICS COMMISSION (MM-88)

There was no public testimony.

Mr. Yuen introduced himself to the Council and asked for favorable consideration of his nomination.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest Statement with the City Clerk's Office (CC-257).

Councilmember Anderson noted for the record that he would be filing a Disclosure of Interest Statement with the City Clerk's Office (CC-274).

Councilmember Berg noted for the record that he would be filing a Disclosure of Interest Statement with the City Clerk's Office (CC-266).

The Chair referred the matter and Communication MM-88 to the Committee on Executive Matters and Legal Affairs for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

PUBLIC HEARING

DR. JOSEPH W. C. YOUNG, FIRE COMMISSION (MM-89)

There was no public testimony.

The Chair referred the matter and Communication MM-89 to the Committee on Safety, Economic Development and Government Affairs for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

PUBLIC HEARING

SAMUEL S. DANNAWAY, BUILDING BOARD OF APPEALS (MM-90)

There was no public testimony.

The Chair referred the matter and Communication MM-90 to the Committee on Zoning and Planning for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

PUBLIC HEARING

CHERYL PALESH, BUILDING BOARD OF APPEALS (MM-91)

There was no public testimony.

The Chair referred the matter and Communication MM-91 to the Committee on Zoning and Planning for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

PUBLIC HEARING

RANDOLPH TAMAYO, BUILDING BOARD OF APPEALS (MM-92)

There was no public testimony.

The Chair referred the matter and Communication MM-92 to the Committee on Zoning and Planning for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

PUBLIC HEARING

JOSEPH MAGALDI, LIQUOR COMMISSION (MM-93)

There was no public testimony.

Councilmember Garcia noted for the record that he filed a Disclosure of Interest Statement with the City Clerk's Office (CC-264).

The Chair referred the matter and Communication MM-93 to the Committee on Budget for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

PUBLIC HEARING

ROGER DEQUINA, BOARD OF PARKS AND RECREATION (MM-95)

There was no public testimony.

The Chair referred the matter and Communication MM-95 to the Committee on Parks and Cultural Affairs for further consideration.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Related communication:

M-2301 Roger Dequina

Chair Martin acknowledged the presence of the Mayor's appointees to the Boards and Commissions and noted that the respective Council Committees will be meeting next week to consider the nominations.

SECOND READING/PUBLIC HEARING

BILL 54 – COMMITTEE REPORT 295

A BILL FOR AN ORDINANCE RELATING TO PARKING REVENUES.

Councilmember Kobayashi moved that Committee Report 295 be adopted and Bill 54 pass second reading. Seconded by Councilmember Anderson.

The following individual testified in support of the Bill:

Barbra Armentrout

Councilmember Berg noted that although he supports the intent of the Bill, he expressed concerns that the measure does not restore bus services. He appealed to the City Administration to revisit Bill 14 to provide monetary relief for the restoration of recent cuts in bus services.

Committee Report 295 adopted and Bill 54 passed second reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
KOBAYASHI, MARTIN – 8.

NOES: None.

Related communication:

M-2325 Lei Fountain, The Arc in Hawaii

SECOND READING/PUBLIC HEARING
BILL 55, CD1 – COMMITTEE REPORT 296

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION OF MILITARY HOUSING.

Councilmember Kobayashi moved that Committee Report 296 be adopted and Bill 55 pass second reading, as amended to CD1. Seconded by Councilmember Anderson.

The following individuals testified:

1. Gregory Raap, Forest City Hawaii (M-2324) (support)
2. Natalie Iwasa (comments)
3. Michael R. Hansen, Department of Budget and Fiscal Services (D-677) (oppose)

Councilmember Berg pointed out that he had also introduced legislation to provide tax relief for condominium owners who do not utilize the City's refuse services, however, the Bill did not advance due to discussions about the use and non-use of other equally important City services. He thanked Director Hansen for his testimony in opposition to Bill 55, CD1.

In response to questions by Councilmembers, Director Hansen noted:

- The Department of Budget and Fiscal Services (BFS) is willing to work with the Council and interested parties towards an equitable solution to address concerns by residents living in off-base military housing, as well as other residents who do not use certain City services.
- The BFS is concerned that the Bill would cap valuations tied to housing allowance for military families.

- Since private citizens have been allowed to rent off-base military housing, the fairness of allowing tax breaks for Federal properties is questionable.
- The City does provide refuse services in off-base military housing areas.
- The BFS prefers to review equitable options for everyone across the board and improve the methodology in handling real property tax appeals. The appeals process is ultimately the way to address the concerns.

4. Arvid Youngquist (comments)

Councilmember Kobayashi suggested that the Council pass the Bill on second reading for it to go back to the Committee for further discussion and consideration.

Council Chair Martin concurred to passing the Bill on second reading. He requested that the Bill not be on the Committee agenda for next week to allow the Administration the opportunity to come up with a plan to address the concerns.

Councilmember Cachola supports passing the Bill on second reading and urged the administration to look at the cost analysis and impact on the City's revenue.

Councilmember Anderson expressed concerns that the Bill could set precedence as other groups may come forward to seek similar tax relief. He will vote to pass the Bill on second reading, however, he may vote against it in Committee.

Committee Report 296 adopted and Bill 55, CD1 passed second reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO, KOBAYASHI, MARTIN – 8.

NOES: None.

SECOND READING/PUBLIC HEARING
BILL 56 – COMMITTEE REPORT 297

A BILL FOR AN ORDINANCE RELATING TO THE JOINT TRAFFIC MANAGEMENT CENTER GARAGE PARKING AND THE DEPOSIT OF CERTAIN REVENUES THEREFROM INTO THE BUS TRANSPORTATION FUND.

Councilmember Kobayashi moved that Committee Report 297 be adopted and Bill 56 pass second reading. Seconded by Councilmember Anderson.

The following individuals testified in support of Bill 56:

1. Barbra Armentrout
2. Arvid Youngquist
3. Natalie Iwasa

In response to questions by Councilmembers, Director Wayne Yoshioka, Department of Transportation Services (DTS), noted:

- The DTS is still awaiting a response from the Federal Transit Authority (FTA) relating to allowed usage of the Joint Traffic Management Center (JTMC) parking garage.
- Currently, only employees and persons associated with the JTMC are allowed to park in the garage; public parking is not allowed.
- The Administration tried to minimize the impacts of the recent bus service and route changes by limiting the new schedules to off-peak times.
- Route 201, express service from Ewa Beach to Downtown Honolulu is now called the "W2".
- Route E, the express service from Ewa Beach, now terminates in Downtown Honolulu rather than in Waikiki. Restoration of Route E services would cost the City in the high six-figure range.
- Updated and revised bus schedules are regularly printed every quarter. He will follow up on the cost to print the new schedules with the recent changes.
- Bill 56 directs parking garage revenue from the JTMC into the Bus Fund as required by the FTA. Although the funds are specifically for the Bus Fund, the use of the funds is not specified for bus service restoration.
- The extent of what the City can provide for bus operations are limited to the appropriations approved by the City Council.

Councilmember Berg noted that he intends to seek money to restore bus services.

Councilmember Harimoto stated his support of the Bill since the provisions are required by the FTA. He noted concerns raised in Committee relating to the potential use of the Bus Fund for the purpose of maintenance and operations of the JTMC parking garage.

Councilmember Garcia expressed his support of the Bill. He pointed out that there is a process in seeking to restore funds for bus services and he echoes the sentiment of those appealing to the City. However, the Council needs to be careful in trying to restore funds because there may be unintended consequences as well.

Committee Report 297 adopted and Bill 56 passed second reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Related communication:

M-2325 Lei Fountain, The Arc in Hawaii

SECOND READING/PUBLIC HEARING
BILL 52 – COMMITTEE REPORT 309

A BILL FOR AN ORDINANCE REZONING LAND SITUATED AT HALEIWA, NORTH SHORE, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 309 be adopted and Bill 52 pass second reading. Seconded by Councilmember Cachola.

The following individuals testified:

1. Arvid Youngquist (comments)
2. Jeff Overton, Group 70 International (M-2273, M-2326) (support)

Councilmember Anderson noted for the record that he filed Disclosure of Interest Statements with the City Clerk's Office (CC-181 and CC-238).

Council Chair Martin noted that he is awaiting information requested from the agent and he may ask that the Committee postpone placing the Bill on its next agenda until the information is provided to his office.

Committee Report 309 adopted and Bill 52 passed second reading.

AYES: ANDERSON, BERG, CACHOLA, CHANG, GARCIA, HARIMOTO,
 KOBAYASHI, MARTIN – 8.

NOES: None.

Related communications:

M-2275 Antya Miller
M-2276 Antya Miller
M-2277 Shelton and Nalani Choy
M-2278 Spencer Leineweber, University of Hawaii at Manoa
M-2279 David M. Robichaux
M-2280 Ronald L. Soroos
M-2281 Kiersten Faulkner, Historic Hawaii Foundation
M-2302 Kiersten Faulkner, Historic Hawaii Foundation

ANNOUNCEMENTS

Councilmember Berg announced that he will be hosting a Town Hall Meeting on October 4, 2012 at the Ewa Beach Public and School Library to discuss issues relating to bus services.

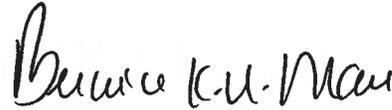
Council Chair Martin wished Councilmember Chang a Happy Birthday.

City Council Journal
Wednesday, September 12, 2012

ADJOURNMENT

At 4:06 p.m., Councilmember Anderson moved that the Council stand adjourned until Wednesday, October 3, 2012, at 10:00 a.m. Seconded by Councilmember Cachola and there being no objections from the 8 members present, it was so ordered by the Chair.

Respectfully submitted,



BERNICE K.N. MAU
City Clerk

vc/el

DATE APPROVED:

October 3, 2012