



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN
CHAIR & PRESIDING OFFICER
IKAIKA ANDERSON
VICE CHAIR
BREENE HARIMOTO
FLOOR LEADER
STANLEY CHANG
CAROL FUKUNAGA
ANN H. KOBAYASHI
JOEY MANAHAN
RON MENOR
KYMBERLY MARCOS PINE

JOURNAL

REGULAR MEETING
19TH SESSION
WEDNESDAY, MAY 7, 2014

KAPOLEI HALE
1000 ULUOHIA STREET, CONFERENCE ROOMS A, B AND C
KAPOLEI, HAWAII 96707

Note: The video of the full proceedings of this meeting can be viewed at <http://honolulucountyhi.igm2.com> 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 10:24 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Chang, Fukunaga, Harimoto, Kobayashi, Manahan, Menor, Martin - 8.

Absent: Pine – 1.

RECESS/RECONVENE

At 10:25 a.m., the Chair called for a short recess and reconvened the meeting at 10:26 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Chang, Fukunaga, Harimoto, Kobayashi, Manahan, Menor, Pine, Martin - 9.

INTRODUCTION OF GUESTS

There were no guests.

APPROVAL OF MINUTES

Councilmember Anderson moved that the Minutes of the 18th Session (April 16, 2014) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Harimoto.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ORDER OF THE DAY – MORNING CALENDAR

ADOPTION

RESOLUTION 14-75 – COMMITTEE REPORT 99

RESOLUTION RELATING TO THE NOMINATION OF MICHELE K. NEKOTA AS DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved that Committee Report 99 and Resolution 14-75 be adopted. Seconded by Councilmember Menor.

The following individuals testified:

1. John Shockley, Free Access Coalition (M-1090) (General comment)
2. Bob Vierra, Board of Parks and Recreation (Support)

3. Barbra Armentrout (Support)
4. Polly Grace (Support)

Councilmember Manahan urged councilmembers to support Resolution 14-75. He stated that all of the testimony received by the Committee on Parks and Customer Services was in support of the nominee. He noted that Ms. Nekota has done amazing work in Salt Lake City, Utah, and that she exhibits all of the characteristics and qualifications of a good director and leader. He stated that she would serve the Parks Department, the City and County of Honolulu, and the Administration very well. He invited Ms. Nekota to demonstrate her championship yo-yo skills before the Committee on Parks and Customer Services.

Councilmember Pine spoke in support of Resolution 14-75 and noted that she has enjoyed working with Ms. Nekota on the resolution of some difficult issues in her district. She stated that Ms. Nekota would be an incredible Parks Director and an asset to the Administration.

Councilmember Menor urged councilmembers to join him in supporting Resolution 14-75. He stated that with her can-do attitude, Ms. Nekota would be a responsive and accessible Parks Director. He noted that she successfully implemented public-private partnerships that resulted in improvements to the Utah park system.

Committee Report 99 and Resolution 14-75 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Director Nekota on her appointment.

At this juncture, with no objections from the 9 members present, the Chair considered Resolution 14-77 from page 14 of the agenda.

ADOPTION
RESOLUTION 14-77 – COMMITTEE REPORT 135

**RESOLUTION RELATING TO AN APPOINTMENT TO THE HONOLULU AUTHORITY
FOR RAPID TRANSPORTATION BOARD OF DIRECTORS.**

Councilmember Harimoto moved that Committee Report 135 and Resolution 14-77 be adopted. Seconded by Councilmember Manahan.

The following individual testified:

Barbra Armentrout (Support)

Councilmember Harimoto spoke in strong support of Resolution 14-77. He noted that the HART Board members are very committed and are doing a good job overseeing the finances and construction of the rail project. He stated that Mr. Kim's expertise in the construction field is an asset to the Board.

Chair Martin urged councilmembers to join him in full support of Resolution 14-77. He noted that he initially recommended the nominee for the HART Board and that Mr. Kim has done a capable job during his initial appointment and should continue as the Council's appointee.

Committee Report 135 and Resolution 14-77 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Mr. Kim on his reappointment.

Related communications:

M-1091	Al Itamoto, Electrical Contractors Association of Hawaii
M-1102	Brian Yamada
M-1109	Randy Perreira, Hawaii State AFL-CIO
M-1120	Reginald Castanares, Hawaii Building and Construction Trades Council
M-1132	Hawaii Building and Construction Trades Council
M-1136	Joseph V. O'Donnell, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
M-1142	Mimi Sroat, Hawaii Electricians Training Fund
M-1163	Ryan Takahashi, Hawaii Electricians Market Enhancement Program Fund
M-1164	Travis Umemoto, Hawaii Electricians Administrative Office

RECESS/RECONVENE

At 10:40 a.m., the Chair called for a short recess and reconvened the meeting at 10:41 a.m.

The Council Chair returned to the agenda order (page 4).

RECOMMITTAL TO COMMITTEE ON BUDGET **BILL 6, CD2 – COMMITTEE REPORT 107**

A BILL FOR AN ORDINANCE RELATING TO LEASING OF CITY AFFORDABLE HOUSING PROJECTS.

The following amendment was posted on the agenda:

Bill 6, CD2, Proposed FD1

[Note: The amendment was not considered.]

Councilmember Kobayashi moved that Committee Report 105 be adopted and Bill 6, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Chang.

The following individuals testified:

1. Barbra Armentrout (General comment)
2. Bob Nakata (General comment)
3. Pamela Witty-Oakland, Department of Community Services (DCS) (D-321, D-339, D-346) (General comment)

In response to councilmembers, Director Witty-Oakland apologized that the Council had not received the DCS response transmitted in December, and she stated that:

- A response would be transmitted to the Council with updated data compiled by an outside consultant.
- The Chinatown Gateway Plaza, Harbor Village, and Marin Towers were built years ago with gap and market income units. CDBG restrictions only applied to the commercial and parking components of those buildings. The

residential units did not have any HUD restrictions and the rental income from the gap and market units subsidized the low-end units.

- An analysis indicated that 95 percent of the units are currently occupied by low-income households (i.e., 80 percent and below the area median income [AMI]) because the City has not increased rents to keep up with current rents. The highest average annual income of tenants in the Chinatown properties is \$55,000. The difference between the rent the City actually collects and the rent allowed by HUD would total \$8.3 million annually.
- The DCS supports the proposed FD1 which would allow the Administration to move forward on nine properties and allow the City to work with local nonprofit community on the three Chinatown properties.
- The Administration is not proposing a change, just a turnover in ownership, and no existing tenant is being asked to leave.
- The Request for Proposals (RFP) is consistent with Council policy and is not skewed. The 60 percent target is designed to provide equity for the properties. The scoring gives extra points for every 50 additional 60 percent AMI units above the existing number. The additional equity would allow applicants to have a lower mortgage and keep the rents lower. It is a balancing act to bring in more equity to sustain lower rents and greater affordability for all tenants.
- The other element of the scoring establishes an upset price of \$130 million, but the City would have the ability to discount that price for applicants who would be able to close the purchase within 120 days.
- The bulk of the concerns that have been raised can be addressed in the purchase and sale agreement. By statute, the Council would need to approve the purchase and sale agreement.

RECESS/RECONVENE

At 11 a.m., the Chair called for a short recess and reconvened the meeting at 11:01 a.m.

Councilmember Kobayashi stated that the purchase and sale agreement should match what is included in the RFP. She noted that problems arose when changes were made to the purchase and sale agreement after the last RFP was awarded.

Councilmember Kobayashi moved that Committee Report 105 and Bill 6, CD2 be recommitted to the Committee on Budget. Seconded by Councilmember Chang.

Councilmember Fukunaga noted that she provided additional information (CC-122) to illustrate the concerns of area legislators, businesses and residents which includes the impact on current tenants and businesses, a possible increase in the homeless population, and the lack of information from the Administration.

Councilmember Kobayashi expressed her concern that the Council has still not received the RFP.

Committee Report 107 and Bill 6, CD2 were recommitted to the Committee on Budget.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

Related communications:

CC-122 Councilmember Carol Fukunaga
M-1128 Charles Wathen
M-1140 Steve Lohse

THIRD READING

BILL 56 (2013), CD2 – COMMITTEE REPORT 373 (2013)

A BILL FOR AN ORDINANCE RELATING TO FLOOD HAZARD AREAS.

Councilmember Anderson moved that Committee Report 373 (2013) be adopted and Bill 56 (2013), CD1 pass third reading, as amended to CD2. Seconded by Councilmember Harimoto.

The following individual testified:

Arthur Challacombe, Department of Planning and Permitting (Support)

Committee Report 373 (2013) was adopted and Bill 56 (2013), CD2 passed third reading, as amended.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

FIRST READING

RESOLUTION 14-63

(Executive Matters and Legal Affairs)

RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO THE BOARD OF WATER SUPPLY.

Councilmember Anderson moved that Resolution 14-63 pass first reading. Seconded by Councilmember Harimoto.

The following individual testified:

Ernest Lau, Board of Water Supply (D-327) (Oppose)

Resolution 14-63 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO*, KOBAYASHI,
 MANAHAN, MENOR, PINE*, MARTIN – 9.
NOES: None.

*Councilmembers Harimoto and Pine vote aye with reservations.

Related communication:

M-1108 Randy Perreira, Hawaii Government Employees Association

FIRST READING

RESOLUTION 14-91

(Executive Matters and Legal Affairs)

RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO THE CLEAN WATER AND NATURAL LANDS FUND.

Councilmember Anderson moved that Resolution 14-91 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Lea Hong, The Trust for Public Land (M-1144) (Oppose)
2. Doug Cole, North Shore Community Land Trust (M-1145) (Oppose)
3. Natalie Iwasa (General comment)
4. Christina Aiu, Hawaiian Islands Land Trust (M-1146) (Oppose)

Resolution 14-91 passed first reading.

AYES: ANDERSON*, CHANG*, FUKUNAGA*, HARIMOTO*, KOBAYASHI*, MANAHAN*, MENOR*, PINE*, MARTIN – 9.

NOES: None.

*Councilmembers Anderson, Chang, Fukunaga, Harimoto, Kobayashi, Manahan, Menor and Pine voted aye with reservations.

Related communications:

M-1147 Mark Fox, The Nature Conservancy

M-1148 Benton Pang, Clean Water and Natural Lands Commission

FIRST READING

BILL 38

(Public Works and Sustainability)

A BILL FOR AN ORDINANCE RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

Councilmember Anderson moved that Bill 38 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Adrian Hong, Island Plastic Bags, Inc. (M-1098) (Oppose)

In response to Councilmember Pine, Mr. Hong stated that:

- Currently there is no standard for biodegradability. The American Society for Testing and Materials is working on a definition. A major issue is the length of time the material takes to break down.
- There is a very strict definition for compostable. The Biodegradable Products Institute (BPI) uses the D6400 test.

2. Barbra Armentrout (Support)
3. Lauren Zirbel, Hawaii Food Industry Association (M-1123) (Oppose)
4. Jennifer Milholen, Styrophobia (M-1149) (Support)

In response to Councilmember Pine, Ms. Milholen stated that:

- Styrophobia strongly supports reusable bags as the clearest, simplest, non-harmful way to eliminate plastic bags.
- Stringent standards for compostable bags do not allow for any toxicity in the materials and require a very large amount of heat and pressure to break down the bags. Hawaii does not have any composting facilities with that capability; therefore, compostable bags take the same amount of time to break down as biodegradable bags.

5. Polly Grace (Support)
6. Suzanne Frazer, Beach Environmental Awareness Campaign Hawaii (M-1150) (Support)
7. Dean Otsuki (M-1151) (Support)
8. Natalie Iwasa (Oppose)

Councilmember Anderson stated that he would vote aye with reservations to allow Bill 38 to move forward for discussion. He expressed his concerns regarding the effective date of the measure.

Councilmember Harimoto spoke in support of passing Bill 38 out on first reading and on to Committee for healthy discussion on all the facts, including changing the effective date.

Chair Martin spoke in opposition to Bill 38 and he urged the Public Works and Sustainability Committee Chair to carefully consider all testimony and to keep the January 1, 2015 effective date.

Bill 38 passed first reading.

AYES: ANDERSON*, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI*,
 MANAHAN, MENOR, PINE – 8.
NOES: MARTIN – 1.

*Councilmembers Anderson and Kobayashi voted aye with reservations.

Related communications:

M-1111	Ember Behrendt
M-1112	Catherine Coleman
M-1113	Dianne Bowen-Coleman
M-1114	Paul H. I. Coleman
M-1115	Elizabeth Coleman
M-1137	Rae DeCoito, Malama Maunalua
M-1141	Doora Shin
M-1152	Ashley Romero
M-1153	Amy Kalai Brinker
M-1154	Kahi Pacarro
M-1155	Janet Gillmar
M-1156	Kira Davis
M-1157	Mary Smart
M-1158	Katherine Kupukaa
M-1159	Tristan Cummins, Sustainable Coastlines Hawaii
M-1160	Mark Hixon

FIRST READING

BILL 39

(Transportation)

A BILL FOR AN ORDINANCE RELATING TO PARKING FOR PERSONS WITH DISABILITIES.

Councilmember Anderson moved that Bill 39 pass first reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Bill 39 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-24, FD1

RESOLUTION PROVIDING FOR THE ACQUISITION OF EASEMENTS FOR PUBLIC USE, TO WIT: KANEOHE/KAILUA SEWER TUNNEL, SITUATE AT KANEOHE/KAILUA, KOOLAUPOKO, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

Councilmember Menor moved that Resolution 14-24, FD1 be adopted. Seconded by Councilmember Fukunaga.

Chair Martin noted that Committee Report 73 was adopted on April 16, 2014.

There was no public testimony.

Councilmember Anderson spoke in support of Resolution 14-24, FD1. He noted that he explained to his constituents that the measure was necessary in order for the City to comply with the Federal sewage consent decree. He thanked Executive Matters and Legal Affairs Committee Chair Menor for working with the District 3 community.

Resolution 14-24, FD1 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-65, CD1 – COMMITTEE REPORT 100

RESOLUTION RELATING TO THE REPEAL OF CERTAIN POLICY RESOLUTIONS OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 100 and Resolution 14-65, CD1 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 100 and Resolution 14-65, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 14-76 – COMMITTEE REPORT 113

RESOLUTION ACCEPTING A GIFT TO THE CITY AND COUNTY OF HONOLULU FROM THE ASSOCIATION OF LOCAL GOVERNMENT AUDITORS (ALGA) TO OFFSET REGISTRATION COSTS FOR THE 2014 ALGA ANNUAL CONFERENCE.

Councilmember Kobayashi moved that Committee Report 113 and Resolution 14-76 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 113 and Resolution 14-76 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 14-52, CD1 – COMMITTEE REPORT 110

RESOLUTION APPROVING THE CITY AND COUNTY OF HONOLULU'S TWENTIETH (20TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, EMERGENCY SOLUTIONS GRANTS AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Councilmember Kobayashi moved that Committee Report 110 and Resolution 14-52, CD1 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Councilmember Kobayashi noted for the record that she filed a Disclosure of Interest Statement with the City Clerk's Office (CC-61).

Committee Report 110 and Resolution 14-52, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 14-64 – COMMITTEE REPORT 111

RESOLUTION RELATING TO TRANSFER OF FUNDS.

Councilmember Kobayashi moved that Committee Report 111 and Resolution 14-64 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 111 and Resolution 14-64 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-72 – COMMITTEE REPORT 112

RESOLUTION REQUESTING THE DEPARTMENT OF COMMUNITY SERVICES TO WORK COLLABORATIVELY WITH THE SURROUNDING COMMUNITY TO IDENTIFY ALTERNATIVE USES FOR THE CITY-OWNED PARCEL LOCATED AT 1816-A ALEWA DRIVE, HONOLULU, 96817 (TMK: 1-8-029:047).

Councilmember Kobayashi moved that Committee Report 112 and Resolution 14-72 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Councilmember Fukunaga urged councilmembers to support Resolution 14-72. She noted that the measure requests the Department of Community Services to work with the surrounding community and area legislators to identify alternative uses for the site before starting the Request for Proposals process.

Committee Report 112 and Resolution 14-72 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

Related communications:

- D-347 Robert Stubbs, Liliha/Puunui/Alewa/Kamehameha Heights Neighborhood Board No. 14
- M-1105 Bert and Lelani Teruya
- M-1116 Frank Mitchell
- M-1117 Theresa Papanikolas
- M-1124 Burt Lau

M-1133 Burt Lau
M-1143 Alan and Louise Yonemori

ADOPTION

RESOLUTION 14-81 – COMMITTEE REPORT 114

RESOLUTION APPROVING THE ABANDONMENT AND SALE OF REMNANT PARCEL 7-A, AREA 36 SQ. FT., LOCATED ALONG HUNALEWA STREET, KAPAHULU, TMK: 3-2-064-007 (PORTION).

Councilmember Kobayashi moved that Committee Report 114 and Resolution 14-81 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 114 and Resolution 14-81 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 14-82 – COMMITTEE REPORT 115

RESOLUTION APPROVING THE ABANDONMENT AND SALE OF PARCEL 1, PORTION OF LUAKAHA STREET, AREA 86 SQ. FT., ABUTTING TMK: 3-2-058-075, KAPAHULU.

Councilmember Kobayashi moved that Committee Report 115 and Resolution 14-82 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 115 and Resolution 14-82 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 14-83 – COMMITTEE REPORT 116

RESOLUTION APPROVING THE ABANDONMENT AND SALE OF REMNANT PARCEL 1, AREA 197 SQ. FT., PORTION OF HOUGHTAILING STREET AT PETER BUCK STREET, KAPALAMA, ABUTTING TMK: 1-6-023-052.

Councilmember Kobayashi moved that Committee Report 116 and Resolution 14-83 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 116 and Resolution 14-83 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-85 – COMMITTEE REPORT 127

RESOLUTION EXPRESSING COUNCIL SUPPORT FOR HAWAII'S BID TO HOST THE FESTIVAL OF PACIFIC ARTS IN 2020.

Councilmember Anderson moved that Committee Report 127 and Resolution 14-85 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Councilmember Anderson noted that his office received testimony from Kumu Hula Mapuana de Silva and Kalani Ka'anā'anā in strong support of Resolution 14-85.

Committee Report 127 and Resolution 14-85 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-1161 Mapuana de Silva
M-1162 Kalani Ka'anā'anā

ADOPTION
RESOLUTION 14-86 – COMMITTEE REPORT 128

RESOLUTION AMENDING RESOLUTION 10-245, CD1, FD1, AS AMENDED BY RESOLUTION 10-310, TO ALLOW A REDUCTION IN THE NUMBER OF UNITS SUBJECT TO THE AFFORDABILITY RESTRICTIONS FOR GREEN HOMES AT LUALUALEI, A TWENTY-FIVE UNIT SINGLE-FAMILY AFFORDABLE HOUSING PROJECT AT LUALUALEI, WAIANAE, OAHU, HAWAII, TAX MAP KEYS 8-7-033:011 AND 022.

Councilmember Anderson moved that Committee Report 128 and Resolution 14-86 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 128 and Resolution 14-86 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION
RESOLUTION 14-67, CD1 – COMMITTEE REPORT 129

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION SERVICES OR THE DIRECTOR'S DESIGNEE TO EXECUTE A LICENSE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ARMY TO USE AND OCCUPY A PORTION OF SCHOFIELD BARRACKS MILITARY RESERVATION, EAST RANGE AS THE WAHIAWA PARK AND RIDE FOR PUBLIC USE, OVER, ACROSS, IN AND UPON LANDS OF THE UNITED STATES, AS IDENTIFIED IN CONTRACT NO. DACA84-3-14-37.

Councilmember Pine moved that Committee Report 129 and Resolution 14-67, CD1 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 129 and Resolution 14-67, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-78, CD1 – COMMITTEE REPORT 130

RESOLUTION AUTHORIZING THE DIRECTOR OF DESIGN AND CONSTRUCTION OF THE CITY AND COUNTY OF HONOLULU OR THE DIRECTOR'S DESIGNEE TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE STATE BOARD OF LAND AND NATURAL RESOURCES FOR PUHAWAI STREAM FLOOD MITIGATION PROJECTS.

Councilmember Pine moved that Committee Report 130 and Resolution 14-78, CD1 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 130 and Resolution 14-78, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-79, CD1 – COMMITTEE REPORT 131

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION SERVICES OR THE DIRECTOR'S DESIGNEE TO EXECUTE A LICENSE AGREEMENT WITH THE U.S. NAVY TO USE PORTIONS OF U.S. NAVY ROADWAYS (CAMP CATLIN ROAD AND ARIZONA ROAD) AS A PUBLIC ACCESS BETWEEN KAMEHAMEHA HIGHWAY AND SALT LAKE BOULEVARD.

Councilmember Pine moved that Committee Report 131 and Resolution 14-79, CD1 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 131 and Resolution 14-79, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-80 – COMMITTEE REPORT 132

RESOLUTION APPROVING THE PROPOSED BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES FOR THE FISCAL YEAR 2014-15.

Councilmember Pine moved that Committee Report 132 and Resolution 14-80 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 132 and Resolution 14-80 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

DEFERRED TO THE NEXT COUNCIL MEETING

RESOLUTION 14-84, CD1 – COMMITTEE REPORT 133

RESOLUTION RELATING TO APPOINTMENTS AND NOMINATIONS FOR THE HAWAII STATE ASSOCIATION OF COUNTIES.

Councilmember Pine moved that Committee Report 133 and Resolution 14-84, CD1 be deferred to June 4, 2014 Council meeting. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 133 and Resolution 14-84, CD1 was deferred to June 4, 2014 Council meeting.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 14-69, FD1 – COMMITTEE REPORT 134

RESOLUTION REQUESTING THE CITY AUDITOR TO PERFORM A COMPREHENSIVE MANAGEMENT AND PERFORMANCE AUDIT OF THE CITY'S PARATRANSIT SERVICE.

Councilmember Harimoto moved that Committee Report 134 and Resolution 14-69 be adopted. Seconded by Councilmember Anderson.

The following amendment was handcarried to the meeting:

Resolution 14-69, Proposed FD1 (OCS/050614/03:15/CT)

Councilmember Manahan moved that the Resolution be amended to FD1. Seconded by Councilmember Harimoto. The amendment adds a Be It Further Resolved clause to request that the City Auditor look into the TheHandi-Van procurement process.

The following individuals testified:

1. Barbra Armentrout (Support)
2. Rose Pou (Support)
3. Polly Grace (Support)

In response to councilmembers, Director Michael Formby, Department of Transportation Services, stated that:

- He is not aware of any specific procurement issues; however, the Administration supports any audit that would help improve TheHandi-Van service.
- A consultant works with the City to ensure that the eligibility center and the paratransit service comply with the Federal Transit Administration (FTA) requirements.

- As the City transitions to an intermodal system with the rail, the Administration intends to automate all databases (i.e., TheBus, rail and TheHandi-Van).

Councilmember Harimoto reiterated that the Council is not aware of any procurement issues; however, he would support the proposed FD1 because of the concern raised by Councilmember Manahan.

Although there may not be any procurement issues, Councilmember Manahan urged councilmembers to support the proposed FD1.

Resolution 14-69 was amended to FD1.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

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

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

Committee Report 134 and Resolution 14-69, FD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

(Note: Committee Report 135 and Resolution 14-77, were considered earlier in the meeting. See page 3.)

BALANCE OF COMMITTEE REPORTS

EMLACR-101

To request authorization to settle a claim against the City and County of Honolulu by P&C Insurance Company, LLC, as a Subrogee of Kamehameha Schools, for property damage due to a sewer backup, Claim No. 2001663.

- EMLACR-102 To request authorization to settle a case against the City and County of Honolulu entitled, Chen, et al. v. Wade, et al., Civil No. 12-1-0060-01 KTN.
- EMLACR-103 To request authorization to settle a case against the City and County of Honolulu entitled, Harris v. Kamakele, City and County of Honolulu, Civil No. 12-1-2254-08 RAN.
- EMLACR-104 To request authorization to settle a consolidated case against the City and County of Honolulu entitled, Torres, et al. v. City and County of Honolulu, et al., Civil Nos. 12-00437 DKW-BMK, 14-1-00456 ECN.
- EMLACR-105 To request authorization to settle a case against the City and County of Honolulu entitled, Tam, et al. v. City and County of Honolulu, et al., Civil No. CV13-00120 BMK.
- PWSCR-117 Deed conveying roadway Lot 14250 and grant of Flowage Easement 4971 for public use in Waipio (Mililani Technology Park Subdivision, Phase I-C). (D-268)

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

There was no public testimony.

Councilmembers Pine (CC-97 for EMLACR-104) and Chang (CC-101 for EMLACR-102) noted that they filed Disclosures of Interest with the City Clerk's Office.

The Balance of Committee Reports was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.
NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

SUNSHINE/ADOPTION
RESOLUTION 14-94

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR THE HONOLULU POLICE DEPARTMENT TO RECEIVE FOUR TICKETS VALUED AT \$480 (\$120 PER PERSON) FROM THE HAWAIIAN ELECTRIC COMPANY FOR ATTENDANCE AT THE HONOLULU POLICE COMMUNITY FOUNDATION'S 7TH ANNUAL HONOLULU'S FINEST DINNER.

Resolution 14-94 was waived to the Council floor by the Chair of the Public Safety and Economic Development Committee.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that Resolution 14-94 be added to the agenda. Seconded by Councilmember Harimoto.

Resolution 14-94 was added to the agenda.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.

NOES: None.

Councilmember Anderson moved that Resolution 14-94 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Resolution 14-94 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.

NOES: None.

Related communications:

CC-118 Councilmember Carol Fukunaga
D-325 Louis M. Kealoha, Police Department

SUNSHINE/ADOPTION
RESOLUTION 14-95

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR THE HONOLULU POLICE DEPARTMENT TO RECEIVE 30 TICKETS VALUED AT \$3,600 (\$120 PER PERSON) FROM THE HONOLULU POLICE COMMUNITY FOUNDATION (HPCF) FOR ATTENDANCE AT THE HPCF'S 7TH ANNUAL HONOLULU'S FINEST DINNER.

Resolution 14-95 was waived to the Council floor by the Chair of the Public Safety and Economic Development Committee.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that Resolution 14-95 be added to the agenda. Seconded by Councilmember Harimoto.

Resolution 14-95 was added to the agenda.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN - 9.

NOES: None.

Councilmember Anderson moved that Resolution 14-95 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Resolution 14-95 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN - 9.

NOES: None.

Related communications:

CC-119 Councilmember Carol Fukunaga
D-326 Louis M. Kealoha, Police Department

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

RECESS/RECONVENE

At 12:12 p.m., the Chair called for a recess and reconvened the meeting at 2 p.m.

Excused: Councilmember Pine – 1.

EXECUTIVE SESSION ITEMS

There were no Executive Session items.

ORDER OF THE DAY - AFTERNOON CALENDAR

SECOND READING/PUBLIC HEARING **BILL 30, FD1 – COMMITTEE REPORT 97**

A BILL FOR AN ORDINANCE RELATING TO SIMULATED GAMBLING DEVICES.

The following amendment was posted on the agenda:

Bill 30, Proposed FD1 (OCS/050114/02:01/CT)

Councilmember Fukunaga moved that Committee Report 97 be adopted and Bill 30 pass second reading. Seconded by Councilmember Pine.

Councilmember Manahan moved that the Bill be amended to FD1. Seconded by Councilmember Fukunaga. The FD1 makes the following amendments:

- A. Adds findings provisions to the Bill.
- B. Deletes the exemption in Section 40-____.3(b).
- C. Clarifies that violation of the article constitutes a petty misdemeanor, and that police officers and other law enforcement officers may enforce the provisions of the article.
- D. Deletes Section 40-____.6 regarding application.
- E. Makes other technical and non-substantive amendments.

The following individuals testified:

1. Annette Uekawa (Support)
2. Ryan DeYoung (M-1174) (Oppose)
3. Kaulana Young (Oppose)
4. Ivaylo Kerelski (Oppose)
5. Poly Grace (Support)
6. Shota Mkheidze, Honey Bee Cleaners LLC (Oppose)

In response to Councilmembers' questions, Mr. Mkheidze explained that although his business does not use sweepstakes machines, many businesses could be impacted because of the vague language in the Bill.

7. Aleksander Adameczek (General comments)
8. Geanine Kahalewai (Support)

Councilmember Fukunaga commended Councilmember Manahan's efforts to address concerns raised by the Honolulu Police Department (HPD) and the Department of the Corporation Counsel (COR). She is in support of the proposed FD1 and strongly suggests input from all stakeholders, including small businesses.

Councilmember Manahan explained that prior to the introduction of the proposed FD1, a Federal court ruling found that sweepstakes machines constitute gambling under State laws, and therefore, are illegal. He intends to continue to work with the Committee on Public Safety and Economic Development on further considerations for the Bill.

Councilmember Menor noted that he would be voting aye with reservations. In light of recent developments involving the Federal court ruling that deemed sweepstakes devices as illegal, he requests clarification on whether or not the Bill is necessary.

Council Chair Martin stated that he would also be voting aye with reservations. Although the intent of the Bill is commendable, he expressed concerns that the Bill may be overextending its authority, which could result in unintended consequences.

Bill 30 amended to FD1.

AYES: ANDERSON, CHANG, FUKUNAGA*, HARIMOTO, KOBAYASHI,
MANAHAN, MENOR*, PINE, MARTIN* - 9.
NOES: None.

*Councilmembers Fukunaga, Menor and Martin voted aye with reservations.

Councilmember Anderson spoke in opposition of the Bill. He noted that since a court ruling has already been issued against the use of sweepstakes machines, there is no need to move the Bill forward.

Councilmember Harimoto expressed similar concerns, but he is willing to move the Bill forward to obtain clarification and legal advice in Committee.

Councilmember Manahan thanked the Council for hearing the Bill and allowing the measure to move forward for further discussion in Committee. The recent court ruling has helped address the problem; however, the scope of the court decision is limited to only one type of machine. He is hopeful that the Bill could address the problem on a larger scale to include other types of simulated gambling devices.

Committee Report 97 adopted and Bill 30, FCD1 passed second reading.

AYES: CHANG*, FUKUNAGA*, HARIMOTO, KOBAYASHI, MANAHAN, MENOR*,
PINE, MARTIN* - 8.

NOES: ANDERSON – 1.

* Councilmembers Chang, Fukunaga, Menor and Martin voted aye with reservations.

Related communications:

M-1106	Roger Morey, Hawaii Restaurant Association
M-1107	Tom Kay, Hawaii Coalition Against Legalized Gambling
M-1129	Donald Jose
M-1138	League of Women Voters
M-1166	Christie Fejeran
M-1167	Riley Silva
M-1168	Aileen Ramos
M-1169	Archie Ryales
M-1170	Kazue Ryales
M-1171	Mark Ryales
M-1172	Matt Herrera
M-1173	Kaulana Young
M-1175	Ariel Manzano
M-1211	Leonardo D'amico and Luzceleste D'amico

SECOND READING/PUBLIC HEARING
BILL 33 – COMMITTEE REPORT 98

A BILL FOR AN ORDINANCE RELATING TO THE HOUSING CODE.

Councilmember Fukunaga moved that Committee Report 98 be adopted and Bill 33 pass second reading. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 98 adopted and Bill 33 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

Related communications:

M-1092 Lisa Wong
M-1093 Dwight C. and Elizabeth C. Lowrey
M-1103 Sandra Knobloch
M-1104 Winona Lee
M-1118 Richard M. Ito
M-1135 Shannon and Michael Wilson

SECOND READING/PUBLIC HEARING
BILL 69 (2013), CD1 – COMMITTEE REPORT 106

A BILL FOR AN ORDINANCE RELATING TO PUBLIC TRANSIT.

Councilmember Kobayashi moved that Committee Report 106 be adopted and Bill 69 pass second reading, as amended to CD1. Seconded by Councilmember Chang.

The following individuals testified:

1. Kathy Whitmire, The Outdoor Circle (M-1177) (Oppose)
2. Bert Fishman (M-1110) (Oppose)
3. Barbra Armentrout (Support)
4. George Yakowenko (M-1094) (Support)
5. Geno Tamayo (M-1122) (Support)

6. Rito Saniatan, Waipahu Neighborhood Board No. 22 (Support)
7. Dick Poirier, Mililani/Waipio/Melemanu Neighborhood Board No. 25 (D-338) (Support)
8. Ann S. Freed (M-1176) (Support)
9. Marti Townsend, The Outdoor Circle (Oppose)
10. Rose Pou (Oppose)
11. Barbara Marumoto (Oppose)
12. Bob Leinau (Oppose)
13. Diane Anderson (Oppose)
14. Ursula Retherford (M-1178) (Oppose)
15. Blane Tsugawa (Support)
16. Sophie Fung (Support)
17. Polly Grace (Oppose)
18. Geanine Kahalewai (General comments)
19. Alexandra Avery, The Outdoor Circle (M-1121) (Oppose)
20. Kevin Rathbun, Ewa Neighborhood Board No. 23 (Support)
21. Susan Spangler, The Outdoor Circle (Oppose)
22. Choon James (Oppose)
23. Pauline Mac Neil (M-1179) (Oppose)
24. Willy Holly (Oppose)
25. James Manaku, Sr. (Oppose)
26. Alex Bresslaner (Support)

In response to Councilmembers' questions, Michael Formby, Director, Department of Transportation Services (DTS), noted the following:

- Director Formby has not seen the budget suggestions by The Outdoor Circle for the restoration of bus service; he is interested in reviewing the proposals.
- The need for bus service will always exceed capacity. There needs to be a balance of equity in operating public transit systems because there is never enough money to implement needed improvements and services.
- In 2012, DTS conducted a survey, which included at least 10% of bus riders on every City bus route, the face of transportation equity in Honolulu is as follows: 37% have no vehicles in their household; 47% have no drivers licenses; 55% are under 44 years of age; 49% earn under \$40,000 annual household income; 77% are minorities; 27% admit they could not get around except by bus; 6% could afford to pay for taxi services; 33% cannot get around without some mode of public transportation; 52% commute by bus to work or school; and 96% walk to bus stops.

- Advertising on the exterior of buses would bring in a new revenue source for the City. Other municipalities in need of new revenue sources have implemented advertisements on their city buses.
- The market for advertising space in the interior of buses is very limited, despite aggressive efforts by the advertising company to boost use of the ad spaces. Non-profit organizations are allowed one free interior ad space for one month.
- The Administration prefers to seek new funding sources to restore and sustain bus services, rather than reallocate funds within the budget. The City budget that was initially submitted to the Council included anticipated revenue from bus advertisements.
- DTS is willing to work with the Department of Corporation Counsel and the Council to include language in the Bill to provide restrictions and regulations of the advertisements.

Councilmember Kobayashi recommended that the Council pass the Bill on second reading for referral back to the Committee on Budget where it could be held for a year until the next budget cycle. Alternative revenue sources need to be considered, such as the additional revenue from the Transit Accommodations Tax (TAT) and real property tax revenue from the development of new condominiums in the Kakaako area. She hopes the Mayor and the Administration are committed to restoring bus services, as promised to residents.

In response to Councilmembers' questions, Diane Kawauchi, Deputy, Department of the Corporation Counsel, explained that the City could impose restrictions and regulations on the content and size of advertisements to be used on buses.

Councilmember Menor noted his support to pass the Bill on second reading for further discussion and consideration. He supports creating a new revenue source if it yields improved bus services for residents, as well as restoration of previously cut services, such as Bus Route E in his District. He is also concerned of the legal issues on whether or not the City can regulate advertisement content.

Councilmember Pine explained that she did not initially support the proposal for exterior advertisements on buses; however, after receiving testimony on how the cuts in bus services have impacted the quality of life for many residents, she now supports the proposal. In her District where communities are rapidly growing, there is a dire need for improved delivery of bus services.

Councilmember Harimoto expressed his support of the Bill, not because he supports advertisements, but because the City needs new revenue sources. The additional \$4 million from the TAT is not enough to support bus services. Budgetary cuts and reallocation of funds for bus service restoration is not a sustainable effort in the long run. The City needs new and increased revenue sources to provide services.

Councilmember Anderson stated that he would be voting aye with reservations. He expressed uncertainty towards the proposal as a potential revenue source, but he agrees that the issue warrants further discussion. He noted that although he supports passing the Bill on second reading, he could not guarantee supporting the Bill if it comes before the Council for final passage on third reading.

Councilmember Manahan noted that although he is opposed to the Bill, he would be voting aye with strong reservations to pass the Bill on second reading. He stated that he could not ignore the legislative history of The Outdoor Circle's efforts to restrict billboards and outdoor advertising in Hawaii.

Council Chair Martin spoke in opposition to the Bill. He strongly agrees with the need to restore bus services, but there are other ways to provide the service without bus advertisements. He pointed out that Honolulu is a unique City and should not be compared with other cities that have resorted to bus advertising.

Committee Report 106 adopted and Bill 69 (2013), CD1 passed second reading.

AYES: ANDERSON*, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI,
 MANAHAN*, MENOR, PINE – 8.
NOES: MARTIN – 1.

*Councilmembers Anderson and Manahan voted aye with reservations.

Related communications:

D-328	Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34
D-340	Marilyn Lee, Mililani/Waipio/Melemanu Neighborhood Board No. 25
M-1084	Mary-Louise O'Brien
M-1085	Carol Rumford
M-1086	Kathleen Bryan
M-1087	Lynn Rogers
M-1088	Gary Anderson
M-1089	Barbara Krasniewski
M-1095	Nancy Davlantes

M-1096	Aaron Landry
M-1099	Jeremy Lam
M-1100	Linda LeGrande
M-1125	Vernon Hinsvark
M-1131	Shirley Swinney
M-1180	Rose Robinson
M-1181	Suqian Jin
M-1182	Malia Schwartz
M-1183	Gregory J. Mueller
M-1184	Wendell Hong
M-1185	Jamie Hyatt
M-1186	Brad and Jessica Baang
M-1187	Jackie Swinney
M-1188	William H. Smith
M-1189	Cary Hosaka
M-1190	Gee Kong Wong
M-1191	Alfred Lardizabal
M-1192	Doris and Mario Domingo
M-1193	Michael Golojuch, Jr.
M-1194	David Morris
M-1195	Ann Lee
M-1196	Landford
M-1197	L. Shimabukuro
M-1198	Walter Sullivan
M-1199	Frank A. Winczner
M-1200	Brandon Westbrook
M-1201	Ed Manglallan
M-1202	Alberto Rico, Jr.
M-1203	Jim and Kathy Brown

RECESS/RECONVENE

At 4:13 p.m., Council Chair Martin called for a short recess and reconvened the meeting at 4:23 p.m.

SECOND READING/PUBLIC HEARING **BILL 24 – COMMITTEE REPORT 108**

A BILL FOR AN ORDINANCE RELATING TO FEES AND CHARGES FOR USE OF PARKS AND RECREATION FACILITIES.

Councilmember Kobayashi moved that Committee Report 108 be adopted and Bill 24 pass second reading. Seconded by Councilmember Chang.

The following individuals testified:

1. Choon James (Oppose)
2. James Manaku, Sr. (Oppose)
3. Natalie Iwasa (Oppose)
4. Polly Grace (Oppose)

In response to Councilmembers' questions, Michele Nekota, Director, Department of Parks and Recreation, explained that the current fee for campsites holding between 100 to 250 people is \$312.50. The Bill amends the fee schedule by inserting a new fee of \$187.50 for the use of campsites holding up to 150 people.

Councilmember Pine thanked Director Nekota for helping families who heavily use campsites for family gatherings at a more affordable cost.

Committee Report 108 adopted and Bill 24 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN - 9.

NOES: None.

SECOND READING/PUBLIC HEARING
BILL 26 – COMMITTEE REPORT 109

A BILL FOR AN ORDINANCE RELATING TO COLLECTION AND DISPOSAL CHARGES.

Councilmember Kobayashi moved that Committee Report 108 be adopted and Bill 26 pass second reading. Seconded by Councilmember Chang.

The following individual testified:

Polly Grace (General comments)

Councilmember Kobayashi explained that the Bill amends the timeframe for commercial companies who take the trash to either H-Power or the landfill from 60 days to 30 days.

Committee Report 109 adopted and Bill 26 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN - 9.

NOES: None.

SECOND READING/PUBLIC HEARING

BILL 71 (2013), CD1 – COMMITTEE REPORT 118

A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1190, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO INTERIM PLANNED DEVELOPMENT PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT WITHIN CLOSE PROXIMITY TO FUTURE RAIL STATIONS.

Councilmember Anderson moved that Committee Report 118 be adopted and Bill 71 pass second reading, as amended to CD1. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Choon James (General comments)
2. James Manaku, Sr. (Oppose)
3. Natalie Iwasa (General comments)
4. Tom Schmidt (Support)

Committee Report 118 adopted and Bill 71 (2013), CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN - 9.

NOES: None.

Related communications:

M-1209 Lowell Chun
M-1210 Cindy McMillan, The Pacific Resource Partnership

SECOND READING/PUBLIC HEARING
BILL 10 – COMMITTEE REPORT 119

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT WAHIAWA, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 119 be adopted and Bill 10 pass second reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 119 adopted and Bill 10 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 28, CD1 – COMMITTEE REPORT 120

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT KANEOHE, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 120 be adopted and Bill 28 pass second reading, as amended to CD1. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 120 adopted and Bill 28, CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 29 – COMMITTEE REPORT 121

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT KAHALUU, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 121 be adopted and Bill 29 pass second reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 121 adopted and Bill 29 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 32, CD1 – COMMITTEE REPORT 122

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT MAKAHA VALLEY, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 122 be adopted and Bill 32 pass second reading, as amended to CD1. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 122 adopted and Bill 32, CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 34 – COMMITTEE REPORT 123

A BILL FOR AN ORDINANCE RELATING TO GRADING IN CONSERVATION DISTRICTS.

Councilmember Anderson moved that Committee Report 123 be adopted and Bill 34 pass second reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Thomas Grande (M-1134) (Support)

In response to Councilmembers' questions, Mr. Grande explained that his neighbor was cited by the Department of Planning and Permitting (DPP) prior to November 1999 for dumping of fill material. In January 2000, his neighbor joined as a cooperator with the Soil and Water Conservation District. Upon becoming a cooperator, the DPP could no longer regulate the grading activity.

2. Rick Towill, Windward Oahu Soil and Water Conservation District (Oppose)
3. Larry Jefts, West Oahu Soil and Water Conservation District (M-1119) (Oppose)
4. Karen Ah Mai, South Oahu Soil and Water Conservation District (Oppose)
5. Joseph Shacat, Grace Pacific LLC (M-1130) (Oppose)
6. Kapua Keliikoa-Kamai (Support)
7. Natalie Iwasa (General comments)
8. Polly Grace (General comments)

Councilmember Pine expressed appreciation to hear that all of the interested parties are willing to join forces to address, monitor and work on solutions against illegal dumping.

Councilmember Anderson urged the Council to pass the Bill on second reading for further discussion and consideration by the Committee on Zoning and Planning. He looks forward to efforts by the Department of Planning and Permitting to meet with all of the stakeholders to address the issue.

Councilmember Chang noted that he will vote aye with reservations. He commended the intent of the Bill; however, he also expressed concerns of unintended consequences for farmers and small businesses.

Council Chair Martin stated that he planned to vote in opposition, but upon hearing that all parties agree to work together, he will vote aye with reservations.

Committee Report 123 adopted and Bill 34 passed second reading.

AYES: ANDERSON, CHANG*, FUKUNAGA*, HARIMOTO, KOBAYASHI*,
MANAHAN*, MENOR*, PINE, MARTIN* - 9.
NOES: None.

*Councilmembers Chang, Fukunaga, Kobayashi, Manahan, Menor and Martin voted aye with reservations.

SECOND READING/PUBLIC HEARING
BILL 35 – COMMITTEE REPORT 124

A BILL FOR AN ORDINANCE RELATING TO STOCKPILING OF SOIL.

Councilmember Anderson moved that Committee Report 124 be adopted and Bill 35 pass second reading. Seconded by Councilmember Harimoto.

As requested by Councilmember Anderson, Chair of the Committee on Zoning and Planning, and there being no objections, testimony for Bills 35, 36 and 37, relating to stockpiling and grading, on pages 7 and 8 of the agenda, were taken up together.

The following individuals testified on Bill 35; Bill 36, CD1; and Bill 37:

1. Thomas Grande
2. Rick Towill, Windward Oahu Soil and Water Conservation District
3. Larry Jefts, West O‘ahu Soil & Water Conservation District (M-1119)
4. Natalie Iwasa
5. Geanine Kahalewai, Senator Maile Shimabukuro’s Office

Councilmember Pine explained that she has not received significant opposition to the Bill, other than the suggestion to clarify the language pertaining to the type of materials that would be permitted for stockpiling. She looks forward to working with the Council and the agricultural community to address the issues of illegal stockpiling and grading.

Councilmember Anderson commended Councilmember Pine for introducing the measures and he urged the Council to move Bills 35, 36 and 37 forward for further consideration in Committee.

Committee Report 124 adopted and Bill 35 passed second reading.

AYES: ANDERSON, CHANG*, FUKUNAGA*, HARIMOTO, KOBAYASHI,
MANAHAN, MENOR, PINE, MARTIN* - 9.

NOES: None.

*Councilmembers Chang, Fukunaga and Martin voted aye with reservations.

Related communications:

CC-120 Alan Takemoto, Agricultural Development Task Force
CC-124 Councilmember Kymberly Marcos Pine

M-1083 Scott E. Enright, State Board of Agriculture
M-1101 Duane K. Okamoto
M-1126 General Contractors Association of Hawaii
M-1139 Doug Luka, South Oahu County Farm Bureau
M-1204 Gladys Marrone, Building Industry Association of Hawaii
M-1206 Hawaii Masons Union
M-1208 Lokana Keliikoa-Pua

SECOND READING/PUBLIC HEARING
BILL 36, CD1 – COMMITTEE REPORT 125

A BILL FOR AN ORDINANCE RELATING TO GRADING VIOLATIONS AND PENALTIES.

Councilmember Anderson moved that Committee Report 125 be adopted and Bill 36 pass second reading, as amended to CD1. Seconded by Councilmember Harimoto.

(Note: See Bill 35 for list of testifiers.)

Councilmember Pine also urged the Council to pass the Bill that would help strengthen enforcement actions against violators.

Committee Report 125 adopted and Bill 36, CD1 passed second reading.

AYES: ANDERSON, CHANG*, FUKUNAGA*, HARIMOTO, KOBAYASHI,
MANAHAN, MENOR, PINE, MARTIN - 9.
NOES: None.

*Councilmembers Chang and Fukunaga voted aye with reservations.

(Note: See Bill 35 for list of related communications.)

SECOND READING/PUBLIC HEARING
BILL 37 – COMMITTEE REPORT 126

A BILL FOR AN ORDINANCE RELATING TO GRADING WITHOUT A PERMIT.

Councilmember Anderson moved that Committee Report 126 be adopted and Bill 37 pass second reading. Seconded by Councilmember Harimoto.

(Note: See Bill 35 for list of testifiers.)

Councilmember Pine noted that she looks forward to working with the Council on strengthening the language of the Bill.

Committee Report 126 adopted and Bill 37 passed second reading.

AYES: ANDERSON, CHANG*, FUKUNAGA*, HARIMOTO, KOBAYASHI,
 MANAHAN, MENOR, PINE, MARTIN* - 9.

NOES: None.

*Councilmembers Chang, Fukunaga and Martin voted aye with reservations.

(Note: See Bill 35 for list of related communications.)

ANNOUNCEMENTS

Councilmember Chang expressed birthday wishes to Councilmember Harimoto.

Council Chair Martin announced that the next Council meeting on June 4, 2014 will be held at the Mission Memorial Auditorium at Honolulu Hale.

City Council Journal
Wednesday, May 7, 2014

ADJOURNMENT

At 5:36 p.m., Councilmember Anderson moved that the Council stand adjourned until Wednesday, June 4, 2014, at 10:00 a.m., at Mission Memorial Auditorium. Seconded by Councilmember Harimoto and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,


Per BERNICE K.N. MAU
City Clerk

vc/el

DATE APPROVED:

June 4, 2014