



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN
CHAIR & PRESIDING OFFICER
IKAIKA ANDERSON
VICE CHAIR
RON MENOR
FLOOR LEADER
BRANDON J. C. ELEFANTE
CAROL FUKUNAGA
ANN H. KOBAYASHI
JOEY MANAHAN
TREVOR OZAWA
KYMBERLY MARCOS PINE

JOURNAL

REGULAR MEETING
24TH SESSION
WEDNESDAY, MAY 4, 2016

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

Note: A copy of the video of the full proceedings of this meeting 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 10:13 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Elefante, Fukunaga, Kobayashi, Manahan, Menor, Ozawa, Pine, Martin – 9.

INTRODUCTION OF GUESTS

There were no guests.

APPROVAL OF MINUTES

Councilmember Anderson moved that the Minutes of the 23rd Session (April 20, 2016) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Menor.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ORDER OF THE DAY

PRESENTATION

FINAL REPORT ON THE EVALUATION OF THE CITY AUDITOR

COUNCIL COMMUNICATION 135

April 28, 2016 – From Councilmembers Carol Fukunaga, Ann Kobayashi, and Joey Manahan submitting the Final Report pursuant to Resolution 16-79 which authorized three councilmembers to investigate the matter of the annual evaluation of the City Auditor.

Councilmember Anderson stated that pursuant to Hawaii Revised Statutes (HRS), Section 92-2.5(b)(1) and Resolution 16-79, adopted by the Council on April 20, 2016, Councilmembers Kobayashi, Fukunaga, and Manahan were authorized to investigate the matter of the annual evaluation of the City Auditor. However, the Council may not act on the committee’s report until the next scheduled Council meeting.

Chair Martin clarified that pursuant to an interpretation from the Office of Information Practices, HRS Section 92-2.5(b)(1) requires that deliberation, including any discussion and decision-making by the Council on the committee’s findings and recommendations take place only at the next duly posted Council meeting.

The following individuals testified:

1. Richard DeConti (comments)
2. Barbra Armentrout (comments)

Council Chair Martin announced that the committee's report was being presented as Council Communication 135.

PUBLIC HEARING/SECOND READING
Bill 30, CD1 – COMMITTEE REPORT 139

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU ZOO.

Councilmember Kobayashi moved that Committee Report 139 be adopted and Bill 30 pass second reading, as amended to CD1. Seconded by Councilmember Manahan.

The following individuals testified:

1. Pat Henry (M-1348) (support)
2. Carol Hopkins (support)
3. Barbra Armentrout (support)

In response to questions from the Councilmembers, Guy Kaulukukui, Director of Enterprise Services, answered with the following statements:

- The cooperative agreement between the Honolulu Zoo and the Zoological Society does not specify funding amounts. Contributions from the Zoological Society are based upon recommendations from the Society's Board. A wish list of items to be funded is created by the Zoo Director and presented to the Board for evaluation. Upon review, the Board makes their recommendations. In Fiscal Year 2015-2016, the Zoological Society contributed about \$400,000 to the Honolulu Zoo.
- The Zoo has a nominal amount of funds in their animal purchase account. Elimination of the fund would be at the discretion and approval of the Zoo Director.
- Establishment of a Honolulu Zoo Fund would provide a stable and consistent source of funding and help with the re-accreditation. The Administration would apprise the AZA (Association of Zoos and Aquariums) of their strategic plans toward re-accreditation at the appropriate time. The main focus at this point is to fulfill lower level objectives and strive diligently forward. The Administration would heed the suggestion of the AZA in taking all the necessary time it needs.
- The Charter Commission's proposed amendment for a dedicated source of funding for the Zoo would definitely facilitate the Zoo's financial stability issues.

- Although the Department of Budget and Fiscal Services generally opposes the creation of a new fund, the Department of Enterprise Services supports the measure.
- The Zoo Director was concise in saying that adding more money into the Zoo's budget would not have made a difference because the funds would not have been spent to its full potential.
- The AZA accreditation team voiced their concern about the funds being processed on an annual cycle subject to the approval of the Honolulu City Council. To instill confidence in the accrediting authority, the Administration wants a moderate amount of oversight of the funds before an approval by the Council is warranted.
- The Administration's vision for the Zoo is to be more economically and financially viable. The Zoo receives a subsidy of about \$7 million from the General Fund. Its current revenues and expenses average about \$6.5 million to \$6.6 million. In order for the Zoo to sufficiently cover all of its expenses including its debt service, their budget must average about \$13 million. Therefore, a significant infusion of funds is needed in order for the Zoo to stand on its own ground.
- The Administration believes that it is still feasible for the City to continue to operate the Zoo. There has been no discussions with regard to permanently closing the Zoo.

Councilmember Ozawa pointed out that the issue of the Zoo is not about the funding. The issue stems from the high turnover within the last few years. Therefore, the Zoo Working Group will be looking at proposing a new organizational structure.

Committee Report 139 was adopted and Bill 30, CD1 passed second reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

Related communications:

M-1340 Natalie Iwasa
M-1347 Kapiolani Park Preservation Society

PUBLIC HEARING/SECOND READING

Bill 27, CD1 – COMMITTEE REPORT 146

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, CHAPTER 18, AND CHAPTER 22, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO INCENTIVES FOR ACCESORY DWELLING UNITS PRODUCTION.

Councilmember Anderson moved that Committee Report 146 be adopted and Bill 27 pass second reading, as amended to CD1. Seconded by Councilmember Ozawa.

There was no public testimony.

Committee Report 146 was adopted and Bill 27, CD1 passed second reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

Related communication:

M-1349 Gladys Marrone, Building Industry Association of Hawaii

PUBLIC HEARING/SECOND READING
Bill 28 – COMMITTEE REPORT 147

A BILL FOR AN ORDINANCE RELATING TO PUBLIC HOUSING IN TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICTS.

Councilmember Anderson moved that Committee Report 147 be adopted and Bill 28 pass second reading. Seconded by Councilmember Ozawa.

The following individual testified:

Barbra Armentrout (support)

Councilmember Anderson commended Councilmembers Fukunaga and Manahan for introducing Bill 28. He urged the Administration to continue working with both Councilmembers on the measure.

Committee Report 147 was adopted and Bill 28 passed second reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

THIRD READING
BILL 24, CD1, FD1 – COMMITTEE REPORT 120

A BILL FOR AN ORDINANCE RELATING TO REFUSE.

The following amendment was posted on the agenda:

Bill 24, CD1, Proposed FD1

Councilmember Menor moved that Committee Report 120 be adopted and Bill 24, CD1 pass third reading. Seconded by Councilmember Elefante.

Councilmember Pine moved that the Bill be amended to FD1. Seconded by Councilmember Anderson. The proposed FD1 amends proposed new subsection ROH Sec. 9-5.1(f) by adding a proviso that any person violating both Section 9-1.4(d) and 9-1.____ shall be subject only to the civil fine set forth in subsection (a); and makes miscellaneous technical and nonsubstantive amendments.

There was no public testimony.

Councilmember Pine spoke in support of the measure. She stated that the Council and the Department of Environmental Services have worked diligently together to increase the public's awareness of bulky item pick up procedures and dates. The FD1 amendment increases the fine specifically to the person who actually performs the illegal dumping.

Bill 24, CD1 was amended to FD1.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

Committee Report 120 was adopted and Bill 24, CD1, FD1 passed third reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-1350 Bryn James
M-1352 Dr. Glenn T. Poulain

FIRST READING

BILL 34

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE USE OF PUBLIC SCHOOL LANDS.

Councilmember Anderson moved that Bill 34 pass first reading. Seconded by Councilmember Menor.

There was no public testimony.

Bill 34 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

FIRST READING

BILL 35

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE REAL PROPERTY TAX CREDIT FOR LOW INCOME HOMEOWNERS.

Councilmember Anderson moved that Bill 35 pass first reading. Seconded by Councilmember Menor.

There was no public testimony.

Bill 35 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

FIRST READING

BILL 36

(Budget)

A BILL FOR AN ORDINANCE RELATING TO PRIVATE TRANSPORTATION SERVICES
AND DRIVERS.

Councilmember Anderson moved that Bill 36 pass first reading. Seconded by
Councilmember Menor.

The following individuals testified:

1. Tabatha Chow, Uber Technologies, Inc. (M-1343) (comments)
2. Barbra Armentrout (support)
3. Dorothy Requilman, TheCAB (M-1351) (support)

Bill 36 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-1335 Dale Krupa

ADOPTION

RESOLUTION 16-84, FD1 – COMMITTEE REPORT 122

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR THE HONOLULU POLICE DEPARTMENT TO RECEIVE 40 TICKETS VALUED AT \$4,280 (\$107 PER PERSON) FROM THE HONOLULU POLICE COMMUNITY FOUNDATION (HPCF) FOR ATTENDANCE AT THE HPCF'S 9TH ANNUAL HONOLULU'S FINEST DINNER.

The following amendment was handcarried to the meeting:

Resolution 16-84, Proposed FD1 (OCS2016-0485/5/3/2016 2:19 PM)

Councilmember Menor moved that Committee Report 122 and Resolution 16-84 be adopted. Seconded by Councilmember Elefante.

Councilmember Menor moved that the Resolution be amended to FD1 (OCS2016-0485/5/3/2016 2:19 PM). Seconded by Councilmember Elefante. The proposed FD1 makes the following amendments:

- A. Replaces Exhibit A with the revised Exhibit A that reflects the revised Declaration of Gift submitted by the Chief of Police of the Honolulu Police Department (HPD), which increased the total value of the gift.
- B. Amends the title by changing the value of the gift from \$4,000 to \$4,280.
- C. Amends the 4th WHEREAS clause to add the date and departmental communication number of the original letter sent by the Chief of Police of HPD.
- D. Adds a 5th WHEREAS clause that reads as follows: "WHEREAS through a letter dated May 2, 2016, the Chief of Police of the HPD submitted a revised Declaration of Gift (attached as Exhibit A) that increases the total amount of the gift to be accepted."
- E. Amends the 6th WHEREAS clause.
- F. Amends the BE IT RESOLVED clause.
- G. Makes miscellaneous and nonsubstantive amendments.

There was no public testimony.

Resolution 16-84 was amended to FD1 (OCS2016-0485/5/3/2016 2:19 PM).

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

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

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Committee Report 122 and Resolution 16-84, FD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-89 – COMMITTEE REPORT 123

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR THE HONOLULU POLICE DEPARTMENT TO RECEIVE FOUR TICKETS VALUED AT \$428 (\$107 PER PERSON) FROM THE HAWAIIAN ELECTRIC COMPANY FOR ATTENDANCE AT THE HONOLULU POLICE COMMUNITY FOUNDATION'S 9TH ANNUAL HONOLULU'S FINEST DINNER.

Councilmember Menor moved that Committee Report 123 and Resolution 16-89 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 123 and Resolution 16-89 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-26, CD1 – COMMITTEE REPORT 121

RESOLUTION URGING THE CITY ADMINISTRATION AND STATE TO SUPPORT THE ESTABLISHMENT OF A MENTAL HEALTH CRISIS CENTER TO COORDINATE SERVICES AND CARE FOR PEOPLE WITH MENTAL ILLNESSES.

Councilmember Menor moved that Committee Report 121 and Resolution 16-26, CD1 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 121 and Resolution 16-26, CD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-86 – COMMITTEE REPORT 124

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY OF MAUREEN BURKE.

Councilmember Pine moved that Committee Report 124 and Resolution 16-86 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 124 and Resolution 16-86 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-94 – COMMITTEE REPORT 126

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY AND FRIENDS OF LARRY “WAVES” COSBY.

Councilmember Pine moved that Committee Report 126 and Resolution 16-94 be adopted.
Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 126 and Resolution 16-94 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-95 – COMMITTEE REPORT 127

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY OF DONOVAN AND JAMIE SMITH.

Councilmember Pine moved that Committee Report 127 and Resolution 16-95 be adopted.
Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 127 and Resolution 16-95 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-96 – COMMITTEE REPORT 128

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY AND FRIENDS OF ROBERT W. DUNN.

Councilmember Pine moved that Committee Report 128 and Resolution 16-96 be adopted.
Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 128 and Resolution 16-96 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-97 – COMMITTEE REPORT 129

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY OF ESTHER DIAZ POOR.

Councilmember Pine moved that Committee Report 129 and Resolution 16-97 be adopted.
Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 129 and Resolution 16-97 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-102 – COMMITTEE REPORT 130

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM
JEFF GERE.

Councilmember Pine moved that Committee Report 130 and Resolution 16-102 be
adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 130 and Resolution 16-102 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-103 – COMMITTEE REPORT 131

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE
HONOLULU MARATHON ASSOCIATION.

Councilmember Pine moved that Committee Report 131 and Resolution 16-103 be
adopted. Seconded by Councilmember Menor.

The following individual testified:

Carol Hopkins (comments)

Committee Report 131 and Resolution 16-103 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-1359 Kapiolani Park Preservation Society
M-1360 Ann Moriyasu

RECESS/RECONVENE

At 10:54 a.m., the Chair called for a short recess and reconvened the meeting at 10:55 a.m.

RECOMMITTAL TO COMMITTEE ON PARKS, COMMUNITY AND CUSTOMER SERVICES RESOLUTION 16-91 – COMMITTEE REPORT 125

RESOLUTION PLACING A MEMORIAL SCULPTURE, BENCH AND PLAQUE AT KAPIOLANI PARK HONORING LITA COOK.

Councilmember Pine moved that Committee Report 125 and Resolution 16-91 be recommitted back to the Committee on Parks, Community and Customer Services. Seconded by Councilmember Menor.

The following individuals testified:

1. Andrew Jamila, Waimanalo Construction (support)
2. Lu Ann Lankford-Faborito, King Kamehameha Celebration Commission (comments)

Councilmember Ozawa thanked Ms. Lankford-Faborito for attending the Council meeting to voice her opinion. He indicated that at the prior Committee meeting, no other individuals showed up to provide testimony other than the supporters of Mrs. Cook. He explained that the reason for the recommitment stems in part from correspondence and phone calls received earlier from concerned constituents. He stated that the Council respects the opinions of everyone and wants to hear from all parties with a connection to Resolution 16-91.

He looks forward to Ms. Lankford-Faborito's attendance at the next Committee meeting and being part of the discussion.

Ms. Lankford-Faborito thanked Councilmember Ozawa for recommitting the Resolution back to the Committee.

3. Carol Hopkins (support the concept)
4. Leiala Cook (M-1336) (support)
5. Ekini Lindsey (support)
6. Cheryl Ann Vierra (support)
7. Bonnie Neal, Hawai'i Pa'u Riders (support)
8. A. Kuulei Olsen Richardson, Kaneohe Christmas Parade (support)
9. Wallace Carvalho, Hawaii Pa'u Riders (support)
10. B.J. Allen, State Council on Hawaiian Heritage (M-1354) (oppose)
11. Barbra Armentrout (support)
12. Iwalani L. Cook (support)
13. Heavenly Cook-Kamakeeaina, Hawaii Pa'u Riders (support)
14. Barbara Kamille (support)

Councilmember Ozawa spoke in support of the recommittal and looks forward to the discussions in Committee. He thanked the friends and family of the late Mrs. Cook as well as all the other pa'u riders for their participation today.

Councilmember Pine looks forward to passing Resolution 16-91 out of Committee for adoption. She is confident that the Resolution will be amended to the satisfaction of all interested parties.

Committee Report 125 and Resolution 16-91 were recommitted back to the Committee on Parks, Community and Customer Services.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

- | | |
|--------|-------------------------------------|
| M-1341 | Janet Covington |
| M-1342 | Verna Kuulei Vaughan |
| M-1344 | Cyndi Pa |
| M-1345 | Kuuiipo Malia Santimer-Padilla |
| M-1353 | Kapiolani Park Preservation Society |

M-1355 Donna L. Ching
M-1356 Jerry and Lei Vaughan
M-1357 Annie Moriyasu
M-1358 Antoinette L. Lee
M-1368 Healani Germano-Ome

RECESS/RECONVENE

At 11:24 a.m., the Chair called for a short recess and reconvened the meeting at 11:27 a.m.

At this juncture, with no objections from the 9 members present, the Chair considered the Committee on Budget items from pages 14 thru 16 of the agenda.

ADOPTION

RESOLUTION 16-88 – COMMITTEE REPORT 140

RESOLUTION RELATING TO TRANSFER OF FUNDS.

Councilmember Kobayashi moved that Committee Report 140 and Resolution 16-88 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 140 and Resolution 16-88 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
PINE, MARTIN – 8.

NOES: None.

ABSENT: OZAWA – 1.

ADOPTION

RESOLUTION 16-92 – COMMITTEE REPORT 141

RESOLUTION REQUESTING AN UPDATE FROM THE CITY'S DEPARTMENT OF ENTERPRISE SERVICES REGARDING THE HONOLULU ZOO PARKING LOT OPERATIONS.

Councilmember Kobayashi moved that Committee Report 141 and Resolution 16-92 be adopted. Seconded by Councilmember Manahan.

The following individuals testified:

1. Carol Hopkins (comments)
2. Barbra Armentrout (comments)

Committee Report 141 and Resolution 16-92 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-99 – COMMITTEE REPORT 142

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SERVICES OR THE DIRECTOR'S DESIGNEE TO APPLY FOR, AND ACCEPT AND EXPEND, FEDERAL HIGHWAY ADMINISTRATION FUNDS AUTHORIZED BY 23 CFR PART 652 AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL HIGHWAY ADMINISTRATION FOR SECURE BICYCLE STORAGE SHELTERS.

Councilmember Manahan moved that Committee Report 142 and Resolution 16-99 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 142 and Resolution 16-99 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-100 – COMMITTEE REPORT 143

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SERVICES OR THE DIRECTOR'S DESIGNEE TO APPLY FOR, AND ACCEPT AND EXPEND, FEDERAL HIGHWAY ADMINISTRATION FUNDS AUTHORIZED BY 23 CFR PART 652 AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL HIGHWAY ADMINISTRATION FOR BIKESHARE HAWAII STATIONS AND BICYCLE PURCHASES, DATE STREET BIKEWAY BRIDGE, HALEIWA ROAD MULTI-USE PATH, AND PHOTOVOLTAIC LIGHTING AND REAL-TIME SIGNAGE AT VARIOUS BUS STOPS.

Councilmember Manahan moved that Committee Report 143 and Resolution 16-100 be adopted. Seconded by Councilmember Kobayashi.

The following individual testified:

Barbra Armentrout (comments)

Committee Report 143 and Resolution 16-100 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-101, CD1 – COMMITTEE REPORT 144

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) VOUCHERS AND TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATED THERETO.

Councilmember Kobayashi moved that Committee Report 144 and Resolution 16-101, CD1 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 144 and Resolution 16-101, CD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-104 – COMMITTEE REPORT 145

RESOLUTION RELATING TO REAL PROPERTY TAX COMPROMISES.

Councilmember Kobayashi moved that Committee Report 145 and Resolution 16-104 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Councilmember Elefante spoke in opposition to the measure because the Resolution would have an unknown impact on the budget and create a lack of uniformity and inequity.

Councilmember Anderson spoke in support of the measure. He noted that it is the third year that the Residential A real property tax classification has been in effect and the fact remains that people continue to fall into the higher Residential A category because they simply missed an arbitrary deadline. He is working in conjunction with the Real Property Assessment Division and the Department of Budget and Fiscal Services (BFS) to find solutions to assist those who missed the deadline. He feels that Resolution 16-104 is necessary and will continue to work with BFS to resolve the issues to avoid real property tax compromise legislation every year.

Councilmember Anderson noted for the record that he filed a Disclosure of Interest Statement with the City Clerk's Office (CC-137).

Committee Report 145 and Resolution 16-104 were adopted.

AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.

NOES: ELEFANTE – 1.

The Council Chair returned to the agenda order on page 13.

DEFERRED

RESOLUTION 15-322, CD1 – COMMITTEE REPORT 132

RESOLUTION URGING ALL GOVERNMENT ENTITIES TO BALANCE MILITARY PRESENCE WITH ENVIRONMENTAL, RESIDENTIAL, AND CULTURAL CONCERNS AND CONSIDER LESSONS LEARNED THROUGHOUT HISTORY, INCLUDING LESSONS LEARNED IN HONOLULU, WHEN EVALUATING THE FACILITY EXPANSION IN HENOKO, OKINAWA AND THE CONCENTRATION OF MILITARY FORCES IN ANY COUNTRY OUTSIDE OF THE UNITED STATES.

Councilmember Ozawa moved that Committee Report 132 and Resolution 15-322, CD1 be deferred. Seconded by Councilmember Fukunaga.

There was no public testimony.

Councilmember Ozawa noted his regret to request that Resolution 15-322, CD1 be deferred due to technical and significant diplomatic concerns. He emphasized that the Resolution represents a great deal of effort on the part of certain Councilmembers, Council staff and members of the Okinawan community. It was brought to his attention that the Resolution requires additional research and confirmation to ensure that the language does not conflict or contravene with any United States laws or policies; and that it further conforms to all existing treaties and agreements between the United States and Japan.

Councilmember Manahan spoke in support of the deferral to continue the research on the measure. He appreciates the intent and sentiments expressed in the Resolution; however, adopting the Resolution today would greatly impact the highest of local, national and international levels of Government as well as send mixed signals to the international community and the Congressional delegation.

Committee Report 132 and Resolution 15-322, CD1 were deferred.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-60 – COMMITTEE REPORT 133

RESOLUTION REQUESTING THE HONOLULU POLICE DEPARTMENT AND THE DEPARTMENT OF THE PROSECUTING ATTORNEY TO JOINTLY REVIEW AND MAKE ANY NECESSARY IMPROVEMENTS TO THEIR ARREST AND PROSECUTION PROCEDURES IN “DRIVING UNDER THE INFLUENCE” CASES.

Councilmember Ozawa moved that Committee Report 133 and Resolution 16-60 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 133 and Resolution 16-60 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

COMMITTEE REPORT 134 (RESOLUTION 16-82 LAID OVER AND PUBLISHED)

RESOLUTION PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: PUBLIC RECREATIONAL FACILITIES, SITUATE AT KAHUKU, KOOLAULOA, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

Councilmember Ozawa moved that Committee Report 134 be adopted and Resolution 16-82 be laid over and published. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 134 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Resolution 16-82 was laid over and published, pursuant to the Revised Charter of the City and County of Honolulu 1973, as amended, Section 3-202.9.

ADOPTION

RESOLUTION 16-109 – COMMITTEE REPORT 135

RESOLUTION TO REQUEST ADDITIONAL FUNDS FOR CONTRACT NO. SC-COR-1400106 TO CONTINUE THE SERVICES OF EDGCOMB LAW GROUP LLP AS SPECIAL DEPUTY CORPORATION COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT THE CITY AND COUNTY OF HONOLULU IN LEGAL PROCEEDINGS ARISING OUT OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REAPPLICATION PROCESS.

Councilmember Ozawa moved that Committee Report 135 and Resolution 16-109 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 135 and Resolution 16-109 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

(Note: Committee Reports 140 – 145 and Resolutions 16-88, 16-92, 16-99, 16-100, 16-101, CD1, and 16-104 were considered earlier in the meeting. See pages 17 – 20.)

ADOPTION

RESOLUTION 15-311 – COMMITTEE REPORT 149

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

Councilmember Anderson moved that Committee Report 149 and Resolution 15-311 be adopted. Seconded by Councilmember Ozawa.

There was no public testimony.

Councilmember Anderson urged the councilmembers to move the measure forward for adoption.

Committee Report 149 and Resolution 15-311 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-74 – COMMITTEE REPORT 151

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

Councilmember Anderson moved that Committee Report 151 and Resolution 16-74 be adopted. Seconded by Councilmember Ozawa.

There was no public testimony.

Committee Report 151 and Resolution 16-74 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 16-85 – COMMITTEE REPORT 152

RESOLUTION ADOPTING A REVISION TO THE PUBLIC INFRASTRUCTURE MAP FOR THE EWA DEVELOPMENT PLAN AREA, KAPOLEI, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 152 and Resolution 16-85 be adopted. Seconded by Councilmember Ozawa.

There was no public testimony.

Committee Report 152 and Resolution 16-85 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

BALANCE OF COMMITTEE REPORTS

EMLACR-136 To request authorization to settle a case against the City and County of Honolulu entitled Eric Reiny, et al. v. City and County of Honolulu, et al., Civil No. 10-1-0517-03 KKS.

EMLACR-137 To request authorization to settle a case against the City and County of Honolulu entitled Hawaiian Telcom, Inc. v. City and County of Honolulu, Civil No. 14-1-0428 KKS.

EMLACR-138 To request authorization to settle a case against the City and County of Honolulu entitled Constance Loewe, et al. v. City and County of Honolulu, Civil No. 10-1-0857-03 VLC.

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

There was no public testimony.

The Balance of Committee Reports was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

UNFINISHED BUSINESS

ADOPTION

RESOLUTION 16-70, CD1, FD1 - COMMITTEE REPORT 101

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF HONOLULU AND HALEWAIOLU SENIOR DEVELOPMENT, LLC, FOR THE DEVELOPMENT OF A SENIOR AFFORDABLE RENTAL PROJECT AND COMMUNITY CENTER AT 1331-1347 RIVER STREET (TMK (1) 1-7-006:012).

The following amendment was posted on the agenda:

Resolution 16-70, CD1, Proposed FD1

(Note: The above amendment was not considered.)

The following amendment was handcarried to the meeting:

Resolution 16-70, CD1, Proposed FD1 (OCS2016-0496/5/3/2016 3:28 PM)

Councilmember Anderson moved that Committee Report 101 and Resolution 16-70, CD1 be adopted. Seconded by Councilmember Menor.

Councilmember Fukunaga moved that Resolution 16-70, CD1 be amended to the handcarried FD1 (OCS2016-0496/5/3/2016 3:28 PM). Seconded by Councilmember Anderson. The Proposed FD1 makes the following amendments:

- A. Replaces the draft Development Agreement dated November 6, 2015 with the draft Development Agreement dated April 28, 2016 which includes amendments requested by the United States Department of Housing and Urban Development.
- B. Cover sheets for a new Exhibit D, Low and Moderate Income Area, and Exhibit H, Form of Performance and Payment Bond, are added.
- C. Amends the first BE IT FURTHER RESOLVED clause relating to the conditions recommended by neighbors that shall be addressed in the Lease as follows:
 1. The makai residential tower be located at least thirty feet mauka from the parking podium's edge;

2. The Project improvements facing in the Diamond Head direction be set back at least three feet, one inch, from the Project's eastern boundary line, and the Project include maximum ventilation openings, in both the Diamond Head and makai garage walls, beginning at the Diamond Head-makai corners of the garage;
3. The makai garage wall facing the Lum Sai Ho Tong Temple have a minimum ten foot setback;
4. The makai garage wall have a living plant installation; and
5. The Lessee obtain statements from each resident in the development in which the resident acknowledges that the resident will be living next to a mortuary and that the mortuary requests that residents respect the privacy of its operations; and

D. Makes miscellaneous technical and nonsubstantive amendments.

The following individuals testified:

1. Howard Lum, Lum Sai Ho Tong (M-1363) (support)
2. Jay Morford, Hawaiian Memorial Life Plan (support)

Councilmember Elefante noted for the record that he filed Disclosure of Interest Statements with the City Clerk's Office (CC-79) (CC-80).

Resolution 16-70, CD1 was amended to FD1 (OCS2016-0496/5/3/2016 3:28 PM).

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN - 9.

NOES: None.

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

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN - 9.

NOES: None.

Councilmember Fukunaga stated that although the process was very long and arduous, the Administration and the Council worked very well with the community and the developers of the project in reaching an agreement to the satisfaction of all parties involved. She was

asked to identify two typographical errors in the Development Agreement for correction: Section 2.3, reference to Exhibit DE should be corrected to Exhibit E and the TMK should be corrected to TMK No. 1-1-7-006:012.

Councilmember Anderson congratulated and thanked Councilmember Fukunaga for her collaborative effort and leadership in working with all the stakeholders on the proposed amendment. Although it was a very daunting task with many different points of view to consider, Councilmember Fukunaga mitigated through all the concerns.

Councilmember Pine also congratulated Councilmember Fukunaga. She commended the community for working collaboratively with Councilmember Fukunaga in reaching an agreement on a very difficult project.

Chair Martin also commended Councilmember Fukunaga for her perseverance, diligence, and advocacy on the project. Without a doubt, she has the Chinatown community's best interest at heart. He also commended the Councilmembers for standing behind and supporting Councilmember Fukunaga through the difficult task. He asked for the members unanimous support on the measure.

Committee Report 101 and Resolution 16-70, CD1, FD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN - 9.

NOES: None.

NEW BUSINESS

APPROVAL

COMMUNICATIONS D-227 AND D-283

FROM THE DEPARTMENT OF DESIGN AND CONSTRUCTION, REQUESTING CONSIDERATION OF DEED CONVEYING ROADWAY LOTS 16240, 16241, 16242 AND 16243; GRANT OF FLOWAGE EASEMENT 8650; GRANT OF DRAIN EASEMENT 8628; AND GRANT OF SEWER EASEMENTS 8615, 8616, 8617, 8618, 8623, 8624 AND 8629 FOR PUBLIC USE IN EWA (OCEAN POINTE SUBDIVISION AREA III B).

Communications D-227 and D-283 were waived to the Council floor by the Chair of the Public Works, Infrastructure and Sustainability Committee.

Councilmember Anderson moved that Communications D-227 and D-283 be approved. Seconded by Councilmember Menor.

There was no public testimony.

Councilmember Pine noted that she usually does not speak to these types of legislation. However, it was brought to her attention that for decades, many residents in the area did not receive services from the City and yet, paid high property taxes. She commended and thanked the Department of Planning and Permitting and the Administration for working collaboratively with the Council on the measure, bringing significance to the residents whose areas are listed.

Communications D-227 and D-283 were approved.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

CC-134 Councilmember Carol Fukunaga

ADOPTION
RESOLUTION 16-110

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE
AED INSTITUTE OF AMERICA, INC.

Councilmember Anderson moved that Resolution 16-110 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Resolution 16-110 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

APPROVAL
COMMUNICATION D-293

FROM THE DEPARTMENT OF PLANNING AND PERMITTING, REQUESTING A 240-DAY EXTENSION OF TIME ON BILL 74 (2015), RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT; BILL 75 (2015), RELATING TO MISCELLANEOUS LAND USE ORDINANCE AMENDMENTS; AND BILL 76 (2015), TO REZONE LAND SITUATED AT WAIPAHU, OAHU, HAWAII.

Councilmember Anderson moved that Communication D-293 be approved. Seconded by Councilmember Menor.

There was no public testimony.

Communication D-293 was approved.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Councilmember Anderson asked the members to please join him in sending condolences to the family of the late Paul Michael “Mickey” Thielen. He was the husband of State Representative Cynthia Thielen and the father of State Senator Laura Thielen.

ADJOURNMENT

At 12:02 p.m., Councilmember Anderson moved that the Council stand adjourned until Wednesday, June 1, 2016, at 10 a.m. Seconded by Councilmember Menor and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,



GLENN J. TAKAHASHI
City Clerk

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DATE APPROVED:

June 1, 2016