



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

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TOMMY WATERS

JOURNAL

SPECIAL MEETING
12TH SESSION
MONDAY, JUNE 17, 2019

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

The special meeting of the City Council was called to order by the Chair and Presiding Officer, Ikaika Anderson, at 10:10 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Elefante, Kobayashi, Manahan, Menor, Tsuneyoshi, Waters, Anderson - 8.

Excused: Councilmembers Fukunaga, Pine – 2.

Councilmember Manahan introduced his intern Joanna Li who is a student at Shanghai Pinghe School and wished her a Happy Birthday.

Chair Anderson noted that Councilmember Pine had an emergency this morning and will be at the meeting as soon as she can.

MOMENT OF SILENCE

Chair Anderson commended the late Rod Tam who was a very dedicated community servant and family man.

ORDER OF THE DAY

FIRST READING

BILL 33

(Budget)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR HOMES.

Councilmember Kobayashi moved that Bill 33 pass first reading. Seconded by Councilmember Manahan.

The following individuals testified:

1. Sharlene Chun-Lum (M-329) (Oppose)
2. Arvid Youngquist (M-323) (Support)
3. Choon James (General comment)

Councilmember Tsuneyoshi stated that she has concerns with the Bill and looks forward to discussion in Committee.

Councilmember Manahan stated that the Bill is intended to amend the exemptions for those who need it and noted that the measure will be sent to the Tax Review Commission for recommendations. Councilmember Manahan asked for councilmembers to support the measure.

Bill 33 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
TSUNEYOSHI*, WATERS, ANDERSON – 8.

NOES: None.

ABSENT: PINE – 1.

*Councilmember Tsuneyoshi voted aye with reservations.

Related communications:

M-323 Early testimony on Bill 33
M-329 Additional testimony on Bill 33

Chair Anderson noted that the Council will take a recess from 12:30 p.m. to 1:15 p.m.

FIRST READING

BILL 35

(Executive Matters and Legal Affairs)

A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL AND PRIVATE GRANT AGREEMENTS.

Councilmember Kobayashi moved that Bill 35 pass first reading. Seconded by Councilmember Manahan.

The following individuals testified:

1. Arvid Youngquist (M-324) (Support)
2. Sharlene Chun-Lum (M-330) (Support)
3. Choon James (General comment)

Bill 35 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
TSUNEYOSHI, WATERS, ANDERSON – 8.

NOES: None.

ABSENT: PINE – 1.

Related communications:

M-324 Early testimony on Bill 35
M-330 Additional testimony on Bill 35

THIRD READING

BILL 89 (2018), CD2 – COMMITTEE REPORT 185

A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTALS.

Councilmember Menor moved that Committee Report 185 be adopted and Bill 89 (2018), CD1 pass third reading, as amended to CD2. Seconded by Councilmember Waters.

The following individuals testified on Bill 89 (2018), CD2 and Bill 85 (2018), CD2:

1. Senator Sharon Moriwaki (M-325, M-326) (Support Bill 85 and Bill 89)
2. Senator Gil Riviere (Support Bill 85 and Bill 89)
3. Stu Simmons (Support Bill 85, CD2 and Bill 89, CD2)
4. Kristin Counter (General comment on Bill 85 and Bill 89)
5. Joli Tokusato, Unite Here Local 5 (Support Bill 85 and Bill 89)
6. Jenny Kono (M-325, M-326) (Oppose Bill 85 and Bill 89)
7. Paula Ress (Support Bill 85, CD2 and Bill 89, CD2)
8. Marisa Nguyen (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
9. Arvid Youngquist (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
10. Ann Dewey, Lanikai Association (M-325, M-326) (Support Bill 85 and Bill 89)
11. Lisa Marten (M-325, M-326) (Support Bill 85 and Bill 89)
12. Kekoa McClellan, American Hotel and Lodging Association (Support Bill 85 and Bill 89)
13. Charles E. Gray (M-325, M-326) (Support Bill 85, CD2, General comment on Bill 89, CD2)
14. Kristine Gray (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
15. Douglas Chang, Marriott International (Support Bill 89, CD2)
16. Scott Brazwell (M-325, M-326) (Oppose Bill 85 and Bill 89)
17. Michael Garvey (Oppose Bill 85 and Bill 89)
18. Lucinda Pyles (M-326) (Support Bill 85, CD2)
19. Randall Myers (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
20. Terry Lodge (Oppose Bill 85 and Bill 89)
21. Lisa Cates (M-331, M-332) (Support Bill 85 and Bill 89)
22. Ken Middleton (M-325, M-326, M-331, M-332) (Oppose Bill 85 and Bill 89)
23. Jim Blatta (M-325, M-326) (Support Bill 85 and Bill 89)
24. Angela Tseng (Oppose Bill 85 and Bill 89)
25. Karin OMahony (M-331, M-326) (Oppose Bill 85 and Bill 89)
26. Scott Robertson (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
27. Neil Abercrombie (Support Bill 85 and Bill 89)

28. Mufi Hannemann, Hawaii Lodging & Tourism Association (M-331) (Support Bill 89, CD2 and Bill 85)
29. Mary Kuehner (Oppose Bill 85 and Bill 89)
30. Jeremy Paige, Summerland Island (M-325, M-326) (Oppose Bill 85 and Bill 89)
31. Vicki Slotnick, Self Employed Business supporting tourist destinations (M-325, M-326) (Oppose Bill 85 and Bill 89)
32. Mollie Foti (Support Bill 85, CD2 and Bill 89, CD2)
33. Tina Tolentino, Unite Here Local 5 (M-325, M-326) (Support Bill 85 and Bill 89)
34. Megan Arita (Oppose Bill 85 and Bill 89)
35. Adrian Lee (M-325, M-326) (Oppose Bill 85 and Bill 89)
36. Chelsey Larson (Oppose Bill 85 and Bill 89)
37. Steven Albert (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
38. Will Page (Oppose Bill 85 and Bill 89)
39. Carolyn Hiatt (Oppose Bill 85 and Bill 89)
40. Will Caron, Hawaii Appleseed Center for Law and Economic Justice (M-325, M-326) (Support Bill 85 and Bill 89)
41. Jerry Gibson, Turtle Bay Resort (M-325) (Support Bill 89)
42. Ethan Powell (M-325, M-326) (Oppose Bill 85 and Bill 89)
43. Ivan Lui-Kwan, Starn O'Toole Marcus & Fisher (M-325) (Support Bill 89, CD2)
44. Helen Petrovitch (M-325, M-326) (Oppose Bill 85 and Bill 89)
45. Denise Boisvert (M-325, M-326) (Support Bill 89, CD2 and Bill 85, CD2)
46. Pollyanna Fisher Pool (Oppose Bill 89 and Bill 85)
47. Isabela Jube (Oppose Bill 85 and Bill 89)
48. Jose Jube (Oppose Bill 85 and Bill 89)
49. John Calhoun, Mele Komo (Oppose Bill 85 and Bill 89)
50. Geoffrey Chang, (Support Bill 85 and Bill 89)
51. Maivan Lam (Support Bill 85 and Bill 89, CD2)
52. Karen Thorton (Oppose Bill 85 and Bill 89)
53. Ellen Floyd (M-325) (Oppose Bill 89)
54. Bryant de Venecia (Support Bill 85, CD2 and Bill 89, CD2)

RECESS/RECONVENE

At 12:34 p.m., the Chair called for a recess. With 6 members present (Excused: Pine, Tsuneyoshi, Waters – 3), the Chair reconvened the meeting at 1:22 p.m.

55. Paola Groves (Support Bill 85 and Bill 89, CD2)
56. Cleo McKeague (Support Bill 85 and Bill 89, CD2)
57. Atsumi Hagi (Support Bill 85 and Bill 89, CD2)

58. Gary Su (Support Bill 85 and Bill 89, CD2)
59. Victor Beebe (Support Bill 85 and Bill 89, CD2)
60. Chad Bravo (Support Bill 85 and Bill 89, CD2)
61. Kimberly Borrego (Support Bill 85 and Bill 89, CD2)
62. Imelda Madelo (Support Bill 85 and Bill 89, CD2)
63. Susan Brooks (Support Bill 85 and Bill 89, CD2)
64. Kainalu Laguna (Support Bill 85 and Bill 89, CD2)
65. Shariee Burke (Support Bill 85 and Bill 89, CD2)
66. Wendy Perez (Support Bill 85 and Bill 89, CD2)
67. Donna Ikeda (M-331, M-332) (Support Bill 85 and Bill 89)
68. Ursula Retherford (M-331, M-332) (Support Bill 85, CD2 and Bill 89, CD2)
69. Robert Retherford (M-331, M-332) (Support Bill 89 and Bill 85)
70. Chuck Prentiss, Hawaii's Thousand Friends (Support Bill 85 and Bill 89)
71. Paquito Campano (Support Bill 85 and Bill 89, CD2)
72. Cindy Aban (Support Bill 85 and Bill 89, CD2)
73. Susan Galicha (Support Bill 85 and Bill 89, CD2)
74. Luz Espejo (Support Bill 85 and Bill 89, CD2)
75. Affron Herring (Support Bill 85 and Bill 89, CD2)
76. Estella Fontanilla (Support Bill 85 and Bill 89, CD2)
77. Rodney Nishikawa (Support Bill 85 and Bill 89, CD2)
78. Imaculata Afituk (Support Bill 85 and Bill 89, CD2)
79. Nely Reinante (Support Bill 85 and Bill 89, CD2)
80. Jenny Brady, Honolulu Board of Realtors (M-331) (Support Bill 89, CD2)
81. Patrick McCain (M-325, M-326) (Support Bill 89 and Bill 85)
82. Max Sword, Expedia Group (M-325, M-326) (Oppose Bill 85 and Bill 89)
83. David Herrmann (M-325, M-326) (Oppose Bill 85 and Bill 89)
84. Dominique Spurling (Support Bill 89 and Bill 89, CD2)
85. Charlie Silva (Support Bill 85 and Bill 89, CD2)
86. Loren A. Seehase, Elite Pacific Properties (Oppose Bill 85 and Bill 89)
87. Jim Nance (Oppose Bill 89 and Bill 85)
88. Aline Steiner, A Table Hawaii (M-325, M-326) (Oppose Bill 85 and Bill 89)
89. Marci Paddock (M-325, M-326) (Oppose Bill 89 and Bill 85)
90. Julian Ritchey (M-325, M-326) (Oppose Bill 89 and Bill 85)
91. Marvelyn Ramos (Support Bill 85 and Bill 89, CD2)
92. Christine Todd (Oppose Bill 85 and Bill 89)
93. Tyler Dos Santos-Tam, HI Good Neighbor (M-326) (Support Bill 85)
94. Jean Teo-Gibney (Support Bill 85 and Bill 89, CD2)
95. Thalya DeMott, Malama Manoa (M-325, M-326) (Support Bill 85, CD2, Oppose Bill 89)
96. Alex Ress (M-325, M-326) (Support Bill 85, CD2 and Bill 89, CD2)
97. Winston Welch, The Outdoor Circle (M-325, M-326) (Support Bill 85, Oppose Bill 89)

98. Alorah Kwock (Oppose Bill 85 and Bill 89)
99. Ann Otteman (Oppose Bill 85 and Bill 89)
100. Donald Eovino (M-331, M-332) (Oppose Bill 85 and Bill 89)
101. Lori Rough (Oppose Bill 85 and Bill 89)
102. Allison Pettersson (Oppose Bill 89 and Bill 85)
103. Lawrence Bartley, Save O'ahu's Neighborhoods (M-325, M-326)
(Support Bill 85, CD2, General comment Bill 89, CD2)
104. Rick Egged, Waikiki Improvement Association (M-331) (Support Bill 89)
105. Fabienne Melchior (M-331, M-332) (Oppose Bill 85 and Bill 89)
106. Helena von Sydow (M-331, M-332) (Oppose Bill 85 and Bill 89)
107. Steve Chu (Oppose Bill 89)
108. Harald von Sydow (M-331, M-332) (Oppose Bill 85 and Bill 89)

At 3:29 p.m., Chair Anderson left the chambers and Vice-Chair Kobayashi assumed the role of Presiding Officer.

109. Robert Vultaggio (Oppose Bill 85 and Bill 89)
110. Kathleen Baxter (M-331, M-332) (Oppose Bill 85 and Bill 89)
111. Rebecca Gina Alcos (Support Bill 85 and Bill 89, CD2)
112. Vila Donovan (M-331, M-332) (Oppose Bill 85 and Bill 89)
113. Huong Hoang (M-331, M-332) (Oppose Bill 89 and Bill 85)
114. Anastasia Prihodchenko (Oppose Bill 89)

At 3:44 p.m., Chair Anderson returned and assumed his duties as Presiding Officer and Vice-Chair Kobayashi returned to her seat.

115. Anthony Isgro (M-331, M-332) (Oppose Bill 85 and Bill 89)
116. Kanoa Dahlin (Oppose Bill 85 and Bill 89)
117. Kristina ZaZueta (Oppose Bill 85 and Bill 89)
118. Sara Culhane (M-331, M-332) (Oppose Bill 89 and Bill 85)
119. Jeremy Munoz (M-331, M-332) (Oppose Bill 85 and Bill 89)
120. Mark Steiner (M-331, M-332) (Oppose Bill 85 and Bill 89)
121. Esther Edwards, Airbnb (M-331, M-332) (Oppose Bill 85 and Bill 89)
122. Christina Fernandes (Support Bill 85 and Bill 89)
123. Klaus Radtke (M-331, M-332) (Support Bill 85 and Bill 89)
124. Suzie Mai (M-331, M-332) (Oppose Bill 85 and Bill 89)
125. Daren Miyasato (Support Bill 85 and Bill 89, CD2)

126. Theresa Harden (M-331, M-332) (General comment Bill 85 and Bill 89)
127. Andrew Stone (Oppose Bill 85 and Bill 89)
128. Ana Giliberti-Ippel (Oppose Bill 85 and Bill 89)
129. Deborah Aldrich (Oppose Bill 85 and Bill 89)
130. Audrey Barsoum (M-331, M-332) (Oppose Bill 85 and Bill 89)
131. Williamson Chang (Support Bill 85 and Bill 89)
132. Candis Thomas (Oppose Bill 85 and Bill 89)
133. Melanie Long (Oppose Bill 85 and Bill 89)
134. Meleana Judd-Cox (Oppose Bill 85 and Bill 89)
135. John Jones (Oppose Bill 85 and Bill 89)
136. Karen Luke (Oppose Bill 85 and Bill 89)
137. Kathy Saiki (Support Bill 85, Oppose Bill 89)
138. Keith Watanabe (Support Bill 85)
139. Jackie Graessle (Support Bill 85 and Bill 89)
140. Noela von Wiegandt (Support Bill 85, General comment Bill 89)
141. Dave Watase (Support Bill 85, Oppose Bill 89)
142. Jill Lawrence (Oppose Bill 85 and Bill 89)
143. Allison Lum (Support Bill 85 and Bill 89)
144. Christine Otto Zaa (Support Bill 85, Oppose Bill 89)
145. John Otto (Support Bill 85)
146. Sarah Chinen (Support Bill 85)
147. Pat Watson (Support Bill 85, Oppose Bill 89)
148. Daryl Asato (Support Bill 85 and Bill 89)
149. Milan Vacek (M-331) (General comment Bill 89)
150. Taylor Pham (Oppose Bill 85 and Bill 89)
151. Michael French (Oppose Bill 85 and Bill 89)
152. Anastacia Michaels (Oppose Bill 85 and Bill 89)
153. Pat Ferraris (Oppose Bill 85 and Bill 89)
154. Andrew Laurence (Support Bill 85, Oppose Bill 89)
155. Vanessa Distajo (Support Bill 85, Oppose Bill 89)
156. Kathryn Reed (Oppose Bill 85 and Bill 89)
157. Mayor Kirk Caldwell (Support Bill 89)

In response to Councilmember Menor, Duane Pang, Deputy Corporation Counsel, Department of the Corporation Counsel stated that:

- Bill 89 (page 21) and Bill 85 (page 7) restricts the rental agreement to less than 30 days and does not mention occupancy. Physical occupancy is not required for the full 30 days.

- Both measures would not allow more than one rental agreement of 30 days or more covering the same 30 days, as permitted under the current law.

RECESS/RECONVENE

At 5:40 p.m., the Chair called for a short recess and reconvened the meeting at 5:48 p.m.

Councilmember Menor noted that his preference would be to pass Bill 85, CD2. He stated that today's vote is critical to the future of our island and the Council has an opportunity to send to the Mayor a measure that is reasonable, balanced and legally defensible. Councilmember Menor expressed his concern with problems associated with illegal vacation rentals and stated that the Council needs to address the issue now. He noted that illegal vacation rentals have reduced the inventory of housing and has contributed to the high cost of living. Councilmember Menor pointed out that the tourists staying in illegal short term rentals spend less than those staying in hotels which affects Oahu's economy. He stated that the measure would allow for the registration of a reasonable number of additional short term rentals while ensuring that rentals are effectively regulated, helping to preserve the integrity of zoning laws. Councilmember Menor stated that the passage of Bill 89, CD2 will bring relief to residents, allowing them to reclaim their neighborhoods which have been overrun by illegal short term rentals. He asked councilmembers to support the measure.

Councilmember Waters thanked all the testifiers for coming out to testify. He pointed out that Bill 85 and Bill 89 would make existing laws enforceable. Councilmember Waters voiced his support of Bill 85 and Bill 89. He noted that in 1989 there was a moratorium and anyone or any business that owned or operated a short term rental without a permit is illegal. Councilmember Waters stated that he would like the implementation date to be extended to January 1, 2020 to give the Department of Planning and Permitting time and to allow existing reservations to be honored.

Councilmember Elefante spoke in support of the measure. He thanked Chair Anderson for his hard work when serving as the Chair of the Planning Committee and Councilmember Menor for his leadership and hard work. Councilmember Elefante noted that this was not an easy issue and the City needs to strike a balance between being a tourist destination and a home to local residents. He expressed the need for Bill 89, CD2 to provide enforcement and regulation with penalties. Councilmember Elefante thanked all the testifiers that came to testify and share their stories. He stated that he is in support of the measure and thanked everyone for their hard work and input on the measure.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office (CC-129, CC-175, CC0176, CC-211, CC-212, CC-215, CC-219).

Committee Report 185 was adopted and Bill 89 (2018), CD2 passed third reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

CC-216	Councilmember Ron Menor
D-387	Kailua Neighborhood Board No. 31
M-325	Early testimony on Bill 89 (2018), CD2
M-331	Additional testimony on Bill 89 (2018), CD2

THIRD READING

BILL 85 (2018), CD2 – COMMITTEE REPORT 184

A BILL FOR AN ORDINANCE RELATING TO VACATION RENTALS.

Councilmember Menor moved that Committee Report 184 be adopted and Bill 85 (2018), CD1 pass third reading, as amended to CD2. Seconded by Councilmember Waters.

The following individuals testified:

(Note: See Bill 89 (2018), CD2 for list of testifiers.)

Councilmember Menor noted that his remarks offered in support of Bill 89, CD2 were applicable to Bill 85, CD2 and that the same enforcement provisions are contained in both measures.

In response to councilmembers, Duane Pang, Deputy Corporation Counsel, Department of the Corporation Counsel (COR) stated that:

- There is a conflict between the two master use tables which the Department of Planning and Permitting (DPP) would have to enforce.

- The Mayor has the authority to veto either or both Bills.
- If both measures are enacted into ordinances, there would be a conflict and both may not be enforceable.

Councilmember Elefante stated that he has concerns with the master use table as COR stated there would be a conflict.

Councilmember Tsuneyoshi noted she shares the concerns of Councilmember Elefante. She stated that the Council has spent a lengthy amount of time and energy and should make a decision showing that everyone has come together to pass out a Bill and not pass out two pieces of legislation that conflict. She urged councilmembers to move forward and not create any more confusion on this issue.

Councilmember Elefante asked the introducers of the measure if they would entertain a motion to defer Bill 85, CD2.

Councilmember Menor stated that his position has been that both measures provide alternative approaches. He noted that the issue is of significant importance and further dialog in considering both approaches would be appropriate.

Councilmember Manahan stated that his preference was to move Bill 85 but that he also supports Bill 89. He noted that if there is going to be a conflict for the DPP to enforce then he would entertain a motion to defer.

Councilmember Elefante moved to defer action on Bill 85, CD2. Seconded by Councilmember Manahan.

RECESS/RECONVENE

At 6:09 p.m., the Chair called for a short recess and reconvened the meeting at 6:10 p.m.

Councilmember Elefante moved to postpone the Bill to a meeting date to be determined by the Council Chair. Seconded by Councilmember Menor.

Councilmember Tsuneyoshi emphasized that the amount of time and energy the Council has gone through to get to this point. She thanked everyone for coming to testify and stated that the Council came together to make a decision that they felt was the best to enforce the zoning laws and for future generations to be able to afford to live and raise a family here. Councilmember Tsuneyoshi expressed her concern that the Council should make a decision on Bill 85. She noted that she is opposed to deferring action on Bill 85, CD2.

Chair Anderson urged councilmembers to keep in mind that the Corporation Counsel has stated that there is a conflict between the two Bills.

Councilmember Elefante stated that the reason he made the motion to defer the measure was because of the testimony from COR that stated Bill 85, CD2 would amend the same section of Bill 89, CD2 and would cause a conflict.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office [CC-337(18), CC-130, CC-210, CC-213, CC-214, CC-218].

The motion to postpone the Bill failed due to lack of a majority vote.

AYES: ELEFANTE, ANDERSON – 2.
NOES: FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI,
WATERS – 7.

Chair Anderson stated that the motion now on the floor is to adopt Committee Report 184 and Bill 85 (2018), CD1 pass third reading as amended to CD2.

Committee Report 184 was adopted and Bill 85 (2018), CD2 passed third reading, as amended.

AYES: ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
WATERS – 7.
NOES: TSUNEYOSHI, ANDERSON – 2.

*Councilmember Elefante voted aye with reservations

Related communications:

CC-216	Councilmember Ron Menor
D-388	Kailua Neighborhood Board No. 31
M-326	Early testimony on Bill 85 (2018), CD2
M-332	Additional testimony on Bill 85 (2018), CD2

ADJOURNMENT

At 6:14 p.m., Councilmember Kobayashi moved that the Council stand adjourned until Wednesday, July 3, 2019, at 10 a.m. Seconded by Councilmember Fukunaga and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy

DATE APPROVED:

July 3, 2019