



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

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HEIDI TSUNEYOSHI
TOMMY WATERS

JOURNAL

REGULAR MEETING
34TH SESSION
WEDNESDAY, SEPTEMBER 2, 2020

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, Ikaika Anderson, at 10:26 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Elefante (via video conference), Fukunaga, Kobayashi, Manahan, Menor, Tsuneyoshi, Waters, Anderson - 8.

Excused: Pine – 1.

INTRODUCTION OF GUESTS

There were no guests.

APPROVAL OF MINUTES

Councilmember Kobayashi moved that the Minutes of the 32nd and 33rd Sessions be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Fukunaga.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: PINE – 1.

The following individuals testified via video conference:

1. Lauren Reichelt, Blue Planet Foundation (M-549) (Support Bill 2, CD1)
2. Keith Kurahashi (Support ZHCR-212)
3. Micah Munekata, Ulupono Initiative (M-549) (Support Bill 2, CD1)
4. Victoria Larson (M-549) (Support Bill 2, CD1)
5. Paul Oshiro, Alexander and Baldwin (M-549) (Support Bill 2, CD1)
6. Matthew Geyer, Faith Action for Community Equity Environmental Justice Task (M-549) (Support Bill 2, CD1)
7. Susan Gorman-Chang (M-553) (Support Bill 2, CD1)
8. Amanda Eaken, Natural Resources Defense Council (M-549) (Support Bill 2, CD1)
9. Linda Schatz, Schatz Collaborative LLC (M-553) (Oppose Bill 2, CD1)
10. Chris Deuchar, Kamehameha Schools (M-557) (Support Bill 51)

ORDER OF THE DAY

At this juncture, there being no objections from the 8 members present (Absent: Pine – 1), the Chair considered Resolution 20-194 and Resolution 20-194 on page 8 of the agenda.

ADOPTION

COMMITTEE REPORT 195 (RESOLUTION 20-194 LAID OVER AND PUBLISHED)

RESOLUTION PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: WAIMANU STREET (BETWEEN WARD AVENUE AND KAMAKEE STREET), SITUATE AT KEWALO, HONOLULU, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

Councilmember Menor moved that Committee Report 195 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 195 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: PINE – 1.

Resolution 20-194 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

COMMITTEE REPORT 196 (RESOLUTION 20-195 LAID OVER AND PUBLISHED)

RESOLUTION PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: WAIMANU STREET (BETWEEN DREIER STREET AND WARD AVENUE), SITUATE AT KEWALO, HONOLULU, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

Councilmember Menor moved that Committee Report 196 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 196 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: PINE – 1.

Resolution 20-195 was laid over and published, pursuant to the Revised Charter of the City and County of Honolulu 1973, as amended, Section 3-202.9.

The Chair returned to page 4 of the agenda.

PRESENTATION
FINAL REPORT ON THE ALA WAI CANAL FLOOD RISK MANAGEMENT PROJECT

COUNCIL COMMUNICATION 245

August 27, 2020 – From Councilmembers Kobayashi, Fukunaga and Waters, submitting a Report pursuant to Resolutions 19-50 and 19-108, Establishing a Permitted Interaction Group to Investigate Matters Related to the Ala Wai Canal Flood Risk Management Project.

Council Chair Anderson stated that pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(1) and Resolution 19-50 adopted on March 8, 2019 and Resolution 19-103, adopted on May 8, 2019 by the Council, Councilmembers Kobayashi, Fukunaga and Waters were authorized to investigate matters related to the Ala Wai Canal Flood Risk Management Project.

There was no public testimony.

Council Chair Anderson announced that the committee’s report was being presented as Council Communication 245.

PUBLIC HEARING/RESOLUTION
RESOLUTION 20-201

RESOLUTION CONFIRMING THE NOMINATION OF PAUL S. AOKI TO SERVE AS THE CORPORATION COUNSEL OF THE CITY AND COUNTY OF HONOLULU.

There was no public testimony.

Chair Anderson referred Resolution 20-201 to the Committee on Executive Matters and Legal Affairs for further consideration.

- AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: PINE – 1.

Related communication:

M-550 Testimony on Resolution 20-201

CANCELLED

BILL 2, CD1 – COMMITTEE REPORT 206

A BILL FOR AN ORDINANCE RELATING TO OFF-STREET PARKING AND LOADING.

Note: Prior to the start of the meeting, the Chair announced that Bill 2, CD1 on the Council agenda was cancelled.

PUBLIC HEARING/SECOND READING

BILL 61, CD1 – COMMITTEE REPORT 211

A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE HOUSING.

Councilmember Menor moved that Committee Report 211 be adopted and Bill 61 pass second reading, as amended to CD1. Seconded by Councilmember Waters.

There was no public testimony.

Councilmember Menor clarified the Committee Draft 1 makes substantial amendments to narrow the scope of the Bill.

Councilmember Pine joined the meeting via video conference.

Councilmember Elefante stated that he voted with reservations in Committee on the measure. He noted that he does not think the amendment is necessary and will be voting with reservations and looks forward to further discussion.

Councilmember Waters stated he will be voting with reservations as he voted in Committee and he agreed with the comments made by Councilmember Elefante.

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

Committee Report 211 was adopted and Bill 61, CD1 passed second reading, as amended.

AYES: ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS*, ANDERSON – 9.

NOES: None.

*Councilmembers Elefante and Waters voted aye with reservations.

THIRD READING

BILL 42, CD2 – COMMITTEE REPORT 207

A BILL FOR AN ORDINANCE RELATING TO BUILDING PERMIT APPLICATIONS.

Councilmember Menor moved that Committee Report 207 be adopted and Bill 42, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Waters.

There was no public testimony.

Committee Report 207 was adopted and Bill 42, CD2 passed third reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

M-554 Testimony on Bill 42, CD2

THIRD READING

BILL 48, CD1 – COMMITTEE REPORT 208

A BILL FOR AN ORDINANCE RELATING TO PERMITS REQUIRED.

Councilmember Menor moved that Committee Report 208 be adopted and Bill 48, CD1 pass third reading. Seconded by Councilmember Waters.

There was no public testimony.

Committee Report 208 was adopted and Bill 48, CD1 passed third reading.

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

Related communication:

M-555 Testimony on Bill 48, CD1

THIRD READING

BILL 50, FD1, CD1 – COMMITTEE REPORT 209

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

Councilmember Menor moved that Committee Report 209 be adopted and Bill 50, FD1 pass third reading, as amended to CD1. Seconded by Councilmember Waters.

There was no public testimony.

Councilmember Menor stated that the Committee Draft 1 would delay the effective date for the issuance of newly permitted bed and breakfast homes from October 1, 2020 to April 30, 2021.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-187).

Committee Report 209 was adopted and Bill 50, FD1, CD1 passed third reading, as amended.

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

Related communications:

M-552 Testimony on Bill 50, FD1, CD1
M-556 Testimony on Bill 50, FD1, CD1

RECOMMITTAL TO THE COMMITTEE ON ZONING, PLANNING AND HOUSING
BILL 51 – COMMITTEE REPORT 210

A BILL FOR AN ORDINANCE RELATING TO GROUP LIVING FACILITIES.

Councilmember Menor moved that Committee Report 210 be adopted and Bill 51 pass third reading. Seconded by Councilmember Waters.

RECESS/RECONVENE

At 10:50 a.m., the Chair called for a short recess and reconvened the meeting at 10:51 a.m.

Councilmember Menor withdrew his motion to adopt Committee Report 210 and pass Bill 51 on third reading. Councilmember Waters withdrew his second.

Councilmember Menor moved that Committee Report 210 and Bill 51 be recommitted to the Committee on Zoning, Planning and Housing. Seconded by Councilmember Manahan.

There was no public testimony.

Councilmember Kobayashi noted that Kamehameha Schools stated that there were many unanswered questions and requested the Bill be referred back to Committee for further discussion.

Councilmember Elefante noted for the record that he filed a Disclosures of Interest with the City Clerk's Office (CC-194 and CC-195).

Committee Report 210 and Bill 51 were recommitted to the Committee on Zoning, Planning and Housing.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communications:

M-551 Testimony on Bill 51
M-557 Testimony on Bill 51

(Note: Earlier in the meeting, Committee Report 195 and Committee Report 196 were adopted. See pages 2 and 3.)

BALANCE OF COMMITTEE REPORTS

ZHCR-212 Granting a 120-day extension of time for Resolution 20-174 - Approving a Conceptual Plan for an Interim Planned Development-Transit project for the KCR Development Condominium and Commercial Project. (Deadline: 9/8/20 + 120 days)

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

There was no public testimony.

Councilmember Elefante noted for the record he filed Disclosures of Interest with the City Clerk's Office (CC-238 and CC-240).

The Balance of Committee Reports was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION **RESOLUTION 20-202**

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-THIRD (23RD) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 20-202 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 20-202 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

In response to Councilmember Tsuneyoshi regarding Resolutions 20-202, 20-203, and 20-212, Pamela Witty-Oakland, Director, Department of Community Services stated that:

- The Department is putting monies from various years into a bucket to be able to do a bulk acquisition.
- Once the property is identified, the Department will provide the Council details on the site and an amendment to the action plan would be required.
- A notice of funding availability will be made to the non-profit community asking them to submit proposals.
- The Department will notify the Council when the program goes out to bid and is posted on the Purchasing website.

Resolution 20-202 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-220 Councilmember Joey Manahan

ADOPTION

RESOLUTION 20-203

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-FOURTH (24TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 20-203 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 20-203 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

(Note: See Resolution 20-202 for response to Councilmember Tsuneyoshi's questions)

Resolution 20-203 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-221 Councilmember Joey Manahan

ADOPTION
RESOLUTION 20-212

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-FIFTH (25TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 20-212 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 20-212 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

(Note: See Resolution 20-202 for response to Councilmember Tsuneyoshi's questions)

Resolution 20-212 was adopted.

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

Related communication:

CC-222 Councilmember Joey Manahan

ADOPTION
RESOLUTION 20-215

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-FOURTH (24TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 20-215 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 20-215 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 20-215 was adopted.

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

Related communication:

CC-224 Councilmember Joey Manahan

ADOPTION
RESOLUTION 20-216

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-FIFTH (25TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 20-216 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 20-216 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 20-216 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-225 Councilmember Joey Manahan

ADOPTION

RESOLUTION 20-199, FD1

RESOLUTION APPROVING THE DEPARTMENT OF TRANSPORTATION SERVICES' TRANSIT AGENCY RAIL SAFETY PLAN REQUIRED BY 49 CFR PARTS 673 AND 674.

Resolution 20-1992 was waived to the Council floor by the Chair of the Committee on Transportation.

The following amendment was posted on the agenda:

Resolution 20-199, Proposed FD1

Councilmember Kobayashi moved that Resolution 20-199 be adopted. Seconded by Councilmember Fukunaga.

Councilmember Elefante moved that the Resolution be amended to the posted FD1. Seconded by Councilmember Manahan. The FD1 makes the following amendments:

- A. Revises the title of the resolution to read: "APPROVING THE DEPARTMENT OF TRANSPORTATION SERVICES' TRANSIT AGENCY RAIL SAFETY PLAN REQUIRED BY 49 CFR PARTS 673 AND 674."

- B. Attaches the Transit Agency Rail Safety Plan as Exhibit A.
- C. Makes miscellaneous technical and nonsubstantive amendments.

There was no public testimony.

Councilmember Elefante stated that the Department of Transportation Services submitted written testimony explaining that the Resolution is needed because the Federal Government requires a Rail Transit Safety Plan.

Resolution 20-199 was amended to the posted FD1.

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

Resolution 20-199, FD1 was adopted.

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

Related communications:

CC-226 Councilmember Brandon Elefante
D-592 Department of Transportation Services

ADOPTION

RESOLUTION 20-181

RESOLUTION AUTHORIZING THE CHIEF OF POLICE OF THE HONOLULU POLICE DEPARTMENT TO APPLY FOR AND TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, FOR FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FY2020 LOCAL SOLICITATION.

Resolution 20-181 was waived to the Council floor by the Chair of the Committee on Public Safety and Welfare.

Councilmember Kobayashi moved that Resolution 20-181 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 20-181 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-230 Councilmember Tommy Waters

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Council Chair Anderson thanked Chair Emeritus Menor for his commitment and willingness to accommodate the community to ensure that the 45-day deadline to hear the 201H project for the affordable housing on Kawainui Street in Kailua is met. He stated that he has not made a commitment to vote for or against the project. He clarified that he is committed to listening to the community and seeing what their position is. He noted that he appreciates and welcomes the community's input in sharing their ideas and facts. Council Chair Anderson stated that he opposes the false information that the group Protect and Save Kailua 2020 has put out on social media.

ADJOURNMENT

At 11:09 a.m., Councilmember Kobayashi moved that the Council stand adjourned until Wednesday, September 9, 2020 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:

October 7, 2020