



DIAMOND HEAD/KAPAHULU/ST. LOUIS HEIGHTS NEIGHBORHOOD BOARD NO. 5

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
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REGULAR MEETING MINUTES OCTOBER 9, 2008 ALA WAI CLUBHOUSE

CALL TO ORDER: Chair Bert Narita called the meeting to order at 7:00 p.m. (agenda filed on October 2, 2008 at the City and County of Honolulu's City Clerk's Office) with a quorum of twelve members present (Allen, Berlin, Chang, Drown, Egged, Harden, Lockett, Matson, Miller, Nahoopii, Narita, Persons) out of a total of fifteen members, with a quorum of eight required to be present and voting in support of any Board action for the motion to pass.

MEMBERS PRESENT: Julia Allen, Roxie Berlin, Ken Chang, Scot Drown, Rick Egged, Jay Harden, Deborah Lockett, Michelle Matson, Barbara Miller, Bertha Nahoopii, Bert Narita, Don Persons, George Waialeale, Linda Wong.

MEMBERS ABSENT: Michael Cain.

GUESTS: Candice Van Buren (Representative Nishimoto's Office staff), Stan Fichtman (Councilmember Djou's Office staff), Russell Takara (Deputy Director, City Department of Design and Construction – DDC); Lt. Gary Lum Lee, Sergeant Guy Perreira (HPD District 7 East Honolulu), Senator Les Ihara, Clayton Frank (Governor's Representative; Director, Public Safety Department – PSD), Captain David Dela Cruz (Honolulu Fire Department – HFD), Keith Young, Calvin Azama (Speaker Calvin Say's Office staff), John Gollner, Duke Bainum, Daisy Murai; Captain Jeffrey Richards, Lt. Harrison Kim Han, Sergeant Dale Hardinger, Officer Adam Schonhardt (Honolulu Police Department – HPD District 6 Waikiki); Jacob Kaleikini III, Steven Ito, Arthur Aiu (Board of Water Supply – BWS), Greg Hee (DDC), Elwin Spray (Neighborhood Commission Office staff).

Welcome – Chair Narita welcomed the community to the meeting. **Chair Narita suggested members take note of the Board's tradition of a recess in December and take official action, asking for unanimous consent if members wished to take a Board recess, with Matson objecting to the motion.** Matson expressed concern that the Board might need to take action on the City's anticipated transit corridor environmental impact statement (EIS) with Chair Narita reporting transit EIS comments could be prepared by the Board's task force. Berlin suggested HFD and HPD reports should be excused from the December meeting. Egged said the task force should not be taking a position on the transit with Chair Narita agreeing that the task force was not authorized to speak for the Board. Miller said she agreed that the Board should be planning for future meetings and that she supported a recess in December, with Matson saying that she was supporting the Board taking a position but was concerned that additional issues might need to be addressed. **Chair Narita apologized to the audience for the long discussion and asked for a vote on the December 2008 recess and announced the Board agreed to the recess 9-0-3. Aye:** Allen, Berlin, Chang, Drown, Egged, Lockett, Miller, Nahoopii, Narita, Persons. **Abstain:** Berlin, Harden, Matson.

PUBLIC SAFETY REPORTS

Honolulu Fire Department (HFD) Waikiki Station 7 – Captain David DelaCruz reported a response to the previous month's question as to the HFD's ability to use existing emergency apparatus to reach the proposed elevated rapid transit line, explaining that HFD has trucks with a 100-foot aerial ladder reach and that an evacuation from a rail section would likely be laterally along the structure to the nearest accessible station where the elevator (or stairs) would be used, stressing that HFD trains to adapt to structures. Chair Narita stressed the Board's interest in supporting any HFD request to secure any



needed equipment, with DelaCruz explaining that the transit line would be below many current building limits.

Members Waialeale and Wong arrived at 7:10 p.m.; fourteen Board members present.

Dela Cruz reported HFD Waikiki Station activity statistics for September 2008: eight fires, 121 medical emergencies, four hazardous condition calls, five service calls, thirty-two good intent calls and thirteen false alarms. Dela Cruz reported fire safety tips for Halloween (safe costuming) and on preparation for storm disasters, noting that the need still exists to be prepared for a hurricane and that other storms or natural disasters can also cause damage, encouraging everyone to have a disaster kit and emergency food, water and batteries on hand. Matson stressed the future need to reach to the 120-foot transit station heights, with Dela Cruz saying that the station design phase would include addressing those safety and evacuation capability questions but stressing that the HFD would still respond as if the site was an elevated hiking trail. Chair Narita thanked Dela Cruz for his report.

Honolulu Police Department (HPD) District 6, Waikiki – Lieutenant H. Kim Han represented HPD District 6 and reported a Halloween tip, encouraging parents to inspect collected items before children consume them. He also encouraged anyone who had been the victim of a theft to follow up with HPD, explaining that items are recovered as stolen but not returnable without a claimed loss, and encouraged marking items and the recording serial numbers. Officer Schonhardt distributed a written detailed statistical report on September activities, generally noting a reduction in property crimes. He explained that camping concerns continue in Kapiolani Park, with 120 warnings having been issued and six citations, saying that the first step is to document – to warn – before citing, the same as for speeding, with 118 warnings having been given compared to the twenty-one citations. An emailed question from member Wong was reported, dealing with speeding on Pualei Circle, and Schonhardt reported that he is one of the beat officers for that area and is monitoring the site. Drown commented that camping people might not have identification, with Schonhardt agreeing that not many have ids but that those who are generally living in the area are usually known because they are habitually there. Wong said it was not herself that was asking for the lower-than-25 miles per hour (MPH) speed but another resident and also said that it was another resident who had said that turns into Leahi from Monsarrat were not permitted, with Schonhardt saying that a special duty officer might have been limiting the turns there, saying he would try to follow up on that specific special duty assignment. Wong also repeated a prior recommendation that a recent surveillance videotape be used by Crime Stoppers (of a robbery at Kaimana Pantry). Matson asked about HPD recommendations for possible closure of Kapiolani Park, with Chair Narita reporting he had discussed the issue with HPD Captain Richards about having a subsequent Board-level discussion and Kim-Han saying the District 6 would not have a position but would support the community's decision. Matson asked about the past recommendations, with Richards stressing that there are known concerns, such as the need to deal with sports events in the interior of the Park, beach access, fishing and camping, with each park being different but that generally a park might be recommended to be closed from 10 in the evening until 5 a.m.; Chair Narita noted that a Waikiki discussion would also need the involvement of the tourist industry. An audience concern was expressed about commercial surf schools conducting classes at the Kapahulu wall on the sand, with Schonhardt saying the State Department of Land and Natural Resources (DLNR) does give licenses for the use of state beach lands. Chair Narita thanked the officers for their report.

HPD District 7, East Honolulu – Lt. G. Lum Lee distributed a community report including dates, statistics and comparisons for recent calls and invited visits to the HPD website www.honoluluupd.org where the reports and other information are posted, including contact information for the community policing team. Chair Narita noted that a complaint had been made at the Neighborhood Commission about activities at a Board meeting that were described as harassment and asked if harassment was a criminal offense, with Lum Lee agreeing it was crime that could be addressed in courts. Chair Narita thanked the officers for their report.

Board Of Water Supply (BWS) – Arthur Aiu represented the Board of Water Supply and reported no main breaks for the area in September 2008. He also reported a general announcement on BWS efforts for conservation by recycling, explaining that the BWS owns the Honouliuli Water Recycling Facility where water is treated to a level where it is usable for industrial processing, irrigation and other non-potable uses. Harden expressed concern about need for resurfacing of Date Street, where a BWS project two years ago resulted in the street being crossed with patches that were built up but have not settled. Chair Narita said the referenced patches were overfilled and now result in a very uneven surface. Lockett asked about the Honouliuli water, with Aiu reporting 12 million gallons a day (mgd) are recycled, with generally 10 mgd to golf course and 2 mgd for Campbell Industrial Park companies' use. Chair Narita thanked Aiu for his report.

REPORTS

Chairman's Report – Chair Narita reported on the success of the recent joint Neighborhood Board Mayoral Candidates Forum (September 16, 2008) and thanked member Michelle Matson for her efforts and execution of the event. He reported approximately 70 community members attended and that the Olelo tape had been broadcast at least twice prior to the primary election. He also reported:

- The Neighborhood Plan would be signed on October 10, 2008, with the current booklet to be superseded by a 140-page document and with training sessions to be scheduled by the Neighborhood Commission.
- A Board executive committee meeting was held on October 7, 2008. He again expressed thanks to Matson, the other neighborhood boards and the others who helped with the joint Candidate Forum.
- The Oahu Metropolitan Planning Organization (OMPO) Citizen Advisory Committee (CAC) had postponed its scheduled meeting for October 15, 2008, with the anticipated release of the transit EIS possible in conjunction with the yet-to-be-announced rescheduled CAC meeting.
- A complaint filed several years ago by Wayne Gau was scheduled to be heard soon by the Neighborhood Commission.
- An invitation had been extended for a Constitutional Convention issue presentation to the Board.
- A variance is being requested for St. Louis School (with additional information to be reported as it develops) and an informational meeting had been held at the school with member Miller attending the meeting. Chang asked if Miller could give details of the meeting, with Chair Narita deferring the issue to the Sub District 1 Report.

Treasurer's Report – Drown cited Board expenses in September for the candidate forum of over \$100 for refreshments, \$250 for the video taping and \$50 for the agenda mailing, reporting the expenses as being well within the Board's previous balance of \$3552.06. Chair Narita thanked Drown for his report.

Sub-District 1 (St. Louis Heights) Report – Sub-District Chair Lockett reported no association meeting would be held until the next week, and reported that the St. Louis meeting had been termed a "good neighbor" meeting and was not about the variance. She expressed two concerns, one of students parking in cars with loud music prior to going to classes and the second that the Chaminade construction has resulted in dirt being piled too high, blocking air circulation. Miller stressed that the St. Louis meeting was not about the variance, with Waialeale saying he and Chang were concerned about possible changes in the St. Louis area and asked for Miller to follow up.

Sub-District 2 (Kapahulu) Report – Sub-District Chair Nahoopii reported no additional issues or concerns.

Sub-District 3 (Diamond Head) Report – Sub-District Chair Wong reported the passing of long-time community activist William "Bill" Woods, the well-attended Annual Pet Blessing by Unity Church and that gravel was placed across from the Community Open Market on Paki Avenue to alleviate ponding.

Chair Narita thanked the Sub-District chairs for their reports, asking that future reports be submitted in writing and that members sent information to their chairs for inclusion in the reports.

ELECTED OFFICIALS REPORTS

Governor's Representative – Clayton Frank (Director, State Public Safety Department – PSD) represented Governor Linda Lingle, and distributed a community update. He reported the release of \$795,000 for the Diamond Head Monument improvements, with a slope inspection to be done in early November, followed by rock scaling work above the tunnel (planned for November 13-20, 2008) and explained there would be a need for some Park closure while some of the work was being performed. Wong asked about follow up on residency requirements for political candidates, with Frank reporting he believed there was a one year requirement but that he would follow up with the State Elections Office. Matson reported that part of the planning for the Diamond Head rock remediation was for a waiver of park fees for those days that construction would result in park trail closure. Frank also reported that he would follow up on the earlier question about a private surf school operation, with Wong saying she would like to talk with the earlier audience questioner as she had previously heard concerns of commercial activity in the public beach area. Chair Narita thanked Frank for his report.

Senator Les Ihara – Senator Ihara reported he was also doing research on the question of candidacy and State residency, saying that the one-year requirement had been established but that there were Constitutional concerns, with the result being that the requirement was uncertain. He reported:

- Involvement with a five-member legislative investigative task force on State procurement practices, with the findings to be released within the week. Egged asked about summarizing the findings, with Ihara saying they were still confidential until the release date.
- His concerns with needed “aging in place” programs.
- A special legislative session might occur for a district court judge appointment.
- He reported he participated in and endorsed viewing a television special on a proposed Constitution Convention (ConCon) question (broadcast date October 14, 2008). Chair Narita said blank votes count in the ConCon question with Ihara agreeing but saying blanks do not count in City Charter issues. Matson asked about the 1978 ConCon, reporting Ihara being a member there, and asked if he supported the current ConCon vote, with Ihara saying that he was not supporting any promotion of the issue, but that he personally would vote for it. He expressed concern that the next step of presentation of the issues to the voters was of extreme importance and that an individual listing of many issues was extremely difficult to communicate in an election. In answer to a question from Berlin, he explained that issues such as her statement on the need for school board decentralization was difficult for legislators to address due to their conflicts. Waialeale explained that many workers’ rights could be taken by the ConCon process, stressing that people had died for those rights and many more had put their lives on the line.

Chair Narita asked about skateboard park finances, with Ihara saying that the group is fundraising to try to have funds to make a proposal for government matching grants, suggesting that the construction costs might be \$200,000. Chair Narita asked about insurance, with Ihara saying that part of the attempt to have joint City involvement would be that government self-insures and that such a commitment might be the City’s contribution to the project. Wong presented a point of order that the chair was asking a series of follow up questions, with Chair Narita agreeing to the point of order and apologizing for the breach.

Representative Calvin Say – Calvin Hazama represented Speaker Say, offered apologies from Say for his absence, and distributed a written report. He reported on a prior Matson question, agreeing that the next aircraft noise meeting was not yet scheduled and that the \$100,000 State funds were planned to be allocated for a website consultant. Matson said she felt the issue needed to be pursued, saying the State Department of Transportation (DOT) was not responding to the intent of the appropriation,

was giving the community the run-around, and she expressed concern that the efforts of the community and the Speaker had been wasted in fighting for the budget appropriation. Harden stressed the need for night flights to be redirected away from the Waikiki area, reporting that flights cross above his house at 4 a.m. Chair Narita thanked Hazama for his report.

Representative Scott Nishimoto – Candice Van Buren was present from Representative Nishimoto's Office and distributed a community report, stressing the invitation to participate in the recycling / community clean-up Saturday morning on October 11, 2008 at Kaimuki High School parking lot. She also reported that new ideas to involve the community in neighborhood activities were welcomed, inviting calls to the legislative office 586-8515. Chair Narita thanked Van Buren for Nishimoto's report.

Mayor's Office – Chair Narita reported Mayor's Representative Walea Constantinau as not present, saying he understood her to be on a trip to South Korea.

Councilmember Ann Kobayashi – Chair Narita reported receipt of a written report from Councilmember Kobayashi.

Councilmember Charles Djou – Stan Fichtman, of Councilmember Djou's Office staff, distributed a community report and reported legislative initiative for energy-related bills and bread-and-breakfast regulation. He noted the on-going discussion about a proposed closure hour for Kapiolani Park and commented that Djou believes the just-passed no-camping legislation is enforceable, even though the HPD officers earlier were expressing some reservations, with Chair Narita explaining he was inviting HPD to explain the concerns at a Board executive committee meeting. Chair Narita asked Harden to repeat the Date Street concern, with Harden explaining that the current uneven road surface was left by BWS trenching and needed follow-up, emphasizing that the project was 2½ years ago and not yet settled. Chair Narita also asked that Djou follow up on a concern that City Abandoned Vehicle Inspectors have been authorized to issue citations, a power normally reserved for police authority. Harden asked about when homeless would be out of public parks, with Fichtman saying Djou feels the HPD have sufficient tools now, with his perhaps taking a position statement on the issue. Waialeale asked what the City Corporation Counsel's (COR) position of the camping legislation was, with Fichtman saying COR believes the law is firm and Matson saying the original drafter is a respected constitutional law expert, with Fichtman saying it was also a political issue. Egged asked Fichtman to explain his comment, with Fichtman saying that officers were told they needed to enter the tent to confirm that the occupants were sleeping but that the entering of the tent was an invasion of privacy. Egged asked to follow up with HPD. Berlin said that the Council position on bed and breakfasts was outrageous and there seemed to be no desire by the Council to protect the homeowners; Fichtman stressed that the proposed legislation was a starting place for discussion and not the final bill. Wong asked Fichtman about the issue of residency for candidates for public office, with Fichtman saying the City would follow the State law. Chair Narita thanked Fichtman for his report.

Member Lockett left at 8:20 p.m.; thirteen members present.

Community Concerns – Chair Narita asked for community concerns not previously mentioned or part of the agenda, with a need for extra City trash pick-up cans mentioned by Keith Young, saying that the City's reports about the availability of the cans was bogus, explaining that he was told he would have his trash checked for ten weeks to determine his need. He expressed concern that such action was also an invasion of his privacy and that the extra cans were needed.

PRESENTATION

Waikiki Zoo Entrance Design – Gregory Hee, Architect, City Department of Design and Construction (DDC), was present accompanied by Department Deputy Director Russell Takara, to present the Waikiki Zoo Entrance Design. He reported the design was a follow-up from the 2006 presentation

given to the Board, explaining that the City's position from 1980 was to change the Zoo entrance to better accommodate the 600,000 annual visitors. He referenced an original concept presentation in 2004 prior to the 2006 presentation, with the Kapiolani Park Preservation Society (KPPS) having asked for the old entrance to be preserved and the Outdoor Circle (OC) expressing concerns about the large Chinese Banyan tree. He reported the old entrance area as being preserved and the tree having been certified as "not healthy" and so possible to be removed, with support for the design being then given by both the KPPS and the OC, with the KPPS giving a consensus letter of support in November of 2007. The key items in the plan: new entrance off of parking lot (including masking of commercial uses), retaining old entrance's "Preis" designed structure, improve walkway, illuminate Gandhi Statute, remove information kiosk, add low rock wall, and added landscape (that would not include ponds). Matson asked about permits and height, with Hee saying Shoreline Management Act (SMA) and Diamond Head District permits were needed, with the need to stay with a 23-foot height limit. Miura asked about the entrance size with Hee saying the new entrance would be smaller than the first design but with the allowable height being up to 25 feet – and a higher limit could be requested – but that the 23-foot was workable, and that the shed design was part of the current design. Harden said that the Board had previously requested a "Hawaiian design" with the not fitting that concept. Wong added that all members had object to glass fronting, with Hee saying the older glass design has been changed out, with some glass being there but being above more as part of ventilation. Drown asked about the size, with Hee saying the footprint had (and was) to be with in the existing sidewalks. Matson said the requirement was for a Hawaiian Victoria style and that the concern was for a non-commercial front, with Harden agreeing that the Board's request was not honored. Hee said it was not a design for a glass building but was open for height and air, and that the Preis design fit the criteria, rather than perhaps a gingerbread Victorian house, which was not what was listed. Hee said project funding was started in the 2004 Budget. Chair Narita noted comments were invited on the project by October 22, 2008 and suggested the Board's Task Force be charged with reviewing the project and developing comments. **Chair Narita asked for objections to revitalizing the Board's Task Force to deal with the Zoo project and hearing no objections declared the motion passed unanimously 13-0-0. Aye:** Allen, Berlin, Chang, Drown, Egged, Harden, Matson, Miller, Nahoopii, Narita, Persons, Waialeale, Wong. Chair Narita announced plans for a future meeting, saying that anyone was invited through the Sub-District Chairs. Matson suggest Board action with Wong agreeing. **Wong moved and Matson seconded that the Board take the position that it is in opposition to the general basic design of the zoo entrance.** Chair Narita suggested the position be part of the Task Force action, with Wong saying she was proposing the action to insure its inclusion in the minutes, and Chair Narita saying the discussion should first be at the Task Force. Matson said future action could be taken. Egged said there was need for the Board to recognize the need for civility and to act in a professional manner when they disagree.

Members Allen and Miller left at 9:05 p.m.; eleven members present.

Chang said the motion was not germane since the task force was charged with the function. **Chair Narita said the motion before the Board was a statement of direction to the Task Force in dealing with the Zoo entrance matter and asked for a vote on the statement of direction for the Task Force, and declared it passed 9-1-1. Aye:** Berlin, Chang, Drown, Harden, Matson, Nahoopii, Persons, Waialeale, Wong. **No:** Egged. **Abstain:** Narita. Matson asked that any of those interested in the Zoo entrance plan to attend the Task Force meeting.

Extension of Meeting – Chair Narita noted the time as past 9:00 p.m. and asked if the Board wished to extend. Matson moved to extend the meeting, with Egged moving to adjourn. **Matson suggested that the Board extend for fifteen minutes for Board business, with Harden agreeing as a second. Chair Narita announced the motion as extension of the meeting for fifteen minutes, with the motion to extend passing unanimously 11-0-0. Aye:** Berlin, Chang, Drown, Egged, Harden, Matson, Nahoopii, Narita, Persons, Waialeale, Wong.

Board Minutes – Matson proposed Board consideration of a resolution to describing a review process for making corrections to the Board minutes. Chair Narita said the current procedure was for corrections to be filed with the original minutes. Wong said that the Neighborhood Commission does not file the minute corrections as in the case of an NCO meeting when the minutes cannot be found. Matson suggested the Board be polled to see the preferred way to review minutes, with Chair Narita saying issues needed to be voted on rather than polled and announced the issue should be deferred so that all members have a chance for adequate review. With no objections, Chair Narita deferred the issue to a subsequent meeting.

Announcements – Chair Narita announced the next Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board meeting would be November 13, 2008.

Adjournment – Chair Narita noted there was no further business, and with no objections, announced that the meeting was adjourned at 9:14 p.m.

Submitted by Elwin Spray, Neighborhood Commission Office staff