



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

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HEIDI TSUNEYOSHI
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ORDER OF BUSINESS

REGULAR MEETING
CITY COUNCIL CHAMBER
12TH SESSION
WEDNESDAY, SEPTEMBER 8, 2021
10 A.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Governor David Ige's Emergency Proclamation Related to the COVID-19 Response, issued on August 5, 2021, in order to allow public participation in a manner consistent with safe practices and social distancing requirements, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

VIEWING THE MEETING AND RESTRICTIONS ON ENTRY

Members of the public will not be allowed into the meeting room, but may view the meeting on a live broadcast. The meeting will be viewable: (1) by internet live streaming through www.honolulucitycouncil.com and (2) by televised live broadcast on Olelo TV Channel 54.

After the meeting, the meeting will be viewable on demand at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

Some Councilmembers may be participating in the meeting by interactive conference technology from remote locations.

ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions:

1. Persons may submit oral testimony remotely through the Webex video conferencing platform. To participate, persons should visit www.webex.com, click "Join," enter meeting number **146 693 4197**, and complete the registration process. Registrants will receive an email that contains links and information on joining the meeting by

ORDER OF BUSINESS

Wednesday, September 8, 2021

either phone or video conference. Webex testifiers are strongly encouraged to register at least 24 hours before the start of the meeting. Remote testimony will be taken at the start of the agenda and then closed.

2. Each speaker may not have anyone else read their statement and is limited to:
 - a. A three-minute presentation on Public Hearing and New Business items; and
 - b. A one-minute presentation on all other items.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3826, transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, email address and phone number, will be available to the public at both <https://hnlidoc.ehawaii.gov> and on the City's Council's pilot website: www.honolulucitycouncil.com. Written testimony will not be accepted in person at the meeting.

Should you have any questions, please call 768-3814 or send an email to jyamane1@honolulu.gov.

The Council will recess from 12:30 p.m. to 1:30 p.m.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Council meeting.

Accommodations are available upon request to persons with disabilities. Please call 768-3814 or send an email to jyamane1@honolulu.gov at least three working days prior to the meeting.

ORDER OF BUSINESS
Wednesday, September 8, 2021

PLEDGE OF ALLEGIANCE

MESSAGE OF ALOHA

CALL TO ORDER

Roll Call

Introduction of Guests

ORAL TESTIMONY REMOTELY VIA VIDEO CONFERENCE OR PHONE

Approval of Minutes of the 11th Session

ORDER OF BUSINESS
Wednesday, September 8, 2021

ORDER OF THE DAY

APPOINTMENT – RESOLUTIONS

TRANSPORTATION, SUSTAINABILITY AND HEALTH

CR-230 Resolution 21-166, CD1

Confirming the appointment of Melanie Islam to serve on the Climate Change Commission of the City and County of Honolulu.

FOR ADOPTION, AS AMENDED

BUDGET

CR-249 Resolution 21-167

Relating to the appointment of Dillon Hullinger to serve on the Liquor Commission of the City and County of Honolulu.

FOR ADOPTION

Related communication:

CC-299 Disclosure of Interest Statement submitted by Councilmember Elefante.

ORDER OF BUSINESS
Wednesday, September 8, 2021

ZONING AND PLANNING

CR-260

Resolution 21-168

Relating to the reappointment of Mr. Gifford Chang to serve on the Planning Commission of the City and County of Honolulu.

FOR ADOPTION

Related communication:

CC-294

Disclosure of Interest Statement submitted by Councilmember Elefante.

ORDER OF BUSINESS
Wednesday, September 8, 2021

THIRD READING

PUBLIC INFRASTRUCTURE AND TECHNOLOGY

CR-252

Bill 2, CD1

Relating to the public works infrastructure requirements including fees and services relating to public sewers. (Amending Articles 1 and 5 of Chapter 14, Revised Ordinances of Honolulu 1990, as amended, to comply with required modifications to the pretreatment program.)

PASS THIRD READING

PUBLIC SAFETY

CR-253

Bill 33, CD1

Relating to the adoption of the 2018 State Fire Code. (Adopting the 2018 State Fire Code as adopted by the State of Hawaii on January 19, 2021, subject to certain amendments that shall apply to the City.)

PASS THIRD READING

ORDER OF BUSINESS
Wednesday, September 8, 2021

ZONING AND PLANNING

CR-257

Bill 17, CD1

Relating to the Housing Code. (Strengthening the mechanisms for enforcement of the Housing Code.)

PASS THIRD READING

CR-258

Bill 32, CD1

Relating to nonconforming uses. (Amending certain provisions relating to nonconforming uses.)

PASS THIRD READING

Related communication:

CC-282

Disclosure of Interest Statement submitted by Councilmember Elefante.

ORDER OF BUSINESS
Wednesday, September 8, 2021

FIRST READING

Resolution 21-192

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Affordable Housing Fund.

PASS FIRST READING

Bill 36

Relating to parking. (Amending the regulation of metered parking at Kapiolani Park.)

PASS FIRST READING

Bill 37

Relating to fire safety. (Updating the Fire Code of the City and County of Honolulu.)

PASS FIRST READING

RESOLUTIONS

TRANSPORTATION, SUSTAINABILITY AND HEALTH

CR-232

Resolution 21-179

Accepting a gift to the City from Carollo Engineers, Inc. (Accepting a gift in the amount of \$395 for the Director of the Office of Climate Change, Sustainability and Resiliency to attend the American Water Resources Association 2021 Virtual Summer Conference and participate as a panel speaker.)

FOR ADOPTION

CR-231

Resolution 21-169

Authorizing the Mayor or the Mayor's Designee to enter into a Master Use and Occupancy Agreement with the Honolulu Authority for Rapid Transportation and the University of Hawai'i for exclusive rights to use and occupy University property at University of Hawai'i — West O'ahu, Leeward Community College, and Honolulu Community College for the Honolulu Rail Project.

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

TRANSPORTATION, SUSTAINABILITY AND HEALTH (Cont'd.)

CR-233

Resolution 21-187

Urging the City Administration to act quickly to reopen COVID-19 testing sites and establish additional sites to expand testing capacity.

FOR ADOPTION

CR-234

Resolution 21-189

Urging the City Administration to reopen and expand COVID-19 isolation and quarantine facilities.

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

TRANSPORTATION, SUSTAINABILITY AND HEALTH (Cont'd.)

CR-267

Resolution 21-193

Urging the Governor to reinstate pre-travel COVID-19 testing for domestic and international travelers to Hawai'i regardless of their vaccination status.

FOR ADOPTION

HOUSING AND THE ECONOMY

CR-235

Resolution 21-147, CD1

Commemorating the centennial anniversary of the Hawaiian Homes Commission Act.

FOR ADOPTION, AS AMENDED

ORDER OF BUSINESS
Wednesday, September 8, 2021

HOUSING AND THE ECONOMY (Cont'd.)

CR-212

Resolution 21-154

Urging the City Administration to remove the Haiku Stairs and its accessory structures to stop trespassing, reduce disturbances to local neighborhoods, increase public safety, remove potential liability to the City, and protect the environment.

FOR ADOPTION

CR-236

Resolution 21-180, CD1

Requesting the Hawaii State Legislature to amend Section 201H-38 of the Hawaii Revised Statutes to provide county councils with additional time to take action on proposed affordable housing projects.

FOR ADOPTION, AS AMENDED

ORDER OF BUSINESS
Wednesday, September 8, 2021

EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-237

Resolution 21-114, CD1

Providing for the acquisition of easements for public use for the rehabilitation of Numana Road Bridge over Kalihi Stream, Bridge No. 129, located at Kaahaloa, Kupehau, or Laelae, Kalihi Valley, Honolulu, Oahu, Hawaii, and determining and declaring the necessity of the acquisition by eminent domain.

LAI D O V E R A N D B E P U B L I S H E D

CR-238

Resolution 21-148

Providing for the acquisition of land for public use of 1615 Ala Wai Boulevard, located at Kalia, Waikiki, Honolulu, Oahu, Hawaii, and determining and declaring the necessity of the acquisition by eminent domain.

LAI D O V E R A N D B E P U B L I S H E D

ORDER OF BUSINESS
Wednesday, September 8, 2021

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

CR-240

Resolution 21-195

Resolution to retain the legal services of Farm Benedict Sugihara A Limited Liability Law Partnership LLP as Special Counsel for the City and County of Honolulu, in a legal action entitled Melissa-Iris E. Lau, et al. v. City and County of Honolulu, et al., Civil No. 1CCV-20-0001699 (Cir. Ct.) and as Special Counsel to represent the City and County of Honolulu for all other claims and cases arising from January 28, 2019 incident.

FOR ADOPTION

CR-239

Resolution 21-196

Resolution to retain the legal services of the Law Offices of Cary T. Tanaka as Special Counsel for the City and County of Honolulu, on behalf of Sheldon Watts, in a legal action entitled Melissa-Iris E. Lau et al. v. City and County of Honolulu, et al., Civil No. 1CCV-20-0001699 (Cir. Ct.) and as Special Counsel to represent Sheldon Watts for all other claims and cases arising from January 28, 2019 incident.

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

BUDGET

CR-250

Resolution 21-171

Approving an amendment to the rental agreement for an extension for a month-to-month tenancy, not to exceed one year, with tenant, Mrs. Leialoha "Rocky" Kaluhiwa, for use of a portion of He'eia Kea Valley Park, TMK: 4-6-016:032 (portion).

FOR ADOPTION

CR-251

Resolution 21-184, CD1

Relating to the transfer of funds. (Department of Community Services)

FOR ADOPTION, AS AMENDED

ORDER OF BUSINESS
Wednesday, September 8, 2021

PUBLIC SAFETY

CR-255

Resolution 21-178

Accepting a gift to the City from the CrimeStoppers Honolulu.
(Accepting a gift of travel and registration in the amount of
\$2,430.61 for the City's CrimeStoppers Coordinator to attend
the 2021 CrimeStoppers USA National Conference in
Omaha, Nebraska.)

FOR ADOPTION

CR-256

Resolution 21-183

Accepting a gift to the City from Ultimate Innovations Inc.
(Accepting a gift of landscaping at the Wailupe Fire Station
valued at \$13,250.56.)

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

PUBLIC SAFETY (Cont'd.)

CR-254

Resolution 21-173

Urging the City Administration to implement dementia training for first responder personnel.

FOR ADOPTION

ZONING AND PLANNING

CR-259

Resolution 21-153

Proposing an amendment to the East Honolulu Sustainable Communities Plan.

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

ZONING AND PLANNING (Cont'd.)

CR-261 Resolution 21-174, CD1

Approving the Ala Moana Neighborhood Transit-Oriented Development Plan.

FOR ADOPTION, AS AMENDED

Related communications:

CC-315 Disclosure of Interest Statement submitted by
Councilmember Elefante.

CC-316 Disclosure of Interest Statement submitted by
Councilmember Elefante.

CC-317 Disclosure of Interest Statement submitted by
Councilmember Elefante.

CC-318 Disclosure of Interest Statement submitted by
Councilmember Elefante.

ORDER OF BUSINESS
Wednesday, September 8, 2021

ZONING AND PLANNING (Cont'd.)

CR-262

Resolution 21-181, CD1

Disapproving exemptions from certain requirements relating to the Kahuku Manager's Ridge Affordable Housing Project at Kahuku, Oahu, Hawaii, Tax Map Key 5-6-006: 057. (Applicant: Oceanview Development, LLC) (Deadline: 9/24/21)

FOR ADOPTION, AS AMENDED

Related communication:

CC-319

Disclosure of Interest Statement submitted by Councilmember Elefante.

PARKS AND COMMUNITY SERVICES

CR-264

Resolution 21-172

Accepting a gift to the City from the Shufu Society. (Accepting a gift in the amount of \$5,000 for the establishment of a tree planting beautification project in the City and County of Honolulu.)

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

PARKS AND COMMUNITY SERVICES (Cont'd.)

CR-263

Resolution 21-170

Urging the City Administration to execute a Memorandum of Understanding relating to the placement of rescue tubes at City beach parks.

FOR ADOPTION

CR-265

Resolution 21-186

Requesting the Department of Parks and Recreation to amend its rules to require commercial surfing instruction permits to be site specific, and to increase enforcement of commercial surfing activity at City beach parks.

FOR ADOPTION

ORDER OF BUSINESS

Wednesday, September 8, 2021

PARKS AND COMMUNITY SERVICES (Cont'd.)

CR-266

Resolution 21-190

Restoring the names of Pounders Beach and La'ie Beach Park to Pahumoa Beach and La'ielohelohe Beach Park.

FOR ADOPTION

BALANCE OF COMMITTEE REPORTS

- EMLACR-241 Request for authorization to settle a wrongful termination claim made by Michele K. Nekota against the City and County of Honolulu.
- EMLACR-242 Request for authorization to settle a claim made by Chase J. Stanford against the City and County of Honolulu.
- EMLACR-243 Request for authorization to settle a case against the City and County of Honolulu entitled Mark Blackburn v. City and County of Honolulu, et al., Civil No. 1-CCV-20-0000989 DEO (Cir. Ct.).
- EMLACR-244 Request for authorization to settle a case against the City and County of Honolulu entitled Jay R. Chrisman v. City and County of Honolulu, et al., Civil No. 1CCV-20-0000568 BIA (Cir. Ct.).
- EMLACR-245 Request for authorization to settle a case against the City and County of Honolulu entitled Hakim Ouansafi, et al. v. City and County of Honolulu, et al., Civil No. 18-1-1641-10 JHA (Cir. Ct.).
- EMLACR-246 Request for authorization to settle a case against the City and County of Honolulu entitled Rhys Nakakura v. City and County of Honolulu, et al., Civil No. CV19-00320 DKW/KJM (USDC).
- EMLACR-247 Request for authorization to settle a case against the City and County of Honolulu entitled Eliana Smaglinski v. City and County of Honolulu, et al., Civil No. 1CCV-19-0002050 (Cir. Ct.).
- EMLACR-248 Request for authorization to settle a claim made by Daniel Grabauskas against the City and County of Honolulu for prior legal expenses incurred in matters relating to the federal investigation of the Honolulu Rail Transit Project.

FOR ADOPTION

ORDER OF BUSINESS
Wednesday, September 8, 2021

UNFINISHED BUSINESS

NEW BUSINESS

Resolution 21-165

Accepting a gift to the City from the Waikiki Business Improvement District Association (WBIDA). (Accepting a gift in the amount of \$85,000 to address various illegal activities on the public sidewalks in Waikiki along Kalakaua and Kuhio Avenues and connecting side streets, and the beach from the Kapahulu Pier to the Hilton Hawaiian Village Waikiki Beach Resort.)

FOR ACTION

Resolution 21-198

Accepting a gift to the City from Mr. Eddie Flores. (Accepting a gift in the amount of \$5,000 for the repair and repainting of two Chinatown arches and sign.)

FOR ACTION

ORDER OF BUSINESS

Wednesday, September 8, 2021

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Council Rule 12.A and Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the Council may resolve itself into a Committee of the Whole to consult with its attorneys in executive session on questions and issues pertaining to the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

ANNOUNCEMENTS

ADJOURNMENT