



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

TOMMY WATERS  
CHAIR & PRESIDING OFFICER  
ESTHER KIA'ĀINA  
VICE CHAIR  
ANDRIA TUPOLA  
FLOOR LEADER  
RADIANT CORDEIRO  
BRANDON J.C. ELEFANTE  
CAROL FUKUNAGA  
CALVIN K.Y. SAY  
HEIDI TSUNEYOSHI  
AUGIE TULBA

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## JOURNAL

REGULAR MEETING  
12TH SESSION  
WEDNESDAY, SEPTEMBER 8, 2021

CITY COUNCIL CHAMBER  
3<sup>RD</sup> 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, Tommy Waters, at 10:19 a.m.

### ROLL CALL

Roll call showed the following Councilmembers present in the Council Chambers:

Councilmembers Cordero, Elefante, Fukunaga, Kia'āina, Tsuneyoshi, Tulba (via video conferencing), Tupola, Waters – 8.

Excused: Councilmember Say – 1.

The Chair noted that Councilmembers Tsuneyoshi, Fukunaga, Say, Kia'āina, Tupola, Cordero, Elefante were present with him in the Council Chambers; and Councilmember Tulba was participating remotely via videoconference. Councilmember Tulba stated that his wife, Kim was present at his location.

The Chair noted that also present in the Council Chambers were Legislative Branch Staff, Members of the City Administration, media representatives, appointees to Boards and Commissions, and a Special Duty Police Officer.

### INTRODUCTION OF GUESTS

Councilmember Tupola thanked Rate Commission Member Barbra, first responders, and members of the Departments for being at the meeting. She also acknowledged her intern, Orianna McCallum who is a political science major at BYU Hawai'i and will be applying to law school in the winter.

The following individuals testified via video conference:

1. Adriel Lam (M-501) (Oppose Resolution 21-154), (Support Resolutions 21-171 and 21-170)
2. Jon Lee (Support Resolution 21-174, CD1)
3. Beth Anderson (M-501) (Oppose Resolution 21-154)
4. Bill Hicks (M-501) (Oppose Resolution 21-154)
5. Natalie Iwasa (Oppose Bill 17), (Oppose Resolution 21-192 and Resolution 21-154), (Support Resolution 21-153)
6. Kelli Bullock Hergert, Kelli with an Eye Photography (M-501) (Oppose Resolution 21-154)
7. Meahilahila Kelling, Ke Kula o Samuel M Kamakau, LPCS (Support Resolution 21-154)
8. Vernon Ansdell, Friends of Haiku Stairs (M-501) (Oppose Resolution 21-154)
9. Allen Walterman (Support Resolution 21-154)
10. Stosh Ostrow (Support Resolution 21-154)
11. Kaley Kelling (M-501) (Support Resolution 21-154)
12. Davin Kanana Kelling, Ke Kula o Samuel M Kamakau, LPCS (M-501) (Support Resolution 21-154)
13. Nikki Kepoo (M-501) (Support Resolution 21-154)
14. Representative Scot Matayoshi (Support Resolution 21-154)
15. Harriet Thornley (Support Resolution 21-154)
16. Georgi DeCosta (M-501) (Support Resolution 21-154)
17. Michael Pacheco, LU IBEW 1186 (Support Resolution 21-174, CD1)
18. Marianne Whiting (M-501) (Oppose Resolution 21-154)
19. Christopher Deluanay, Pacific Resource Partnership (M-502) (Support Resolution 21-174, CD1)
20. Lehua Kinilau-Cano, Department of Hawaiian Home Lands (M-501) (Support Resolution 21-154), (M-516) (Support Resolution 21-147, CD1)
21. Brent Teraoka (M-501) (Support Resolution 21-154)
22. Mo Radke, Kaneohe Neighborhood Board (Oppose Resolution 21-154)
23. Kenneth Peck (Support Resolution 21-174, CD1)
24. Sam King (M-501) (Oppose Resolution 21-154)

25. Krista Lunzer, The LTL-Schock Group (Available for questions on Resolution 21-169)
26. Anuhea Maeda (M-517) (Oppose Resolution 21-193)
27. Dre Kalili, Department of Transportation Services (Available for questions on Resolution 21-169)
28. Geoffrey Chang (Support Resolution 21-154)
29. Kris Hui, Brookfield Properties (M-502) (Support Resolution 21-174, CD1)
30. Darrell Young, DCS Community Based Development Division (Available for questions on Resolution 21-184, CD1)
31. Brett Kulbis (Oppose Resolutions 21-193 and 21-174, CD1), (M-501) (Oppose Resolution 21-154)
32. Gary Takeuchi, Associate VP for Legal Affairs, University of Hawai'i (Available for questions on Resolution 21-169)
33. Chloe Rista (Oppose Resolutions 21-181, 21-193, and 21-154)
34. Robert Kealoha Domingo (M-501) (Support Resolution 21-154) (Support Resolution 21-171)
35. Mialisa Otis (Support Bill 34)
36. Choon James (General comment on Resolution 21-168, Bill 17, Resolutions 21-192, 21-174, 21-154)
37. Matthew Kievlan (Oppose Resolution 21-193) (Support Resolution 21-154)
38. Reuben Fung (Support and available for questions on Resolution 21-181, CD1)
39. Tom Schnell, PBR Hawai'i and Associates, Inc. (Support and available for questions on Resolution 21-181, CD1)

#### APPROVAL OF MINUTES

Councilmember Kia'āina moved that the Minutes of the 11<sup>th</sup> Session be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Tupola.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ORDER OF THE DAY**

**APPOINTMENT – RESOLUTIONS**

**ADOPTION**

**RESOLUTION 21-166, CD1 – COMMITTEE REPORT 230**

RESOLUTION CONFIRMING THE APPOINTMENT OF MELANIE ISLAM TO SERVE ON THE CLIMATE CHANGE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Cordero moved that Committee Report 230 and Resolution 21-166, as amended to CD1, be adopted. Seconded by Councilmember Elefante.

The following individual testified:

Melanie Islam (General comment)

Councilmember Tupola stated that she has heard good things about Ms. Islam and she is grateful to have her on the Commission and she hopes that her contribution will make a difference in the City.

Councilmember Cordero expressed her appreciation to Ms. Islam for meeting with councilmembers and having discussions relating to sea level rise. She thanked her for her time and willingness to serve on the Commission.

Committee Report 230 and Resolution 21-166, CD1, as amended were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

Chair Waters recognized and congratulated Ms. Islam.

Related communication:

M-500 Testimony on Resolution 21-166, CD1

**ADOPTION**

**RESOLUTION 21-167 – COMMITTEE REPORT 249**

RESOLUTION RELATING TO THE APPOINTMENT OF DILLON HULLINGER TO SERVE ON THE LIQUOR COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Say moved that Committee Report 249 and Resolution 21-167 be adopted. Seconded by Councilmember Cordero.

The following individual testified:

Dillon Hullinger (General comment)

Committee Report 249 and Resolution 21-167 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

Chair Waters recognized and congratulated Mr. Hullinger.

Related communication:

CC-299 Disclosure of Interest Statement submitted by Councilmember Elefante

**POSTPONED TO THE OCTOBER 6, 2021 COUNCIL MEETING**

**RESOLUTION 21-168 – COMMITTEE REPORT 260**

RESOLUTION RELATING TO THE REAPPOINTMENT MR. GIFFORD CHANG TO SERVE ON THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Elefante moved that Committee Report 260 and Resolution 21-168 be postponed to the October 6, 2021 Council Meeting. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 and 3.

Committee Report 260 and Resolution 21-168 were postponed to the October 6, 2021 Council meeting.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

CC-294 Disclosure of Interest Statement submitted by Councilmember Elefante

**THIRD READING**

**BILL 2, CD1 – COMMITTEE REPORT 252**

A BILL FOR AN ORDINANCE RELATING TO THE PUBLIC WORKS INFRASTRUCTURE REQUIREMENTS INCLUDING FEES AND SERVICES RELATING TO PUBLIC SEWERS.

Councilmember Fukunaga moved that Committee Report 252 be adopted and Bill 2, CD1 pass third reading. Seconded by Councilmember Tupola.

Committee Report 252 was adopted and Bill 2, CD1 passed third reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**THIRD READING**

**BILL 33, CD1 – COMMITTEE REPORT 253**

A BILL FOR AN ORDINANCE RELATING TO THE ADOPTION OF THE 2018 STATE FIRE CODE.

Councilmember Tsuneyoshi moved that Committee Report 253 be adopted and Bill 33, CD1 pass third reading. Seconded by Councilmember Tulba.

Committee Report 253 was adopted and Bill 33, CD1 passed third reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**THIRD READING**

**BILL 17, CD1 – COMMITTEE REPORT 257**

A BILL FOR AN ORDINANCE RELATING TO THE HOUSING CODE.

Councilmember Elefante moved that Committee Report 257 be adopted and Bill 17, CD1 pass third reading. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 and 3.

Committee Report 257 was adopted and Bill 17, CD1 passed third reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**THIRD READING**

**BILL 32, CD1 – COMMITTEE REPORT 258**

A BILL FOR AN ORDINANCE RELATING TO NONCONFORMING USES.

Councilmember Elefante moved that Committee Report 258 be adopted and Bill 32, CD1 pass third reading. Seconded by Councilmember Kia'āina.

Committee Report 258 was adopted and Bill 32, CD1 passed third reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

CC-282 Disclosure of Interest Statement submitted by Councilmember Elefante

**FIRST READING**  
**RESOLUTION 21-192**

RESOLUTION 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.

Councilmember Kia'āina moved that Resolution 21-192 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Elefante stated that this Charter amendment would need three readings to be adopted. He clarified that the measure would increase the Affordable Housing Fund from ½ percent to 1 percent and there would be no increase in real property taxes.

Resolution 21-192 passed first reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.  
NOES: None.

Related communication:

M-513 Testimony on Resolution 21-192

**FIRST READING**  
**BILL 36**

A BILL FOR AN ORDINANCE RELATING TO PARKING.

Councilmember Kia'āina moved that Bill 36 pass first reading. Seconded by Councilmember Tupola.



Bill 36 passed first reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**FIRST READING**

**BILL 37**

A BILL FOR AN ORDINANCE RELATING TO FIRE SAFETY.

Councilmember Kia'āina moved that Bill 37 pass first reading. Seconded by Councilmember Tupola.

Councilmember Fukunaga stated for the record that she filed a Disclosure of Interest Statement with the City Clerk's Office (CC-328).

Bill 37 passed first reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-179 – COMMITTEE REPORT 232**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM CAROLLO ENGINEERS, INC.

Councilmember Cordero moved that Committee Report 232 and Resolution 21-179 be adopted. Seconded by Councilmember Elefante.

Committee Report 232 and Resolution 21-179 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-169 – COMMITTEE REPORT 231**

RESOLUTION 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 HAWAII FOR EXCLUSIVE RIGHTS TO USE AND OCCUPY UNIVERSITY PROPERTY AT UNIVERSITY OF HAWAII — WEST O'AHU, LEEWARD COMMUNITY COLLEGE, AND HONOLULU COMMUNITY COLLEGE FOR THE HONOLULU RAIL PROJECT.

Councilmember Cordero moved that Committee Report 231 and Resolution 21-169 be adopted. Seconded by Councilmember Elefante.

Committee Report 231 and Resolution 21-169 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-515 Testimony on Resolution 21-169

**ADOPTION**

**RESOLUTION 21-187 – COMMITTEE REPORT 233**

RESOLUTION URGING THE CITY ADMINISTRATION TO ACT QUICKLY TO REOPEN COVID-19 TESTING SITES AND ESTABLISH ADDITIONAL SITES TO EXPAND TESTING CAPACITY.

Councilmember Cordero moved that Committee Report 233 and Resolution 21-187 be adopted. Seconded by Councilmember Elefante.

Councilmember Tupola stated that since the Administration is encouraging weekly testing, there needs to be more resources. She noted that it is expensive for people who are required to take the test for work.

Councilmember Cordero noted that Federal assistance will be provided for testing and wanted to ask the Administration how the implementation of the testing in the communities will be done.

Councilmember Say stated that the Department of Budget and Fiscal Services submitted a correspondence stating for the record that they are working on programs for testing, contact tracing, quarantine, and vaccination. He also noted that the Mayor is exempt from Chapter 103D, the State Procurement Code.

Councilmember Kia'āina stated that she applauds the efforts of the Council, State and Federal governments to direct dollars and that there is a lot of funding for hospitals as well as service providers and non-profit organizations. She recommended that partnerships should be explored to leverage all the funding. Councilmember Kia'āina stated that when grants are awarded it can be tailored to say COVID-related because another relief bill is not anticipated.

Councilmember Tupola stated that in May Federal funds for testing went to the Department of Health and \$46 million was earmarked for schools which has not been seen being used. She stated that she will continue to work with the Administration.

Committee Report 233 and Resolution 21-187 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.  
NOES: None.

Related communication:

M-509 Testimony on Resolution 21-187

### **ADOPTION**

#### **RESOLUTION 21-189 – COMMITTEE REPORT 234**

**RESOLUTION URGING THE CITY ADMINISTRATION TO REOPEN AND EXPAND COVID-19 ISOLATION AND QUARANTINE FACILITIES.**

Councilmember Tsuneyoshi moved that Committee Report 234 and Resolution 21-189 be adopted. Seconded by Councilmember Tulba.

Councilmember Tupola thanked the Chair of the Committee on Transportation, Sustainability and Health for highlighting and bringing these issues to her Committee. She stated that she supports the Resolution but she knows that some have concerns. Councilmember Tupola stated that she supports those who choose to quarantine voluntarily in efforts to reduce the spread; however, she does not support any forced mandatory quarantine isolation.

Committee Report 234 and Resolution 21-189 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-512 Testimony on Resolution 21-189

**ADOPTION**

**RESOLUTION 21-193 – COMMITTEE REPORT 267**

RESOLUTION URGING THE GOVERNOR TO REINSTATE PRE-TRAVEL COVID-19 TESTING FOR DOMESTIC AND INTERNATIONAL TRAVELERS TO HAWAI'I REGARDLESS OF THEIR VACCINATION STATUS.

Councilmember Cordero moved that Committee Report 267 and Resolution 21-193 be adopted. Seconded by Councilmember Elefante.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Kia'āina thanked Chair Waters for co-sponsoring the measure with her. She explained that the measure is in response to the highest levels of case counts and hospitalization since the beginning of the pandemic. Councilmember Kia'āina stated that she believes that the Council must do everything possible to reduce the transmission and that the measure would be fair to all returning home and other travelers.

Councilmember Tupola thanked Councilmember Kia'āina and expressed her gratefulness to the Council for taking the position to treat everyone equally and provide services.

Committee Report 267 and Resolution 21-193 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-517 Testimony on Resolution 21-193

**ADOPTION**

**RESOLUTION 21-147, CD1 – COMMITTEE REPORT 235**

RESOLUTION COMMEMORATING THE CENTENNIAL ANNIVERSARY OF THE HAWAIIAN HOMES COMMISSION ACT.

Councilmember Kia'āina moved that Committee Report 235 and Resolution 21-147, as amended to CD1, be adopted. Seconded by Councilmember Say.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Tupola voiced her support for the Resolution commemorating the life and legacy of Prince Jonah Kuhio Kalaniana'ole and the centennial celebration of his enactment of the Native Hawaiian Homes Act. She noted that the intent of the Native Hawaiian Homes Act is to issue land where Hawaiians can have a place to live, farm, ranch and engage in commercial or industrial authorized activity. Councilmember Tupola hopes that this will encourage generations to come to help more Hawaiians be able to live on their land, raise generations of family members here, and in addition help to house people so that the number of people needing affordable housing in Hawai'i can be decreased.

Councilmember Kia'āina stated that she is a fourth generation Hawaiian Home Lands beneficiary. She expressed how the Hawaiian Home Lands Program has been important to her and her family until this day. Councilmember Kia'āina stated that there is much more that needs to be done to ensure that the purpose of the Hawaiian Homes Commission Act is better implemented. She urged the Federal government to provide better oversight and looks forward to working with the Administration to increase the City's partnership with the Department of Hawaiian Home Lands including exploring land exchanges, maintaining infrastructure on Hawaiian Home Lands when they are built to county standards, and coordinating on infrastructure priorities.

Committee Report 235 and Resolution 21-147, CD1, as amended were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-516 Testimony on Resolution 21-147, CD1

**ADOPTION**

**RESOLUTION 21-154 – COMMITTEE REPORT 212**

RESOLUTION 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.

Councilmember Kia'āina moved that Committee Report 212 and Resolution 21-154 be adopted. Seconded by Councilmember Say.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Kia'āina noted that she passed out packets to the councilmembers which included a Star Advertiser editorial supporting the measure, testimony from Mufi Hannemann, President and CEO of the Hawai'i Lodging and Tourism Association and former Honolulu Mayor who supports the measure; former Senator Mike McCartney who explains why it is important and it is time to let it go; and a column by Bob Jones supporting the measure. She thanked councilmembers for their support on moving the Resolution out of Committee and for the budget appropriation of \$1 million for the actual removal. Councilmember Kia'āina stated that due to the illegal trespassing, Haiku Stairs is a significant liability and expense to the City and it impacts the quality of life for the nearby residents. She stated that for many years the option for Haiku Stairs was to remove the stairs or administer a managed access program. She strongly believes that the removal is a viable option to mitigate the City's liability, reduce disturbances to local neighborhoods, increase public safety, and protect the environment. She noted that managed access is not a feasible option and will continue to require City resources and investment of City funds. Councilmember Kia'āina stated that many do not realize the City does not own the land that leads to the stairs and it does not own all the land under the stairs. She noted that after two decades, there is still no clear path to secure legal access with the landowners and that the Department of Hawaiian Home Lands is uninterested in allowing a managed access program on its lands. Councilmember Kia'āina stated that there is a third option of the future of Haiku Stairs -status quo-but the City owes it to the community to hear their decade long cries and as a fiduciary of City resources, there is an obligation to mitigate the taxpayers liability. She stated that she has fought for the underserved, the vulnerable, and the voiceless for over 30 years in Hawai'i and in Washington D.C. and will continue to do so.

Councilmember Tupola voiced her support of the Resolution requesting the removal and closure of the Haiku Stairs. She noted that she does not support illegal trespassing. Councilmember Tupola stated that many Honolulu Police Officers voiced their concerns about not taking the special duty job because of the interactions and altercations with the

hikers. She stated she supports legal public access to places and cultural landmarks in Hawai'i and that the City should manage and maintain legal hiking access points, identify a plan, funding requirements, and then call those areas by their appropriate name.

Councilmember Elefante stated that he will vote in support of the Resolution with reservations. He believes that there needs to be some form of balance and that he is supportive of the idea of managed access for the site. Councilmember Elefante expressed his sentiments of Vice Chair Kia'āina who represents the community and what some of the residents and constituents are experiencing, especially the trespassing during the early hours of the morning and night. He stated that he heard from Councilmembers Tupola and Kia'āina about the challenges and the complexity of the multiple landowners and the City is just one part of the equation. Councilmember Elefante stated that the Resolution is to urge the Administration to remove the stairs but the ultimate decision on the fate of Haiku Stairs rests with the Blangiardi Administration.

Committee Report 212 and Resolution 21-154 were adopted.

AYES: CORDERO\*, ELEFANTE\*, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA\*, TUPOLA\*, WATERS – 9.  
NOES: None.

\*Councilmembers Cordero, Elefante, Tulba, and Tupola voted aye with reservations.

Related communication:

M-501 Testimony on Resolution 21-154

## **ADOPTION**

### **RESOLUTION 21-180, CD1 – COMMITTEE REPORT 236**

RESOLUTION REQUESTING THE HAWAI'I STATE LEGISLATURE TO AMEND SECTION 201H-38 OF THE HAWAI'I REVISED STATUTES TO PROVIDE COUNTY COUNCILS WITH ADDITIONAL TIME TO TAKE ACTION ON PROPOSED AFFORDABLE HOUSING PROJECTS.

Councilmember Kia'āina moved that Committee Report 236 and Resolution 21-180, as amended to CD1, be adopted. Seconded by Councilmember Say.

Councilmember Elefante thanked Housing and the Economy Chair Kia'aina for her leadership and for co-introducing the measure with him. He stated that he hopes that the Council can work with the Legislature on this particular law and that the Legislature will give the Council more time to review 201H projects. Councilmember Elefante stated his support of the measure.

Councilmember Say voiced his strong support of the measure and requested that the Chairs of the Committee on Housing and the Economy and Zoning and Planning meet with the Executive Director of the Hawai'i Housing Finance Development Corporation and have them introduce the measure on the Council's behalf.

Committee Report 236 and Resolution 21-180, CD1, as amended were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'AINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.  
NOES: None.

Related communication:

M-514 Testimony on Resolution 21-180, CD1

**ADOPTION**

**COMMITTEE REPORT 237 (RESOLUTION 21-114, CD1 LAID OVER AND PUBLISHED)**

RESOLUTION 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, O'AHU, HAWAI'I, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION BY EMINENT DOMAIN.

Councilmember Tupola moved that Committee Report 237 be adopted. Seconded by Councilmember Fukunaga.



Committee Report 237 was adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**COMMITTEE REPORT 238 (RESOLUTION 21-148 LAID OVER AND PUBLISHED)**

RESOLUTION PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE OF 1615 ALA WAI BOULEVARD, LOCATED AT KALIA, WAIKIKI, HONOLULU, O'AHU, HAWAI'I, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION BY EMINENT DOMAIN.

Councilmember Tupola moved that Committee Report 238 be adopted. Seconded by Councilmember Fukunaga.

In response to Councilmember Say, Haku Milles, Deputy Director, Department of Design and Construction stated that the process for condemnation could take between 12 to 16 months and that they are working closely with the Department of Land Management to acquire the land.

Committee Report 238 was adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-195 – COMMITTEE REPORT 240**

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, ETAL. 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.

Councilmember Tupola moved that Committee Report 240 and Resolution 21-195 be adopted. Seconded by Councilmember Fukunaga.

Committee Report 240 and Resolution 21-195 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-196 – COMMITTEE REPORT 239**

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.

Councilmember Tupola moved that Committee Report 239 and Resolution 21-196 be adopted. Seconded by Councilmember Fukunaga.

Committee Report 239 and Resolution 21-196 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-171 – COMMITTEE REPORT 250**

RESOLUTION 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).

Councilmember Say moved that Committee Report 250 and Resolution 21-171 be adopted. Seconded by Councilmember Cordero.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Kia’aina thanked the Kaluhiwa Ohana for helping to take care of the property and to the Administration for supporting the extension. She stated that she is committed to working with the Department of Budget and Fiscal Services to work out a longer term agreement for the Kaluhiwa Ohana.

Committee Report 250 and Resolution 21-171 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA’AINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.  
NOES: None.

Related communication:

M-503 Testimony on Resolution 21-171

**ADOPTION**

**RESOLUTION 21-184, CD1 – COMMITTEE REPORT 251**

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Say moved that Committee Report 251 and Resolution 21-184, as amended to CD1, be adopted. Seconded by Councilmember Cordero.

Committee Report 251 and Resolution 21-184, CD1, as amended were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-178 – COMMITTEE REPORT 255**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE CRIMESTOPPERS  
HONOLULU.

Councilmember Tsuneyoshi moved that Committee Report 255 and Resolution 21-178 be  
adopted. Seconded by Councilmember Tulba.

The following individual testified:

Major Stephen Gerona, Honolulu Police Department (Support)

Committee Report 255 and Resolution 21-178 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-183 – COMMITTEE REPORT 256**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM ULTIMATE INNOVATIONS INC.

Councilmember Tsuneyoshi moved that Committee Report 256 and Resolution 21-183 be  
adopted. Seconded by Councilmember Tulba.

Committee Report 256 and Resolution 21-183 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-173 – COMMITTEE REPORT 254**

RESOLUTION URGING THE CITY ADMINISTRATION TO IMPLEMENT DEMENTIA TRAINING FOR FIRST RESPONDER PERSONNEL.

Councilmember Tsuneyoshi moved that Committee Report 254 and Resolution 21-173 be adopted. Seconded by Councilmember Tulba.

The following individual testified:

Major Mike Lambert, Honolulu Police Department (General comment)

Committee Report 254 and Resolution 21-173 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-518 Testimony on Resolution 21-173

**ADOPTION**

**RESOLUTION 21-153 – COMMITTEE REPORT 259**

RESOLUTION PROPOSING AN AMENDMENT TO THE EAST HONOLULU SUSTAINABLE COMMUNITIES PLAN.

Councilmember Elefante moved that Committee Report 259 and Resolution 21-153 be adopted. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 and 3.

Committee Report 259 and Resolution 21-153 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-174, CD1 – COMMITTEE REPORT 261**

**RESOLUTION APPROVING THE ALA MOANA NEIGHBORHOOD TRANSIT-ORIENTED DEVELOPMENT PLAN.**

Councilmember Elefante moved that Committee Report and Resolution 21-174, as amended to CD1, be adopted. Seconded by Councilmember Kia'aina.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Tupola thanked Zoning Chair Elefante for taking into consideration the comments made about density and for listeneng to all voices.

Councilmember Elefante thanked Floor Leader Tupola for the kind remarks. He voiced his support of the Resolution. Councilmember Elefante thanked Chair Waters for his leadership and hard work over the past years on the measure, to Councilmember Say for his engagement with the public participation, and to Administrator Rue and the Department of Planning and Permitting. Councilmember Elefante stated that the proposal to adopt the Ala Moana Transit-Oriented Development (TOD) Plan was first introduced in 2016 and this is the sixth Resolution. He noted that some opportunities were accomplished in the Plan for development of housing, affordable housing, walkable and livable communities, TOD and mixed use development and a balanced approach with height and density as it relates to the Ala Moana TOD area at Ala Moana Center. Councilmember Elefante noted that it is critical to find ways to build housing, especially affordable housing along the rail line. He urged councilmembers to join him and support the passage of Resolution 21-174, CD1.

Chair Waters thanked Zoning Chair Elefante for his hard work and stated that it took determination and hard work to get it done.

Councilmember Say congratulated Zoning Chair Elefante for his leadership on the Resolution. He noted that he has learned a lot for District 5 that he represents. Councilmember Say stated that the political, environmental, social, and environmental landscape of District 5 will change tremendously and that they are sacrificing density to preserve agricultural recreational lands for the people of O'ahu. He stated that he is concerned but knowing that District 5 will be preserving prime agricultural lands and using agricultural lands for alternative energy resources. Councilmember Say stated that he is comfortable with the concept of what the Ala Moana TOD will look like and thanked everyone for letting him be a part of a major decision to the Plan.

Committee Report 261 and Resolution 21-174, CD1, as amended were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

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  
M-502 Testimony on Resolution 21-174, CD1

#### **ADOPTION**

##### **RESOLUTION 21-181, CD1 – COMMITTEE REPORT 262**

RESOLUTION DISAPPROVING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE KAHUKU MANAGER'S RIDGE AFFORDABLE HOUSING PROJECT AT KAHUKU, O'AHU, HAWAI'I, TAX MAP KEY 5-6-006: 057.

Councilmember Elefante moved that Committee Report 262 and Resolution 21-181, as amended to CD1, be adopted. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 and 3.

Councilmember Tsuneyoshi thanked Zoning and Planning Chair Elefante and the Department of Planning and Permitting for their hard work on the application. She stated that during the Committee hearing, there was an overwhelming amount of people in opposition of the development and supporting the Resolution to disapprove the affordable housing project. Councilmember Tsuneyoshi noted that the project requested many exemptions including a zoning exemption, a State Land Use exemption and exemptions from the sustainable community plan. She also noted that the project would be built in close proximity to industrial size wind turbines which is of great concern to the Kahuku community. Councilmember Tsuneyoshi stated that she looks forward to addressing issues of affordable housing in all of the council districts.

Committee Report 262 and Resolution 21-181, CD1, as amended were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communications:

CC-319 Disclosure of Interest Statement submitted by Councilmember Elefante  
D-623 Department of Planning and Permitting  
M-510 Testimony on Resolution 21-181, CD1

**ADOPTION**

**RESOLUTION 21-172 – COMMITTEE REPORT 264**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE SHUFU SOCIETY.

Councilmember Tulba moved that Committee Report 264 and Resolution 21-172 be adopted. Seconded by Councilmember Tsuneyoshi.

Committee Report 264 and Resolution 21-172 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

**ADOPTION**

**RESOLUTION 21-170 – COMMITTEE REPORT 263**

RESOLUTION URGING THE CITY ADMINISTRATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING RELATING TO THE PLACEMENT OF RESCUE TUBES AT CITY BEACH PARKS.

Councilmember Tulba moved that Committee Report 263 and Resolution 21-170 be adopted. Seconded by Councilmember Tsuneyoshi.

Please see list of individuals that testified via video conference on pages 2 and 3.



Committee Report 263 and Resolution 21-170 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-504 Testimony on Resolution 21-170

**ADOPTION**

**RESOLUTION 21-186 – COMMITTEE REPORT 265**

RESOLUTION 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.

Councilmember Tulba moved that Committee Report 265 and Resolution 21-186 be adopted. Seconded by Councilmember Tsuneyoshi.

Councilmember Tsuneyoshi thanked Parks Committee Chair Tulba for hearing the Resolution. She stated that the measure is a step in addressing the overwhelming commercial use at City beach parks and to enforce what is already stated. Councilmember Tsuneyoshi stated that an increase in enforcement is needed so that the residents can have access to the City beach parks and those who participate in legal activities can have space to do what they are permitted to do.

Committee Report 265 and Resolution 21-186 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-507 Testimony on Resolution 21-186

**ADOPTION**

**RESOLUTION 21-190 – COMMITTEE REPORT 266**

RESOLUTION RESTORING THE NAMES OF POUNDERS BEACH AND LA'IE BEACH PARK TO PAHUMOA BEACH AND LA'IELOHELOHE BEACH PARK.

Councilmember Tulba moved that Committee Report 266 and Resolution 21-190 be adopted. Seconded by Councilmember Tsuneyoshi.

Councilmember Tsuneyoshi stated that she wished that Uncle Cy Bridges had been able to speak and share the importance of the measure but he had some issues calling in. She noted that she and her staff were able to meet with Uncle Cy at La'ie Beach Park and he shared how these places were special to him as a child and the stories that he heard from his kupuna. Councilmember Tsuneyoshi stated that Uncle Cy humbly asked not to rename the parks but to restore the names as indicated in the Resolution. She noted that she looks forward to working with the Department of Parks and Recreation on the name restoration and appropriate signage.

Chair Waters asked Councilmember Tsuneyoshi to thank and apologize to Uncle Cy for him not being able to call in. He stated that it would have been really nice to hear his story about the important parks in the district.

Committee Report 266 and Resolution 21-190 were adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.  
NOES: None.

Related communication:

M-506 Testimony on Resolution 21-190

**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 Smagliniski 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.

Councilmember Kia'āina moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Tupola.

Councilmember Tsuneyoshi noted her opposition to the adoption of EMLACR-248.

The Balance of Committee Reports (EMLACR-241 to EMLACR-247) was adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS – 9.

NOES: None.

EMLACR-248 was adopted.

AYES: CORDERO\*, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA\*, TUPOLA,  
WATERS – 8.

NOES: TSUNEYOSHI – 1.

\*Councilmembers Cordero and Tulba voted aye with reservations.

Related communication:

M-519 Testimony on EMLACR-246

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **NEW BUSINESS**

### **ADOPTION**

#### **RESOLUTION 21-165**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE WAIKIKI BUSINESS IMPROVEMENT DISTRICT ASSOCIATION (WBIDA).

Resolution 21-165 was waived to the Council floor by the Chair of the Committee of Public Safety.

Councilmember Kia'āina moved that Resolution 21-165 be adopted. Seconded by Councilmember Tupola.

Resolution 21-165 was adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communications:

CC-323 Councilmember Heidi Tsuneyoshi  
M-508 Testimony on Resolution 21-165

**ADOPTION**  
**RESOLUTION 21-198**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM MR. EDDIE FLORES.

Councilmember Kia'aina moved that Resolution 21-198 be adopted. Seconded by Councilmember Tupola.

Resolution 21-198 was adopted.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'AINA, SAY, TSUNEYOSHI,  
TULBA, TUPOLA, WATERS – 9.

NOES: None.

Related communication:

M-511 Testimony on Resolution 21-198

**COMMITTEE OF THE WHOLE/EXECUTIVE SESSION**

There was no Executive Session.

## **ANNOUNCEMENTS**

Councilmember Tsuneyoshi stated that she received comments regarding Resolution 21-194 and wanted clarification. She noted that last Thursday there was an overwhelming amount of testimony regarding the mandate for the Safe Access O'ahu Program that included the vaccine passport program. Councilmember Tsuneyoshi clarified to those who contacted her that the measure was voted on and passed out of Committee and was expected to be on the agenda today. She stated that for those that provided testimony with their concerns about the program, to be aware that not having the Resolution on the agenda does not mean it is going to move forward. Councilmember Tsuneyoshi stated that the Governor had a briefing on the program at 1 p.m. She stated that more discussion is needed to provide clarification for businesses being affected and to residents before the program starts. She noted that a lot of actions taken by emergency proclamations have residents concerned and stated that she looks forward to further discussions on these matters.

## **ADJOURNMENT**

At 1:11 p.m., Councilmember Kia'aina moved that the Council stand adjourned until Wednesday, October 6, 2021, at 10 a.m. Seconded by Councilmember Tupola 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 6, 2021