



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

JOURNAL

REGULAR MEETING
17TH SESSION
WEDNESDAY, JANUARY 26, 2022

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, Tommy Waters, at 10:17 a.m.

ROLL CALL

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

Councilmembers Cordero, Elefante, Fukunaga, Kia'āina, Say, Tsuneyoshi, Tulba, Tupola, Waters – 9.

The Chair noted that Councilmembers Tsuneyoshi, Fukunaga, Say, Kia'āina, Tupola, Cordero, Elefante, and Tulba were present with him in the Council Chambers.

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 recognized and welcomed Department Directors.

The following individuals testified in-person:

1. Roger W. Babcock, Jr., Director Designate, Department of Environmental Services (General comment on Resolution 22-4)
2. Dawn B. Szewczyk, Director Designate, Department of Facility Maintenance (General comment on Resolution 22-5)
3. Mayor Rick Blangiardi (General comment on Resolution 22-4, Resolution 22-5, Resolution 22-9)

The following individuals testified via video conference:

1. Stu Simmons (M-14) [Support Bill 41 (2021), CD1]
2. Toral Patel, Airbnb (M-14) [General comment on Bill 41 (2021), CD1]
3. Kevin Morikone (M-19) (Support Bill 5), (M-20) (Support Resolution 22-10)
4. Mitchell Otani, Kalani High School (Support Bill 5 and Resolution 22-10)
5. Christine Otto Zaa (M-14) [Support Bill 41 (2021), CD1]
6. Kekoa McClellan, American Hotel and Lodging Association [Support Bill 41 (2021), CD1]
7. Melissa May (General comment on Resolution 21-271)
8. Paul Spriggs [Support Bill 41 (2021), CD1]
9. SharLyn Foo [General comment on Bill 41 (2021), CD1 and Bill 4]
10. Sean Brady [Oppose Bill 41 (2021), CD1]
11. Jill Paulin (M-14) [Oppose Bill 41 (2021), CD1], (M-18) (Oppose Bill 4)
12. Margaret Cannell (Available for questions on Resolution 21-274)
13. Brent Tokita, RMA Architects Inc. (Available for questions on Resolution 21-273)
14. Neil Frazer [Support Bill 41 (2021), CD1]
15. Alex Ress [Support Bill 41 (2021), CD1]

At this juncture, Chair Waters left the chambers and Vice-Chair Kia'āina assumed the role of Presiding Officer.

16. Tyler Dos Santos-Tam, HI Good Neighbor (M-14) [General comment on Bill 41 (2021), CD1]
17. Chuck Prentiss, (M-14) [Support Bill 41 (2021), CD1]

At this juncture, Chair Waters returned and assumed his duties as Presiding Officer and Vice-Chair Kia'āina returned to her seat.

18. Cynthia Rubinstein [Oppose Bill 41 (2021), CD1]
19. Shae Grimm, Long & Associates, Inc. (Support Resolution 21-281, CD1 and available for questions)
20. Patrick Chandler, Corcoran Pacific Properties [General comment on Bill 41 (2021), CD1], (General comment on Bill 2 and Bill 4)
21. Natalie Tse [General comment on Bill 41 (2021), CD1]
22. David Boothby [Oppose Bill 41 (2021), CD1]
23. Kirk Madsen [Oppose Bill 41 (2021), CD1]
24. Dawn Borjesson (M-14) [Oppose Bill 41 (2021), CD1]
25. Michael Brant (M-14) [Oppose Bill 41 (2021), CD1]
26. John Lisoway (M-14) [Oppose Bill 41 (2021), CD1]
27. Graciela Euredjian [Oppose Bill 41 (2021), CD1]
28. Paul Nachtigall [General comment on Bill 41 (2021), CD1 and Bill 4]
29. Kaiula Jack, Alii Beach Rentals (M-14) [Oppose Bill 41 (2021), CD1]
30. Herb Rose [Oppose Bill 41 (2021), CD1]
31. Margaret Aurand, OSTRAL [Oppose Bill 41 (2021), CD1]
32. Michelle Yao (M-14) [Oppose Bill 41 (2021), CD1], (Support Bill 4)
33. Lucy Bridges [Oppose Bill 41 (2021), CD1]
34. Ralph Furely [Oppose Bill 41 (2021), CD1]
35. Cecilia Gomez [Oppose Bill 41 (2021), CD1]
36. John An [Oppose Bill 41 (2021), CD1]
37. Robert Ellison [Oppose Bill 41 (2021), CD1]
38. Jeannine Johnson, Kuli'ou'ou Kalani Iki Neighborhood Board #2 (D-43) [Support Bill 41 (2021), CD1]
39. Georgietta Chock [Oppose Bill 41 (2021), CD1]
40. Kenneth Silva (General comment and available for questions on Resolution 22-9)
41. Gina Olsen [General comment on Bill 41 (2021), CD1]
42. Frank Vedres [General comment on Bill 41 (2021), CD1]
43. Sebastyen Jackovics [Oppose Bill 41 (2021), CD1]
44. Nancy Noll [Oppose Bill 41 (2021), CD1]
45. Laurynn Paet, Aloha Realty LLC [Oppose Bill 41 (2021), CD1]
46. Adam Rose (M-14) [Oppose Bill 41 (2021), CD1]
47. Meylysa Duldulao (M-14) [Oppose Bill 41 (2021), CD1]
48. Yoh Kuwano (M-14) [Oppose Bill 41 (2021), CD1]
49. Tom Tobin [Oppose Bill 41 (2021), CD1]
50. Jenny Kono [Oppose Bill 41 (2021), CD1]
51. Kauai Burgess, Kamehameha Schools (M-15) (Support Resolution 21-267, CD1)

RECESS/RECONVENE

At 12:58 p.m., the Chair called for a recess as noted on the agenda. With 7 members present (Excused: Fukunaga, Tsuneyoshi – 2), the Chair reconvened the meeting at 1:37 p.m.

52. Ursula Retherford (M-14) [Support Bill 41 (2021), CD1]
53. Ilihia Gionson, Hawai'i Tourism Authority (M-14) [Support Bill 41 (2021), CD1]
54. Craig Hara [Oppose Bill 41 (2021), CD1]
55. Helena von Sydow [Oppose Bill 41 (2021), CD1]
56. Hector Ricardo E. [Oppose Bill 41 (2021), CD1]
57. Douglas Tree [General comment on Bill 41 (2021), CD1]
58. Vlad Gurovich (M-14) [Oppose Bill 41 (2021), CD1]
59. Jenny Javier [Oppose Bill 41 (2021), CD1]
60. Levani Lipton (M-14) [Support Bill 41 (2021), CD1]
61. Salesi Fifita-Atkins [Oppose Bill 41 (2021), CD1]
62. Larry McElheny (M-14) [Support Bill 41 (2021), CD1], (M-16) (Support Resolution 22-6)
63. Jeannette Fukuzawa [Oppose Bill 41 (2021), CD1]
64. Garwin Souza [General comment Bill 41 (2021), CD1]
65. Theresa Harden [Oppose Bill 41 (2021), CD1]
66. Jennifer Andrews, Honolulu Board of Realtors [Oppose Bill 41 (2021), CD1]
67. Dotty Kelly-Paddock, Hauula Community Association (M-16) (Support Resolution 22-6)
68. Dianne Willoughby, Honolulu Board of Realtors [General comment on Bill 41 (2021), CD1]
69. Ingrid Peterson (M-14) [Support Bill 41 (2021), CD1]
70. Sherrie Cumming [Oppose Bill 41 (2021), CD1]
71. Manuel Kuloloia [Support Bill 48 (2021), CD1]
72. Loren Seehase, Damon Key Leog Kupchak Hastert [Oppose Bill 41 (2021), CD1]
73. Martine Aceves-Foster [Oppose Bill 41 (2021), CD1]
74. John Lutey (M-14) [Oppose Bill 41 (2021), CD1]
75. Rhonda Rawlinson [Oppose Bill 41 (2021), CD1]
76. Richard Gomez [Oppose Bill 41 (2021), CD1]
77. Jack Maas [Oppose Bill 41 (2021), CD1]
78. Natalie Iwasa [Oppose Bill 41 (2021), CD1], (M-23) [Oppose Bill 49 (2021)], (General comment on Bill 2), (Support Bill 3), (General comment on Bill 4), (Support Bill 6), (General comment on Bill 7)
79. Ann Simons, Expedia Group (M-14) [Oppose Bill 41 (2021), CD1]

80. Ernest Lau, Manager and Chief Engineer, Board of Water Supply (in-person) (D-49) (Support Resolution 22-4), (D-50) (Support Resolution 22-5), (D-40) (Support Resolution 21-275)
81. Jeff Long, Long & Associates Architects (Support Resolution 21-281, CD1 and available for questions)
82. Jared Higashi, Hawaii Lodging and Tourism Association (M-14) [Support Bill 41 (2021), CD1], (M-18) (Support Bill 4)
83. Edward Jones (M-14) [Oppose Bill 41 (2021), CD1], (M-22) (Oppose Bill 2)
84. Robert Fusco (Support Bill 8) (General comment on Resolution 22-6)
85. Kathy Young [Oppose Bill 41 (2021), CD1]
86. Karin Omahony [Oppose Bill 41 (2021), CD1]
87. Kevin Taylor [General comment on Bill 41 (2021), CD1]
88. Martha Christensen [Oppose Bill 41 (2021), CD1]
89. Mary Cabetan [Oppose Bill 41 (2021), CD1]
90. Cedar Kehoe (M-14) [Oppose Bill 41 (2021), CD1]
91. Harald von Sydow [Oppose Bill 41 (2021), CD1]
92. Nancy Nagamine [Oppose Bill 41 (2021), CD1]
93. Jessica Smith (M-14) [General comment on Bill 41 (2021), CD1]
94. Kristin Counter [General comment on Bill 41 (2021), CD1]
95. Larry Bartley, Save O'ahu's Neighborhoods (M-14) [Support Bill 41 (2021), CD1]
96. Ed Lawton [Oppose Bill 41 (2021), CD1]
97. Randall Myers [General comment on Bill 41 (2021), CD1]
98. Doug Seelig [Support Bill 41 (2021), CD1]
99. Tim Garry [Oppose Bill 41 (2021), CD1], (Oppose Resolution 22-9)
100. Valerie Leal [Oppose Bill 41 (2021), CD1]
101. Karen Luke (M-14) [Oppose Bill 41 (2021), CD1]

APPROVAL OF MINUTES

Councilmember Kia'aina moved that the Minutes of the 15th and 16th Sessions be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Tupola.

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

NOES: None.

ORDER OF THE DAY

ADOPTION

RESOLUTION 21-231 – COMMITTEE REPORT 4

RESOLUTION RELATING TO THE REAPPOINTMENT OF GLADYS A. QUINTO MARRONE TO THE ZONING BOARD OF APPEALS.

Councilmember Elefante moved that Committee Report 4 and Resolution 21-231 be adopted. Seconded by Councilmember Kia'āina.

Committee Report 4 and Resolution 21-231 were adopted.

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

NOES: None.

Chair Waters congratulated Ms. Marrone.

Related communication:

M-26 Testimony on Resolution 21-231

PUBLIC HEARING/RESOLUTION

RESOLUTION 22-4

RESOLUTION CONFIRMING THE NOMINATION OF ROGER W. BABCOCK, JR., P.E., PH.D., TO SERVE AS THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES OF THE CITY AND COUNTY OF HONOLULU.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Tupola stated for the record that she appreciated working with Director Yokoyama and thanked him for his service. She stated that she is looking forward to working with Director Babcock.

Chair Waters referred Resolution 22-4 to the Committee on Transportation, Sustainability and Health for further consideration.

Related communication:

M-17 Testimony on Resolution 22-4

PUBLIC HEARING/RESOLUTION
RESOLUTION 22-5

RESOLUTION CONFIRMING THE NOMINATION OF DAWN B. SZEWCZYK, P.E., TO SERVE AS THE CHIEF ENGINEER OF THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU.

Please see list of individuals that testified via video conference on pages 2 to 5.

Chair Waters referred Resolution 22-5 to the Committee on Public Infrastructure and Technology for further consideration.

Related communication:

M-10 Testimony on Resolution 22-5

PUBLIC HEARING/RESOLUTION
RESOLUTION 21-271

RESOLUTION RELATING TO THE APPOINTMENT OF MS. MELISSA MAY TO SERVE ON THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Kia'āina commended the Blangiardi Administration for finding Melissa May, Gladys Quinto Marrone, and Margaret Cannell to serve on the City's Boards and Commissions. She stated that she has been asking the Administration for gender equity and is committed to working with the Administration to identify wahine candidates for different commissions. Councilmember Kia'āina expressed her appreciation for the nomination.

Chair Waters referred Resolution 21-271 to the Committee on Zoning and Planning for further consideration.

Related communication:

M-11 Testimony on Resolution 21-271

PUBLIC HEARING/RESOLUTION
RESOLUTION 21-273

RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF MR. BRENT TOKITA TO SERVE ON THE BUILDING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU.

Please see list of individuals that testified via video conference on pages 2 to 5.

Chair Waters referred Resolution 21-273 to the Committee on Zoning and Planning for further consideration.

Related communication:

M-12 Testimony on Resolution 21-273

PUBLIC HEARING/RESOLUTION
RESOLUTION 21-274

RESOLUTION RELATING TO THE APPOINTMENT OF MARGARET CANNELL TO THE ZONING BOARD OF APPEALS.

Please see list of individuals that testified via video conference on pages 2 to 5.

Chair Waters referred Resolution 21-274 to the Committee on Zoning and Planning for further consideration.

PUBLIC HEARING/RESOLUTION
RESOLUTION 21-275

RESOLUTION RELATING TO THE REAPPOINTMENT OF NA'ALEHU ANTHONY TO SERVE ON THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Kia'āina stated that she has known Na'alehu Anthony and his family for a long time and fully supports his nomination. She stated that this is an important time to serve on the Board of Water Supply Commission because of the crisis at Red Hill. Councilmember Kia'āina also stated that Mr. Anthony is a Native Hawaiian with a strong background who has been doing a lot of work with COVID relief efforts.

Chair Waters referred Resolution 21-275 to the Committee on Public Infrastructure and Technology for further consideration.

PUBLIC HEARING/RESOLUTION
RESOLUTION 21-279

RESOLUTION CONFIRMING THE APPOINTMENT OF MR. SCOTT INATSUKA TO SERVE ON THE BUILDING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU.

Chair Waters referred Resolution 21-279 to the Committee on Zoning and Planning for further consideration.

PUBLIC HEARING/RESOLUTION
RESOLUTION 22-7

RESOLUTION CONFIRMING THE REAPPOINTMENT OF FERNANDO J. FRONTERA TO SERVE ON THE BUILDING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU.

Chair Waters referred Resolution 22-7 to the Committee on Zoning and Planning for further consideration.

PUBLIC HEARING/RESOLUTION
RESOLUTION 22-8

RESOLUTION CONFIRMING THE REAPPOINTMENT OF CHRISTOPHER T. HONG TO SERVE ON THE BUILDING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU.

Chair Waters referred Resolution 22-8 to the Committee on Zoning and Planning for further consideration.

PUBLIC HEARING/RESOLUTION
RESOLUTION 22-9

RESOLUTION CONFIRMING THE APPOINTMENT OF KENNETH SILVA TO SERVE ON THE POLICE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Please see list of individuals that testified via video conference on pages 2 to 5.

Chair Waters stated that Mr. Silva was present but had to leave. The Council is open to discussion now and during the Public Safety Committee hearing.

Chair Waters referred Resolution 22-9 to the Committee on Public Safety for further consideration.

Related communication:

M-25 Testimony on Resolution 22-9

PUBLIC HEARING/SECOND READING
BILL 48 (2021), CD1 – COMMITTEE REPORT 1

A BILL FOR AN ORDINANCE RELATING TO UNDERGROUND STORAGE TANKS.

Councilmember Cordero moved that Committee Report 1 be adopted and Bill 48 (2021) pass second reading as amended to CD1. Seconded by Councilmember Elefante.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Tupola thanked Ernest Lau, Manager and Chief Engineer of the Honolulu Board of Water Supply for his steadfast and vocal commitment to the issue. She stated that Manager Lau was the only person that the public and Council trusted to say and do the right thing and his contribution and efforts should not be overlooked or forgotten. Councilmember Tupola thanked Councilmember Cordero and Chair Waters for their efforts to protect O'ahu's principle source of drinking water by imposing the fines, inspections and reporting requirements. She stated that the Council recognizes and will do what is necessary to protect O'ahu.

Committee Report 1 was adopted and Bill 48 (2021), CD1 passed second reading, as amended.

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

NOES: None.

Related communications:

MM-11 Climate Change Commission
D-41 Board of Water Supply
D-42 Kuli'ou'ou/Kalani Ike Neighborhood Board #2
M-13 Testimony on Bill 48 (2021), CD1

PUBLIC HEARING/SECOND READING
BILL 41 (2021), CD1 – COMMITTEE REPORT 8

A BILL FOR AN ORDINANCE RELATING TO TRANSIENT ACCOMMODATIONS.

Councilmember Elefante moved that Committee Report 8 be adopted and Bill 41 (2021) pass second reading as amended to CD1. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Fukunaga stated that in discussion, each region has their own issues that need to be addressed. She stated that she will vote in support of the measure because of the many monster homes in her district, the many complaints that she continues to receive, and the listing that she has seen on-line of illegal vacation rentals within her district. Councilmember Fukunaga stated that she is hopeful that the Council will come up with a more complete set of solutions and that it may not all fit within the same Bill but that it is a good time to understand the various kinds of concerns that may arise within different regions.

In response to councilmembers, Eugene Takahashi, Deputy Director, Department of Planning and Permitting (DPP) stated that:

- The DPP is implementing the enforcement in Ordinance 19-18 and thanks to the Council the DPP staff and inspectors have additional tools to enforce advertising and they are still enforcing reoccurring violations for advertisements.

- A public hearing on the rule making raised numerous concerns, so the Administration decided to re-evaluate their position on the rules. As a result, the current Bill was proposed.
- The DPP is working with Councilmember Elefante and the Planning and Zoning Committee on the concerns regarding Bill 41 (2021).
- One of the issues of Ordinance 19-18 is the 30-day enforcement. He stated that the City had good intentions when the bill passed but there are those that intentionally try to get around the system which is a challenge for the DPP.
- The last Ordinance corrected the previous concerns of zone A-1 and A-2. The DPP has a list of Nonconforming Use Certificates (NUC) that are allowed outside of the resort area but they do not have a registration process for permitted uses within the resort area because it is not allowed at this time.
- The DPP does not have a dedicated unit to do short-term rental enforcement which makes it challenging because staff also has to deal with other enforcement issues.
- The rules have not been adopted but the adopted Ordinance allows the DPP to enforce illegal advertisements.
- COVID is one of the many factors taken into consideration because some people use short-term rentals to circumvent the quarantine requirements imposed by the State.
- If a condo consented to a short-term rental then the City could consider that as part of the registration process for the new short-term rental units that would have been or could have been established under the previous ordinance. The Association of Apartment Owners would have to consent and provide documents to the City as part of the record that they have consented to the conversion of the building to short-term rental.
- The registration process would require the DPP to confirm the legality of information provided by the legal owners.
- The DPP is open to discussion with Airbnb, Expedia and other platforms that advertise short-term rentals.
- The DPP is considering forwarding the Primary Urban Center Development Plan to the Planning Commission.

- Since the City allowed NUC registration back in the '90s, nothing has been adopted since 1990 to address short-term rental and short-term rentals have escalated and need to be addressed. Also, the registration process was closed and no one else could establish a legal short-term rental anywhere else.
- Anyone who has a legal NUC who rents out their entire home is taxed at the residential rate unless Real Property assessed them at the highest and best use which could result in a higher assessment.
- Pursuant to the last Ordinance, the NUC numbers need to be published and that will help the City validate the registration number is associated with the property which will help with enforcement.
- The DPP can look at reinserting the language to ensure that platforms are responsible for their content.
- The DPP would need to look into the Residential Landlord Tenant Code because the Bill as currently proposed is greater than 30 days and if the language were left in there would be a conflict.

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

- The Land Use Ordinance in addition to the Building Code and Electrical Code has both an administrative enforcement provision and an ability for the Directors to refer the matter to the Prosecutor.
- If there is a homeowner's association that has taken a vote that prohibits short-term rentals then the homeowner's association would prevail over the permitted use. The City does not want to override the private decision by the homeowner's association.
- As Deputy Director Takahashi indicated, the resort area and now the Kuilima, Ko'Olina and the Gold Coast areas would be allowed short-term rentals; however, now for the first time they must register and pay a registration fee.

In response to councilmembers, Mike Formby, Managing Director stated that:

- He would need to get back to the Council regarding whether the Administration supports a proposal for seven more enforcement positions in DPP.

- Short-term rentals is a priority for the Mayor and the primary way this can be discussed with the public is through the Council process that was heard from the testifiers today.

Councilmember Kia'āina thanked Chair Elefante and his staff for the version of the Bill. She stated that despite her disappointment that there is no full implementation of the MOUs between Airbnb, Expedia and DPP, she believes that this version of the Bill significantly improves the City's ability for enforcement. Councilmember Kia'āina encouraged the DPP to look at how the City can replicate Kauai's partnerships with hosting platforms. She stated that prohibiting advertising of daily and/or weekly rates, should be looked at, including fees, expansion, density maximum, property tax, and duration. Councilmember Kia'āina stated that she is concerned that the current version of the Bill took out the exemptions for individuals and her position will be determined by the length that will distinguish a short-term rental from a long-term rental.

Councilmember Elefante thanked Chair Waters for having this measure on the agenda and also to those that testified. He stated that the Bill is a work in progress and is an improvement from what was transmitted by the Planning Commission and proposed by the Administration. Councilmember Elefante stated that in Committee he will take a closer look and re-evaluate the provisions contained on page 26 and 33, on page 16 and 18 which relates to the Gold Coast, Ko'Olina and fines; on page 26 multi-family dwelling density limit, and the enforcement provisions. He asked councilmembers for their support and passage of the measure on second reading. Councilmember Elefante stated that this will not be the final version and anticipates that there will be other changes and provisions in working with the DPP, stakeholders, and councilmembers.

Councilmember Tsuneyoshi expressed her appreciation to Deputy Director Takahashi and Zoning Chair Elefante for working on the measure and noted that more work still needs to be done and that she looks forward to continued discussion in Committee. She thanked everyone who called in by Zoom and stated that their testimony is very important. She noted that she heard the frustration and concern from the testifiers regarding the fees. Councilmember Tsuneyoshi thanked the DPP in trying to fine tune Ordinance 19-18 and to do enforcement. She stated that she will vote with reservations on the measure because there are more issues to be worked on and looks forward to working with the Zoning Chair, Chair Waters, the DPP, councilmembers, and the community.

Councilmember Tulba stated that he has reservations on the measure. He noted that legal vacation rentals have been very disruptive in the residential community and he believes that Bill 41 (2021), CD1 is a step in the right direction. Councilmember Tulba stated that he

wants to make sure the City is fair to the residents that own transient units in the resort areas because he believes that they are a very important part of the solution. He noted that this issue is about encouraging the right uses in the right places and he looks forward to further discussion.

Councilmember Tupola thanked the Director, the Department, the Managing Director, the Zoning Chair, and everyone for their comments, including the testifiers. She apologized to the Zoning Chair and stated that she will be voting no on the measure and also noted that she voted no when the measure first came out because of the way it was transmitted, the amount of errors that were in it and the amount of amendments that were needed. Councilmember Tupola also stated that she cannot support the Bill because of the lack of stakeholder engagement, the need for current enforcement, consistency and uniformity, the jump in fees, and the lack of careful consideration of how to protect legal residents. She stated that we should be careful and mindful in the way that the measure proceeds and maybe take a step back and see if a better foundation can be laid to do what is right for the residents of Hawai'i.

Councilmember Cordero thanked the Department, Zoning and Planning Chair and his staff, and the Office of Council Services for their great work on the CD1. She stated that she voted no in committee and noted that she would like to see this Bill move forward along with the budget process. Councilmember Cordero expressed her concern regarding the huge jump in fines, the initial fines, as well as other concerns that were brought up during the hearing. She stated that there may be legality issues. Councilmember Cordero stated that she will be voting no on the Bill.

Chair Waters thanked councilmembers for all the comments and questions. He expressed his confidence that Chair Elefante will listen to everyone and their comments as well as the community. Chair Waters stated that by not doing anything, the City is failing. He noted that prior to the pandemic, there were 10 million visitors and the hotel industry said that they can only accommodate about 7 million so the question of where are those 3 million people staying should be discussed.

Councilmember Elefante stated for the record that he filed Disclosures of Interest with the City Clerk's Office (CC-17, CC-18, CC-19).

Committee Report 8 was adopted and Bill 41 (2021), CD1 passed second reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI*, TULBA*,
WATERS – 7.
NOES: CORDERO, TUPOLA – 2.

*Councilmembers Tsuneyoshi and Tulba voted aye with reservations.

Related communications:

CC-394 (2021)	Disclosure of Interest Statement submitted by Councilmember Elefante
CC-395 (2021)	Disclosure of Interest Statement submitted by Councilmember Elefante
CC-397 (2021)	Disclosure of Interest Statement submitted by Councilmember Elefante
CC-10	Disclosure of Interest Statement submitted by Councilmember Elefante
CC-11	Disclosure of Interest Statement submitted by Councilmember Elefante
M-14	Testimony on Bill 41 (2021), CD1

FIRST READING

BILL 49 (2021)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kia'āina moved that Bill 49 (2021) pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Bill 49 (2021) passed first reading.

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

Related communication:

M-23 Testimony on Bill 49 (2021)

FIRST READING

BILL 50 (2021)

A BILL FOR AN ORDINANCE RELATING TO THE DISPOSAL OF WEEDS, GARBAGE, TRASH, AND WASTE FROM PROPERTY.

Councilmember Kia'aina moved that Bill 50 (2021) pass first reading. Seconded by Councilmember Tupola.

Bill 50 (2021) passed first reading.

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

NOES: None.

Related communication:

M-21 Testimony on Bill 50 (2021)

FIRST READING

BILL 2

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

Councilmember Kia'aina moved that Bill 2 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Elefante stated that he introduced the Bill which was an old Administration Bill which deals with short-term rental units.

Bill 2 passed first reading.

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

NOES: None.

Related communication:

M-22 Testimony on Bill 2

FIRST READING

BILL 3

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kia'aina moved that Bill 3 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Bill 3 passed first reading.

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

NOES: None.

FIRST READING

BILL 4

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kia'aina moved that Bill 4 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Tsuneyoshi spoke in opposition to the Bill. She stated that Bill 41 (2021) needs to be taken up first and that there should be a pause before establishing a change to the real property tax classification.

Councilmember Elefante stated that he introduced the Bill by request. He stated that the Bill contains the real property tax classification which was taken out of Bill 41 (2021) to have a separate conversation.

Councilmember Tupola stated that she will vote with reservations on Bill 4.

Councilmember Tulba stated his reservations for Bill 4.

Bill 4 passed first reading.

AYES: CORDERO*, ELEFANTE, FUKUNAGA, KIA‘ĀINA, SAY, TULBA*, TUPOLA*,
WATERS – 8.
NOES: TSUNEYOSHI – 1.

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

Related communication:

M-18 Testimony on Bill 4

FIRST READING

BILL 5

A BILL FOR AN ORDINANCE RELATING TO EXEMPTIONS TO PERMITS FOR SPORTS ACTIVITIES.

Councilmember Kia‘āina moved that Bill 5 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Elefante stated that he has a concern with the unintended consequences as it relates to legacy fields but he is hopeful that his concerns will be addressed in Committee. He stated that he is in support of the measure.

Councilmember Tupola stated her reservations on Bill 5. She noted that she spoke with the Parks Director as it may apply to some fields in her district. Councilmember Tupola stated that getting permits and using fields is important to the community and wanted to make sure that the process was thought through on how it would affect other leagues, parks, and permits.

Councilmember Kia‘āina stated her reservations for Bill 5.

Bill 5 passed first reading.

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

NOES: None.

*Councilmembers Kia'āina and Tupola voted aye with reservations.

Related communications:

CC-16 Council Chair Tommy Waters
M-19 Testimony on Bill 5

FIRST READING

BILL 6

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kia'āina moved that Bill 6 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Bill 6 passed first reading.

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

NOES: None.

FIRST READING

BILL 7

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kia'āina moved that Bill 7 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Bill 7 passed first reading.

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

NOES: None.

FIRST READING

BILL 8

A BILL FOR AN ORDINANCE RELATING TO ADMINISTRATIVE ENFORCEMENT OF CERTAIN CODES.

Councilmember Kia'āina moved that Bill 8 pass first reading. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Bill 8 passed first reading.

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

NOES: None.

Related communication:

M-24 Testimony on Bill 8

ADOPTION

RESOLUTION 22-2 – COMMITTEE REPORT 2

RESOLUTION REQUESTING AN UPDATE ON THE STATUS OF THE CITY ADMINISTRATION'S ACTION PLAN TO ADDRESS THE NEEDS OF HOMELESS PERSONS ON O'AHU.

Councilmember Kia'āina moved that Committee Report 2 and Resolution 22-2 be adopted. Seconded by Councilmember Say.

Committee Report 2 and Resolution 22-2 were adopted.

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

NOES: None.

Related communication:

M-27 Testimony on Resolution 22-2

ADOPTION

RESOLUTION 22-3, CD1 – COMMITTEE REPORT 3

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO PROVIDE AN UPDATE TO THE COUNCIL ON THE STATUS OF THE CITY'S IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE AFFORDABLE RENTAL HOUSING REPORT AND TEN-YEAR PLAN AND OTHER EFFORTS TO ADDRESS THE AFFORDABLE HOUSING CRISIS.

Councilmember Kia'āina moved that Committee Report 3 and Resolution 22-3, as amended to CD1 be adopted. Seconded by Councilmember Say.

In response to councilmembers, Anton Krucky, Director, Department of Community Services and Trish La Chica, Executive Director, Office of Housing and Homelessness stated that:

- His team is working very diligently on the report and they are looking at a lot of different issues that they would like to bring back to the Council and some of them are things that the City has not been doing and will be adding to the affordable housing plan.
- Currently the Office of Housing is in the Managing Director's Office and they are considering a reorganization to bring the Office of Housing into the Department of Community Services.
- Homelessness and housing is a top priority for the Administration.

- Multiple departments are working on the plan including the Department of Land Management and they would like to provide a meaningful plan to the Council. Currently, they are working on assessing and rethinking the existing resources, distributing them equitably, looking at how to reform the affordable housing policy, and looking at how to engage with the community and stakeholders.
- They are resetting how to review the affordable housing plan from homelessness to affordable housing. It is a little complex with different components and they are working on the plan. They put out the solicitation for the \$40 million of affordable housing fund money and should start to get responses in February and will review those properties with the Council.

Councilmember Cordero stated that she is glad that Executive Director La Chica has joined the City and thanked the City Administration, the Managing Director, and the Mayor. She noted that she has experienced Executive Director La Chica's work in the community.

Committee Report 3 and Resolution 22-3, CD1 as amended were adopted.

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

Related communication:

M-28 Testimony on Resolution 22-3, CD1

ADOPTION

RESOLUTION 21-267, CD1 – COMMITTEE REPORT 5

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE PUNALUU STREAM RESTORATION PROJECT.

Councilmember Elefante moved that Committee Report 5 and Resolution 21-267, as amended to CD1 be adopted. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 to 5.

In response to councilmembers, Joey Char, Land Asset Manager, Kamehameha Schools stated that:

- They understand and respect the rights of the kuleana homeowners and landowners and are obligated to provide them access to their land in Punaluu and they are committed to honor this obligation and make sure it happens.
- This is a big construction project and at times for safety reasons, the access will need to be re-routed but they will work with the kuleana owners to provide a safe route to their land.
- In 2016, they received their first Special Management Area Use Permit (SMA) and engaged with the Punaluu Community Association, the Koolau Neighborhood Board and have attended the bi-monthly community association meetings to provide regular updates on the project.
- In November 2021 they attended meetings with the association, the Neighborhood Board, the Zoning Committee, individual councilmembers, and the Punaluu farmers to provide the updates.
- There is a lot of community engagement that needs to happen and that this project is intended to help the community by mitigating flooding.
- They meet with the community often and regularly as needed to answer their questions and concerns.

Councilmember Tsuneyoshi thanked Kamehameha Schools for being open to continued discussions. She stated that some community members may not have been involved and that she will be going out to the community for a site visit to see the area of impact. Councilmember Tsuneyoshi stated that there is a lot that can be done to continue to ensure the confidence in the community. She believes that it is important to continue the engagement with the community and the kuleana landowners and would be happy to be a part of that.

Councilmember Kia'āina would like Kamehameha Schools to do a better job on community outreach and would like them to treat the kuleana landowner separate from what is done for outreach on this project because their specific interest is ensuring that their rights to water and access is not infringed upon because of the project and that it is good community outreach to take care of someone who is in your ahupua'a. Councilmember Kia'āina would like the kuleana landowners to be treated appropriately and not just like the general public.

Councilmember Elefante thanked Kamehameha Schools for staying and addressing the concerns raised by councilmembers and appreciates the feedback and the willingness to work with the parties that may be impacted by the SMA permit.

Chair Waters stated that he would love to tour the area.

Kamehameha Schools will be reaching out to Councilmember Tsuneyoshi to schedule a tour of the project site and will ensure that Chair Waters can also join in.

Committee Report 5 and Resolution 21-267, CD1 as amended were adopted.

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

Related communication:

M-15 Testimony on Resolution 21-267, CD1

ADOPTION

RESOLUTION 21-281, CD1 – COMMITTEE REPORT 6

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING UNIT WITH A GARAGE AND REPAIRS TO AN EXISTING SWIMMING POOL AT TAX MAP KEY (“TMK”) 4-3-008: 045 IN LANIKAI.

Councilmember Elefante moved that Committee Report 6 and Resolution 21-281, as amended to CD1 be adopted. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 to 5.

Committee Report 6 and Resolution 21-281, CD1 as amended were adopted.

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

ADOPTION

RESOLUTION 22-6 – COMMITTEE REPORT 7

RESOLUTION STRONGLY URGING THE DEPARTMENT OF PLANNING AND PERMITTING TO IMMEDIATELY ADDRESS OUTSTANDING VIOLATIONS RELATED TO THE PROPERTY AT 54-406 KAMEHAMEHA HIGHWAY IN HAU'ULA (TAX MAP KEY 5-4-004:021).

Councilmember Elefante moved that Committee Report 7 and Resolution 22-6 be adopted. Seconded by Councilmember Kia'āina.

Please see list of individuals that testified via video conference on pages 2 to 5.

Councilmember Tsuneyoshi thanked Chair Waters for having this measure on the agenda and to Zoning Chair Elefante and the members of the Zoning Committee for hearing the measure. She also thanked the Department of Planning and Permitting (DPP) for the lively discussion in committee. Councilmember Tsuneyoshi expressed her appreciation to get some corrective action from the property owner for the benefit of the community. She stated that the Department of Health has become involved, multiple agencies have also become involved thanks to DPP's outreach and she looks forward to finally bringing some resolution to the situation.

Committee Report 7 and Resolution 22-6 were adopted.

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

Related communication:

M-16 Testimony on Resolution 22-6

BALANCE OF COMMITTEE REPORTS

There was no Balance of Committee Reports

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION

RESOLUTION 21-264

RESOLUTION ACCEPTING A GIFT OF \$4,838.31 TO THE CITY FROM GLEN AND SANDRA MORIBE TO BE USED BY THE SPECIALIZED SERVICES DIVISION'S CANINE UNIT TO PURCHASE WORK-RELATED TRAINING AND EQUIPMENT, INCLUDING A NEW TENT FOR THEIR CUSTOM K9 TRUCK.

Resolution 21-264 was waived to the Council floor by the Chair of the Committee on Public Safety.

Councilmember Kia'aina moved that Resolution 21-264 be adopted. Seconded by Councilmember Tupola.

Resolution 21-264 was adopted.

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

NOES: None.

Related communication:

CC-3 Councilmember Heidi Tsuneyoshi

ADOPTION

RESOLUTION 21-266

RESOLUTION ACCEPTING A GIFT OF \$4,000 FROM THE 200 CLUB TO THE CITY FOR THE HONOLULU FIRE DEPARTMENT'S 2022 MANAGER AND EMPLOYEES OF THE YEAR.

Resolution 21-266 was waived to the Council floor by the Chair of the Committee on Public Safety.

Councilmember Kia'aina moved that Resolution 21-266 be adopted. Seconded by Councilmember Tupola.

Resolution 21-266 was adopted.

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

NOES: None.

Related communication:

CC-4 Councilmember Heidi Tsuneyoshi

ADOPTION

RESOLUTION 21-277, FD1

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

The following amendment was posted on the agenda:

Resolution 21-277, Proposed FD1

Resolution 21-277 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kia'aina moved that Resolution 21-277 be adopted. Seconded by Councilmember Tupola.

Councilmember Say moved that the Resolution be amended to the posted FD1. Seconded by Councilmember Cordero. Councilmember Say explained the FD1 amendment.

Resolution 21-277 was amended to the posted FD1.

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

NOES: None.

Resolution 21-277, FD1 was adopted.

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

NOES: None.

Related communication:

CC-2 Councilmember Calvin Say

ADOPTION
RESOLUTION 21-278

RESOLUTION RELATING TO APPOINTMENTS AND OFFICERS FOR THE HAWAI'I STATE ASSOCIATION OF COUNTIES.

Resolution 21-278 was waived to the Council floor by the Chair of the Committee on Executive Matters and Legal Affairs.

Councilmember Kia'aina moved that Resolution 21-278 be adopted. Seconded by Councilmember Tupola.

Resolution 21-278 was adopted.

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

NOES: None.

Related communication:

CC-7 Councilmember Andria Tupola

ADOPTION
RESOLUTION 22-10

RESOLUTION URGING THE DEPARTMENT OF PARKS AND RECREATION, THE HAWAI'I STATE DEPARTMENT OF EDUCATION, AND KALANI HIGH SCHOOL TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO THE USE OF THE KAHALA COMMUNITY PARK BASEBALL FIELD.

Councilmember Kia'aina moved that Resolution 22-10 be adopted. Seconded by Councilmember Tupola.

Please see list of individuals that testified via video conference on pages 2 to 5.

Resolution 22-10 was adopted.

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

NOES: None.

Related communications:

CC-16 Council Chair Tommy Waters
M-20 Testimony on Resolution 22-10

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

There was no announcements.

ADJOURNMENT

At 6:22 p.m., Councilmember Kia'aina moved that the Council stand adjourned until Wednesday, February 23, 2022, 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:

March 16, 2022