



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members:

Andria Tupola, Chair
Carol Fukunaga, Vice Chair
Radiant Cordero
Brandon J.C. Elefante
Esther Kia'aina
Calvin Say
Heidi Tsuneyoshi
Augie Tulba
Tommy Waters

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING
TUESDAY, FEBRUARY 8, 2022

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of a DVD of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822 or the video may be viewed at https://honolulu.granicus.com/player/clip/1753?view_id=3&redirect=true.

The time references below indicate the point in the video recording when the stated actions began.

CALL TO ORDER

The regular meeting of the Committee on Executive Matters and Legal Affairs was called to order by Committee Chair Andria Tupola at 1:12 p.m. Councilmembers Cordero, Elefante, Fukunaga, Say, Tsuneyoshi, Tulba, and Council Chair Waters (all members are voting members) were present at the meeting. Councilmember Kia'aina (voting member) was excused from the meeting.

REMOTE TESTIMONY

[1:14 p.m.]

Committee Chair Tupola proceeded with remote testimony via videoconference or phone.

There being no testifiers, the Committee Chair closed remote testimony.

ORDER OF BUSINESS

FOR ACTION

[1:14 p.m.]

1. RESOLUTION 22-11 – COMMITTEE REPORT 16

54-406 KAMEHAMEHA HIGHWAY, HAU'ULA. Urging the City Administration to acquire the property at 54-406 Kamehameha Highway in Hau'ula (Tax Map Key 5-4-004:021) in order to protect the public health and safety from environmental degradation, including, if necessary, taking steps to acquire the property by eminent domain.

[1:17 p.m.]

At this juncture, Committee Chair Tupola announced that she would take up the vote to amend Resolution 22-11 to a hand-carried CD1 before she opens the floor for discussion.

Resolution 22-11 amended to CD1 (OCS2022-0101/2/4/2022 2:54 PM).

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

NOTE: Resolution 22-11 was further amended during discussion on the measure and the vote was retaken. (See page 3.)

RECESS / RECONVENE

Committee Chair Tupola called for a short recess at 1:27 p.m. and reconvened the meeting at 1:30 p.m.

[1:32 p.m.]

During the discussion, oral amendments were suggested and the Committee agreed with the changes. Since the Committee voted on and approved a committee draft earlier in the meeting, under the advisement of the Committee's Attorney, the Committee Chair restated and outlined the oral amendments, and she took up the vote again to further amend the Resolution.

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[1:36 p.m.]

Resolution 22-11 further amended to CD1 (OCS2022-0109/2/14/2022 4:37 PM).

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

[1:36 p.m.]

At this juncture, Committee Chair Tupola announced that she would take up the final vote on Resolution 22-11 at the end of the agenda so that an attempt could be made to contact the property owner in order to give him an opportunity to provide his perspective on the matter.

The Committee Chair continued on with the agenda.

[1:37 p.m.]

2. RESOLUTION 21-280 – COMMITTEE REPORT 15

1421 PENSACOLA STREET. Requesting the City Administration to take the steps necessary to acquire 1421 Pensacola Street, Honolulu, Hawaii 96822, including, if necessary, the preparation of a resolution for the Council to initiate proceedings in eminent domain.

[1:40 p.m.]

Resolution 21-280 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

[1:40 p.m.]

At this juncture, Committee Chair Tupola returned to Agenda Item No. 1 as contact was made with the property owner, Mr. Hopate Taufa, and he joined the meeting via telephone conference.

1. RESOLUTION 22-11 – COMMITTEE REPORT 16

54-406 KAMEHAMEHA HIGHWAY, HAU'ULA. Urging the City Administration to acquire the property at 54-406 Kamehameha Highway in Hau'ula (Tax Map Key 5-4-004:021) in order to protect the public health and safety from environmental degradation, including, if necessary, taking steps to acquire the property by eminent domain.

[1:47 p.m.]

Resolution 22-11, CD1 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: KIA'ĀINA – 1.

Committee Chair Tupola returned to the order of the agenda.

[1:47 p.m.]

3. RESOLUTION 22-22 – COMMITTEE REPORT 17

PA'AKEA ROAD IN WAI'ANAE. Requesting the City Administration to take the steps necessary to acquire the non-City portions of Pa'akea Road in Wai'anae, including, if necessary, the preparation of a resolution to initiate proceedings in eminent domain.

[1:51 p.m.]

At this juncture, the Committee Chair allowed the owner of Pa'akea Road, Georgette Silva, to provide testimony and give a brief history on the matter via telephone conference.

[1:53 p.m.]

Resolution 22-22 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: KIA'ĀINA – 1.

[1:53 p.m.]

4. RESOLUTION 22-23 – COMMITTEE REPORT 18

CAPITAL IMPROVEMENT PROJECT DIGITAL DASHBOARD. Requesting the City Administration to prioritize Council-initiated capital improvement projects and to establish a publicly accessible capital improvement project digital dashboard.

[2:18 p.m.]

Councilmember Say exited the Council Chamber.

[2:20 p.m.]

Councilmember Say entered the Council Chamber.

[2:21 p.m.]

Councilmember Tulba exited the Council Chamber.

[2:23 p.m.,]

Councilmember Tulba entered the Council Chamber.

[3:01 p.m.]

Resolution 22-23 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY*, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

*Councilmember Say voted aye with reservations.

NOTE: The vote for Resolution 22-23 was retaken after the Committee reconvened in open session from Executive Session. (See page 6.)

FOR DISCUSSION

5. UPDATE ON THE STATUS OF CAPITAL IMPROVEMENT PROJECT BUDGET AMENDMENTS SUBMITTED BY THE CITY COUNCIL.

NOTE: The topic of this item was part of the discussion for Agenda Item No. 4.

EXECUTIVE SESSION

Before convening into Executive Session, the Committee Chair announced that remote public testimony was taken at the beginning of the meeting and no one offered testimony on Executive Session items 6 through 12.

At 3:04 p.m., with no objections from the eight members present (Cordero, Elefante, Fukunaga, Say, Tsuneyoshi, Tulba, Tupola, Waters), the Committee resolved into a closed meeting pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult with the attorneys for the Council's Committee on Executive Matters and Legal Affairs on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

MEETING RESUMED IN OPEN SESSION

At 4:15 p.m., with eight members present (Cordero, Elefante, Fukunaga, Say, Tsuneyoshi, Tulba, Tupola, Waters), the Committee resumed the meeting in open session.

[4:15 p.m.]

At this juncture, Committee Chair Tupola announced that the vote had to be retaken on Agenda Item No. 4, Resolution 22-23, because the Committee voted on an incorrect motion.

4. RESOLUTION 22-23 – COMMITTEE REPORT 18

CAPITAL IMPROVEMENT PROJECT DIGITAL DASHBOARD. Requesting the City Administration to prioritize Council-initiated capital improvement projects and to establish a publicly accessible capital improvement project digital dashboard.

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Resolution 22-23 reported out for referral to the Committee on Budget pursuant to its consecutive referral.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY*, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

*Councilmember Say voted aye with reservations.

[4:15 p.m.]

The Committee Chair returned to the Executive Session items.

EXECUTIVE SESSION

[4:15 p.m.]

6. Request for authorization to settle a claim by Coastal Construction Company, Inc., against the City and County of Honolulu.

The motion to approve the request to settle the claim failed to receive a majority vote.

AYES: ELEFANTE, FUKUNAGA, SAY, WATERS – 4.

NOES: CORDERO, TSUNEYOSHI, TULBA, TUPOLA – 4.

EXCUSED: KIA'ĀINA – 1.

[4:17 p.m.]

7. COMMITTEE REPORT 19

Request for authorization to settle a case against the City and County of Honolulu entitled Julie M. Ake v. Keith M. Kaneshiro, et al., Civil No. 19-1-0730-05 (BIA) (Cir. Ct.)

Committee Report 19 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

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[4:17 p.m.]

8. COMMITTEE REPORT 20

Request for authorization to settle a case against the City and County of Honolulu entitled Gail Garin, et al. v. Alins Sumang, et al., Civil No. CV21-00104 DKW/WRP (USDC)

Committee Report 20 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: KIA'ĀINA – 1.

[4:17 p.m.]

9. COMMITTEE REPORT 21

Request for authorization to settle a case against the City and County of Honolulu entitled Kimberley Hollandsworth v. City and County of Honolulu, et al., Civil No. CV19-00587 ACK/WRP (USDC)

Committee Report 21 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: KIA'ĀINA – 1.

[4:18 p.m.]

10. COMMITTEE REPORT 22

Request for authorization to settle a case against the City and County of Honolulu entitled 2643 South King Street, LLC v. City and County of Honolulu, et al.; Civil No. CV 21-00225 JMS-RT (USDC)

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Committee Report 22 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

[4:18 p.m.]

11. COMMITTEE REPORT 23

Request for authorization to settle a case against the City and County of Honolulu entitled Sarah Vargas v. City and County of Honolulu, et al., Civil No. CV19-00116 LEK/WRP (USDC)

Committee Report 23 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

[4:18 p.m.]

12. COMMITTEE REPORT 24

Request for authorization to settle a case against the City and County of Honolulu entitled Chelsea Horikawa v. City and County of Honolulu, et al., Civil No. 1CCV-21-0000427 (BIA) (Cir. Ct.)

Committee Report 24 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI,
TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: KIA'ĀINA – 1.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:19 p.m.