



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
CALVIN K.Y. SAY
HEIDI TSUNEYOSHI
AUGIE TULBA
VACANT (District VI)
VACANT (District VIII)

JOURNAL

SPECIAL MEETING
28TH SESSION
TUESDAY, NOVEMBER 29, 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

The special meeting of the City Council was called to order by the Chair and Presiding Officer, Tommy Waters, at 10:09 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Cordero, Kia'āina, Say, Tulba, Tupola, Waters – 6.

Excused: Tsuneyoshi – 1.

Councilmember Tupola acknowledged Honolulu Police Chief Joe Logan, Honolulu Police Officers, Corporation Counsel, Senator Stanley Chang, Councilmember-elect Addison Bulosan of Kauai, and Councilmember-elect Matt Weyer.

ORDER OF THE DAY

ADOPTION

RESOLUTION 22-272

RESOLUTION FILLING A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT VI.

Councilmember Kia'aina moved that Resolution 22-272 be adopted. Seconded by Councilmember Tupola.

The following individuals testified:

1. Councilmember-elect Tyler Dos Santos-Tam (General comment)
2. Zhizi Xiong, CARES (Support)

Resolution 22-272 was adopted.

AYES: CORDERO, KIA'AINA, SAY, TULBA, TUPOLA, WATERS – 6.
NOES: None.
ABSENT: TSUNEYOSHI – 1.

Related communication:

M-516 Testimony on Resolution 22-272

ADOPTION

RESOLUTION 22-273

RESOLUTION FILLING A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT VIII.

Councilmember Kia'aina moved that Resolution 22-273 be adopted. Seconded by Councilmember Tupola.

The following individuals testified:

1. Zhizi Xiong, CARES (Support)
2. Councilmember-elect Val Okimoto (General comment)

Resolution 22-273 was adopted.

AYES: CORDERO, KIA'AINA, SAY, TULBA, TUPOLA, WATERS – 6.
NOES: None.
ABSENT: TSUNEYOSHI – 1.

The City Clerk administered the Oath of Office to Mr. Tyler Dos Santos-Tam and Ms. Val Okimoto.

The Chair congratulated and welcomed newly appointed Councilmembers Dos Santos-Tam and Okimoto.

RECESS/RECONVENE

At 10:20 a.m., the Chair called for a short recess. With 8 members present (Excused: Tsuneyoshi – 1), the Chair reconvened the meeting at 10:29 a.m.

FIRST READING

BILL 57

A BILL FOR AN ORDINANCE RELATING TO THE PUBLIC CARRY OF FIREARMS.

Councilmember Kia'aina moved that Bill 57 pass first reading. Seconded by Councilmember Tupola.

The following individuals testified:

1. Marcus Tanaka (M-515) (Oppose)
2. Elna Nagasako (M-515) (Support)
3. Lee Shannon (Oppose)
4. Michael Elliott (M-515) (Oppose)
5. Alike Valdez (M-515) (Oppose)
6. Peter Lee (Oppose)
7. Zhizi Xiong, Kapalama Neighborhood Security Watch (General comment)
8. Todd Yukutake (M-518) (Oppose)
9. Andrew Namiki Roberts, Hawai'i Firearms Coalition (M-515) (Oppose)
10. Victor Pfendler (Oppose)
11. Ilima Decosta, Hui Malama Hawai'i (M-515) (Support)
12. Deborah Nehmad, Brady Group, Hawai'i Chapter (M-515) (Support)
13. Kaleo Nakoia (Oppose)
14. Clifford Goo, Safety and Firearms Education (Oppose)
15. Mayor Rick Blangiardi (Support)
16. James Manaku, Sr. (Oppose)
17. Alexander Garcia (M-515) (General comment)
18. Alfred Keaka Hiona Medeiros (Support)
19. Ryan Tinajero (M-515) (Oppose)
20. Adrian Flack (Oppose)
21. Peter Roa (Oppose)
22. Sheryl Bieler (Oppose)
23. Jessica Priya Caiazzo (M-515) (Oppose)

24. Cindy Fujiwara (Oppose)
25. Wallyn Christian (Oppose)
26. Xander Orozco (M-515) (Oppose)
27. Antonie Wurster (General comment)
28. Rachel Logan (M-518) (Support)
29. Susan Pcola-Davis (M-515) (Support)
30. Michael Rice (M-515) (Oppose)
31. Mark Masunaga (M-515) (General comment)
32. Jordan Au (M-515) (Oppose)

RECESS/RECONVENE

At 11:57 a.m., the Chair called for a short recess and reconvened the meeting at 11:58 a.m.

33. Jim Hochberg, James Hochberg, AAL, LLLC and Michael & Associates Attorneys at Law (M-515) (Oppose)
34. Choon James (M-515) (General comment)
35. Jerry Yuen, Pu'uloa Rifle and Pistol Club (M-515) (Oppose)
36. Jennifer Armstrong, Hawai'i Moms Demand Action (M-515) (Support)
37. Sarah Sumadi, Everytown for Gun Safety (M-515) (Support)
38. Brett Kulbis, Honolulu County Republican Party (M-518) (Oppose)
39. Erica Yamauchi, Moms Demand Action for Gun Sense in America – Hawai'i Chapter (M-518) (Support)
40. Brian Lawton (M-518) (Oppose)
41. Mary (General comment)
42. Jane Raymond (M-518) (General comment)
43. Rebecca Soon (Support)
44. Atom Kasprzycki (Oppose)
45. Ronald Livingston, Hawai'i Rifle Association (Oppose)

In response to councilmembers, Krishna Jayaram, Deputy Managing Director stated that:

- The Administration always looks forward to working with councilmembers.
- The Administration is aware that the State Legislature may take action during the next Legislative Session but wanted to move forward on the Bill because of the license applications pending at the Honolulu Police Department and thought it would be appropriate to have regulations in place in the interest of public safety.

- The Mayor made his position clear with the Office of the Corporation Counsel to draft a Bill that is constitutionally sound. The Mayor's position is that the Bill keeps the community safe and the Administration would defend the Bill in court.
- The Administration is leaving the decisions up to the private businesses and entities to determine how to handle the issue because the current status of concealed carry is extremely rare in the State.
- The Hawai'i Discovery Children's Center is not overseen by the City and County of Honolulu.
- His understanding is that there are approximately 600 applications pending for concealed carry and everyone goes through the same process to demonstrate proficiency.
- He will report back to the Council on:
 - Whether there were discussions with the State Department of Transportation and the Department of Transportation Services to include public transportation, facilities, and terminals.
 - Whether de-escalating and training is being pursued locally within the State and nationally.
 - He will have a discussion with the Police Chief on what else is being done with respect to the State and Federal law enforcement to curb the influx of illegal weapons.
- The Administration will review the sensitive places definition.
- The Administration will review and consider all of the written testimonies and the comments of all testifiers.

In response to councilmembers, Daniel Gluck, Deputy Corporation Counsel stated that:

- A legal analysis of the Bill should be done in Executive Session.
- There are specific areas identified in the Bill, but there are other areas owned or controlled by the City that are not included in the sensitive places definition.
- The most recent ruling wins but in terms of what would apply and how it would apply should be discussed in Executive Session.

Councilmember Tulba stated that he supports the discussion today but as stated by some testifiers, the Bill in its current form goes beyond what has been traditionally accepted as sensitive places. He expressed the belief that every citizen has the right to keep and bear arms for the purpose of self-defense. Councilmember Tulba stated that when the Bill is discussed in Committee he would like to find some balance and compromise on the issue to be able to protect the Second Amendment rights and to maintain a safe and respectable community, and noted he will be voting no on Bill 57.

Councilmember Tupola stated that on the West side of O'ahu there were 91 weapons law violations from January to August committed by people who had illegal weapons. She stated that the Second Amendment guarantees an individual right to possess and carry weapons in case of confrontation which can happen outside of the home. Councilmember Tupola stated that there are some who do want a conceal and carry but some have told her that it is better to have a permit and not need it than to not have a permit and need it. She stated that she is not in support of the Bill but she is looking forward to working with the Administration on a CD1.

Councilmember Okimoto stated that the Bill needs more diligent work and that she will be voting with reservations. She stated that there are a lot of areas that need to be filled to have a balance and compromise and to find common ground to ensure that it is equitable for both constitutional rights and public safety.

Chair Waters stated that the measure is only at first reading and will need to go through three full readings by the entire Council for it to become an ordinance. He stated his intention to refer the Bill to the Executive Matters and Legal Affairs Committee where all nine members are part of the Committee. Chair Waters stated that it is worthwhile to pass the measure out on first reading because the Second Amendment supporters have acknowledged that there is room for sensitive places or designated sensitive places.

Bill 57 passed first reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO*, SAY, WATERS - 6.
NOES: TULBA, TUPOLA – 2.
ABSENT: TSUNEYOSHI – 1.

*Councilmember Okimoto voted aye with reservations.

Related communications:

M-515 Testimony on Bill 57
M-518 Testimony on Bill 57
M-519 Testimony on Bill 57

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Chair Waters thanked Richmond Luzar for his work in Council Administrative Services and announced that he will now be working for Councilmember Dos Santos-Tam. He also stated that Cathy Lee of the Media Section of Council Administrative Services will be leaving to work for State House of Representatives Speaker Scott Saiki.

Councilmember Cordero wished Councilmember Tupola an early Happy Birthday which is on December 6.

ADJOURNMENT

At 1:07 p.m., Councilmember Kia'aina moved that the Council stand adjourned until Wednesday, December 7, 2022, at 10 a.m. Seconded by Councilmember Tupola and there being no objections from the 8 members present (Absent: Tsuneyoshi), it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy

DATE APPROVED:

December 7, 2022