



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I 96813-3077

TOMMY WATERS
CHAIR & PRESIDING OFFICER
ESTHER KIA'ĀINA
VICE CHAIR
RADIANT CORDERO
FLOOR LEADER
TYLER DOS SANTOS-TAM
VAL A. OKIMOTO
CALVIN K.Y. SAY
AUGIE TULBA
ANDRIA TUPOLA
MATT WEYER

JOURNAL

REGULAR MEETING
3RD SESSION
WEDNESDAY, FEBRUARY 22, 2023

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAI'I 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 10:20 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Cordero, Dos Santos-Tam, Kia'āina, Okimoto, Say, Tulba, Tupola, Weyer, Waters – 9.

INTRODUCTION OF GUESTS

Councilmember Cordero welcomed Mayor Rick Blangiardi, the City Administration, and everyone who joined the meeting on-line as well as in the Chamber.

Mayor Blangiardi voiced his support for Bill 57. He gave a brief history of the U.S. Supreme Court's ruling and why the Administration decided on the list of sensitive places and stated that what the Administration is proposing is in the best interest of the people that live in the City and County of Honolulu.

APPROVAL OF MINUTES

Councilmember Kia'āina moved that the Minutes of the 2nd Session be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Cordero.

There was no public testimony.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.
NOES: None.

ORDER OF THE DAY

ADOPTION

RESOLUTION 22-275, CD1 – COMMITTEE REPORT 13

RESOLUTION CONFIRMING THE APPOINTMENT OF PETER F. YOUNG TO SERVE ON THE BOARD OF REVIEW III FOR REAL PROPERTY TAX APPEALS OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Cordero moved that Committee Report 13 and Resolution 22-275, as amended to CD1 be adopted. Seconded by Councilmember Weyer.

The following individual testified:

Peter Young (General comment)

Committee Report 13 and Resolution 22-275, CD1 as amended were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.
NOES: None.

ADOPTION

RESOLUTION 22-289 – COMMITTEE REPORT 14

RESOLUTION CONFIRMING THE NOMINATION OF DOMINIC H.K. MILLES TO SERVE AS THE DIRECTOR OF DESIGN AND CONSTRUCTION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Cordero moved that Committee Report 14 and Resolution 22-289 be adopted. Seconded by Councilmember Weyer.

The following individuals testified:

1. Dominic Milles (General comment)
2. Kathy Mitchell, Board of Water Supply (D-109) (Support)

Councilmember Kia'āina expressed her appreciation to Director Milles, the Administration, and Director Thielen of the Department of Parks and Recreation regarding the Kailua boat ramp.

Councilmember Cordero thanked Director Milles for his continued willingness to serve as the Director of the Department of Design and Construction. She expressed her appreciation for his partnership at the Aiea Neighborhood Board, his openness and communication with herself and her staff, and she looks forward to more collaboration.

Committee Report 14 and Resolution 22-289 were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.
NOES: None.

ADOPTION

RESOLUTION 22-286 – COMMITTEE REPORT 34

RESOLUTION CONFIRMING THE NOMINATION OF DAWN E. TAKEUCHI APUNA TO SERVE AS THE DIRECTOR OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU.

The following individuals testified:

1. Dawn Takeuchi Apuna (General comment)
2. Kathy Mitchell, Board of Water Supply (D-108) (Support)
3. Angela Young (Support)

Councilmember Tupola stated that the qualities that Ms. Apuna has shown are essential to repair the internal lines of communication, to gain the respect of Department staff, and to restore the public's trust in the Department. She voiced her support on the confirmation of Ms. Apuna to the Director of the Department of Planning and Permitting and that her leadership will have a positive impact of the Department and the residents of O'ahu.

Councilmember Kia'āina stated that Ms. Apuna should look to the Council as a resource to help her get her job done. She expressed her appreciation to Ms. Apuna for working with her on Bills 41 and 42 and for clearly explaining her position on various projects.

Committee Report 34 and Resolution 22-286 were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Related communication:

M-63 Testimony on Resolution 22-286

PUBLIC HEARING/RESOLUTION
RESOLUTION 23-17

RESOLUTION CONFIRMING THE APPOINTMENT OF DR. ELIZABETH CHAR TO SERVE ON THE POLICE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

The following individuals testified:

1. Dr. Elizabeth Char (General comment)
2. Angela Young (Support)

Councilmember Kia'āina expressed her appreciation that during the pandemic, Dr. Char was a leader that provided calm to the people of Hawai'i as well as the leadership necessary to navigate the State through the difficult challenge. She stated that she could not think of anyone better for the job and with her background in working with first responders, in the emergency room, and in communities on health issues, the Police Commission will benefit from her experience.

Chair Waters referred Resolution 23-17 to the Committee on Public Safety for further consideration.

Related communication:

M-67 Testimony on Resolution 23-17

PUBLIC HEARING/SECOND READING
BILL 57 (2022), CD1 – COMMITTEE REPORT 19

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

Councilmember Dos Santos-Tam moved that Committee Report 19 be adopted and Bill 57 (2022) pass second reading as amended to CD1. Seconded by Councilmember Cordero.

The following individuals testified:

1. Andrew Namiki Roberts, Hawai'i Firearms Coalition (M-64) (Oppose)
2. Ilihia Gionson, Hawai'i Tourism Authority (Support)
3. Lisa Gibson, Indivisible Hawai'i (M-64) (Support)
4. William Iaela (M-64) (Oppose)
5. Michael Yano (Support)
6. 'Ilima Decosta, Hale Ola Spa and Apothecary (M-64) (Support)
7. Deb Nehmad, Brady Hawai'i (M-64) (Support)
8. Jon Abbott (M-64) (Oppose)
9. Ryan Tinajero (M-64) (Oppose)
10. Paul Cudal, Hawai'i Tactical Division LLC (M-64) (Oppose)
11. Peter Roa, Hawai'i Tactical Division (M-64) (Oppose)
12. John Gasidlo (Support)
13. James K. Manaku, Sr. (General comment)
14. Angela Young (Support)
15. Marcus Tanaka (M-64) (Oppose)
16. Tina Yamaki, Retail Merchants of Hawai'i (M-64) (Support)
17. Michael Rice (M-64) (Oppose)
18. Eric Hammond (M-64) (Oppose)
19. Jerry Yuen, Pu'u'loa Rifle and Pistol Club (M-64) (Oppose)
20. Erica Yamauchi, Moms Demand Action for Gun Sense in America – Hawai'i Chapter (M-64) (Support)
21. Michael Golojuch, Jr., Stonewall Caucus of the Democratic Party of Hawai'i (M-64) (Support)

In response to councilmembers, Chief Arthur Logan, Honolulu Police Department stated that:

- In order to obtain a conceal/carry license, applicants need to obtain a permit for the firearm, go through a background check, a mental health check, obtain a certification of proficiency with the firearm, pay the license fee, and complete a four-hour class.

- He trusts the process of obtaining a conceal/carry license. HPD issued 30 licenses to carry and none of the applicants have been arrested for committing a crime with a firearm. The first license was issued towards the end of December 2022. There were over 600 applications that were received by HPD.
- Each state has a different approach on the Second Amendment.
- He supports the intent of the Bill but has some concerns with enforcement. He stated that the penalties for breaking the law in the Bill are sufficient and if it becomes law, HPD will enforce it.
- The Bill is designed to prevent anyone from carrying a firearm into any business or establishment that does not allow guns.
- Signs stating whether or not guns are allowed are an important tool for HPD.
- HPD does not know where all the City owned and/or controlled buildings are located.
- If you have a conceal/carry license, it is your choice if you want to carry the gun.
- A license to carry permit requires four hours of classroom training with a written test that covers the laws and use of force (HRS Chapter 703), how to operate a gun, the proper storage of a gun, how to lock up the firearm safely in your car, and storing the ammunition separately from the gun.
- Training on how someone carrying a gun should interact with law enforcement is not required at this time but in conversations with members of the Coalition for Firearms, they are training their members to understand that they should follow what the officer is saying.
- There will be consequences should a firearm be used by a person licensed to carry.

In response to councilmembers, Daniel Gluck, Corporation Counsel, Department of the Corporation Counsel stated that:

- There have been court challenges to sensitive places legislation in New York, New Jersey and one other state that he does not know off hand.
- Two Federal district courts have granted injunctions. A Ninth Circuit or the Supreme Court decision would determine how sensitive places would be interpreted and applied in Hawai'i.

- If a lawsuit is filed in a Federal court in Hawai'i, that court is bound by rulings of the U.S. Supreme Court and the Federal Ninth Circuit Court of Appeals. District court decisions may be resources for Hawai'i judges but are not binding.
- Pending State legislation would address sensitive places but it is unclear whether that would preempt City action.
- There is no current law in place prohibiting a license concealed and carry permit holder from carrying a firearm in a public place.
- Bill 57 would add criminal penalties to someone bringing a gun onto private property.

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

- This is a legally driven Bill and the Administration wanted to take action to keep gun violence low in our City.
- Under the current Bill, guns would not be allowed on TheBus.
- The Administration has engaged with the business community and asked them to provide their feedback regarding signage directly to the City Council.

In response to Chair Waters, Major Trinidad stated that in a routine traffic stop, HPD would run a check in their system to see if the person has a driver's license and the system would signal if that person has a license to carry with all the pertinent information.

Councilmember Kia'āina stated that she supports policies that advance gun safety and violence prevention as outlined in Bill 57. She noted that she will craft a CD2 that includes an expanded list of sensitive places and looks forward to a robust discussion in Committee.

Councilmember Tupola stated her opposition to Bill 57. She noted that the definition of sensitive places is too broad and undefined. Councilmember Tupola quoted the Bruen case in the CD1 that she proposed. She stated that Bill 220 on Hawai'i Island was not signed by their Mayor because it was confusing, extended rights too far, appeared to violate Federal law and that future gun legislation should be enacted at the State level. Councilmember Tupola stated that SB1230 is moving and covers all of the places and more.

Councilmember Tulba stated that he will be voting no on the measure. He noted that the second amendment gives individuals the right to defend themselves outside of their homes and the Bill makes it harder for law abiding citizens who are licensed to exercise this constitutional right. Councilmember Tulba also stated that the Bill is broad and confusing and will have legal challenges.

Councilmember Okimoto stated that hearing all the discussions shows that this is a very sensitive issue and she will vote in opposition of the measure. She stated that Bill 57 is both unconstitutional and overreaching for the City Council and the issue would be best taken up by the State Legislature. Councilmember Okimoto noted that the Bill is likely an infringement on second amendment rights and imposes an undue burden on ordinary law abiding citizens who have a constitutionally protected right to carry a handgun for self-defense outside the home. She believes that HPD Administrative Rules regulating the issuance of permits are more than sufficient to protect the communities until the State is able to pass a Bill that is constitutionally sound.

Committee Report 19 was adopted and Bill 57 (2022), CD1 passed second reading, as amended.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY*, WEYER, WATERS – 6.
NOES: OKIMOTO, TULBA, TUPOLA – 3.

*Councilmember Say voted aye with reservations.

Related communication:

M-64 Testimony on Bill 57 (2022), CD1

RECESS/RECONVENE

At 12:44 p.m., the Chair called for a recess as noted on the agenda. With 9 members present, the Chair reconvened the meeting at 1:23 p.m.

PUBLIC HEARING/SECOND READING **BILL 1 – COMMITTEE REPORT 20**

A BILL FOR AN ORDINANCE RELATING TO REPORTING REQUIREMENTS.

Councilmember Dos Santos-Tam moved that Committee Report 20 be adopted and Bill 1 pass second reading. Seconded by Councilmember Cordero.

There was no public testimony.

Committee Report 20 was adopted and Bill 1 passed second reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.

NOES: None.

THIRD READING

BILL 25 (2021), CD2 – COMMITTEE REPORT 18

A BILL FOR AN ORDINANCE RELATING TO ANTI-BIAS AND INCLUSION POLICY.

Councilmember Dos Santos-Tam moved that Committee Report 18 be adopted and Bill 25 (2021), CD1 pass third reading as amended to CD2. Seconded by Councilmember Cordero.

The following individuals testified:

1. Denise Tsukayama, Department of Human Resources (D-110) (Support)
2. Michael Golojuch, Jr., Stonewall Caucus for the Democratic Party of Hawai'i (M-75) (Support)

Committee Report 18 was adopted and Bill 25 (2021), CD2, as amended passed third reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.

NOES: None.

Related communication:

M-75 Testimony on Bill 25 (2021), CD1

THIRD READING

BILL 41 (2022), CD2 – COMMITTEE REPORT 32

A BILL FOR AN ORDINANCE RELATING TO SHORELINE SETBACKS.

Councilmember Kia'āina moved that Committee Report 32 be adopted and Bill 41 (2022), CD1 pass third reading as amended to CD2. Seconded by Councilmember Cordero.

The following individual testified:

James K. Manaku, Sr. (General comment)

In response to councilmembers, Dawn Takeuchi Apuna, Director, Department of Planning and Permitting (DPP) and Elizabeth Kruger, DPP stated that:

- When Act 16 passed in September 2020, permit applications increased by about 85 percent.
- The DPP is asking for approximately three to four new positions for the Sea Level Rise Branch and that would also cover flood policy issues.
- The DPP can provide more public outreach and informational briefings. The public can call or email the DPP as they have planners available to answer questions.
- Information on shoreline issues will be added to the DPP website and commercials will explain shoreline requirements.
- There are two types of Special Management Area (SMA) permits. The SMA major permit is approved by Resolution and has a two year deadline to obtain a development permit. The DPP is allowed to extend the deadline for one year and if needed the applicant can ask the Council for a further extension. The SMA minor permit covers less expensive dwellings and usually does not have a deadline.

Councilmember Kia'āina stated that it was important for her to work with all stakeholders and the City Administration to provide amendments that would mitigate the impacts of the policies that would affect the shoreline ohana, including those with multi-generational ties. She stated that Bill 41 would update the City shoreline setback laws by incorporating amendments made by Act 16 to the State Coastal Zone Management Law and implement a new erosion rate based on a shoreline setback formula. Councilmember Kia'āina explained her CD2 amendments and how it will affect those in the community.

Committee Report 32 was adopted and Bill 41 (2022), CD2, as amended passed third reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA*, TUPOLA*, WEYER, WATERS – 9.
NOES: None.

*Councilmembers Tulba and Tupola voted aye with reservations.

Related communications:

MM-39 Office of Climate Change, Sustainability and Resiliency
M-70 Testimony on Bill 41 (2022), CD2

THIRD READING

BILL 42 (2022), CD2 – COMMITTEE REPORT 33

A BILL FOR AN ORDINANCE RELATING TO THE SPECIAL MANAGEMENT AREA.

Councilmember Kia'aina moved that Committee Report 33 be adopted and Bill 42 (2022), CD1 pass third reading as amended to CD2. Seconded by Councilmember Cordero.

The following individuals testified:

1. James K. Manaku, Sr. (General comment)
2. Angela Young (General comment)

Councilmember Kia'aina stated that Bill 42 would update the City's existing Special Management Area (SMA) laws and improve existing controls on the development of the shoreline impacted by coastal hazards. She also stated that the Bill would be consistent with the State law and clarify when an activity or action is considered development, would formalize best practices already used by the City in its review of SMA permits, and modernize the SMA procedures. Councilmember Kia'aina explained her CD2 amendment and urged councilmembers to support the measure. She thanked the Office of Council Services and her Chief of Staff, Jocelyn Doane for all of their hard work on the Bill.

Councilmember Tupola stated her support on the measure and thanked everyone for their work on the Bill. She noted that this is something her constituents were concerned about and that she is grateful that the DPP will be doing outreach.

Councilmember Weyer expressed his appreciation to Vice-Chair Kia'aina and her staff for working on both bills to meet the needs of the community and climate change.

Chair Waters echoed the comments of Vice-Chair Kia'aina and thanked her for her hard work on the Bill.

Committee Report 33 was adopted and Bill 42 (2022), CD2, as amended passed third reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.

NOES: None.

Related communications:

MM-40 Office of Climate Change, Sustainability and Resiliency

M-69 Testimony on Bill 42 (2022), CD2

FIRST READING

BILL 2

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE 4, REVISED ORDINANCES OF HONOLULU 2021, RELATING TO FEES FOR USE OF MUNICIPAL GOLF COURSES.

Councilmember Kia'āina moved that Bill 2 pass first reading. Seconded by Councilmember Cordero.

There was no public testimony.

Bill 2 passed first reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.

NOES: None.

FIRST READING

BILL 3

A BILL FOR AN ORDINANCE RELATING TO PUBLIC SIDEWALKS.

Councilmember Kia'āina moved that Bill 3 pass first reading. Seconded by Councilmember Cordero.

The following individuals testified:

1. Ken Farm (M-62) (Support)
2. Angela Young (General comment)

Councilmember Tupola stated that some of her constituents work around the area and would like a few more streets included. She echoed the comment of Mr. Farm regarding the need for a plan and stated that she is in favor of the Bill.

Councilmember Dos Santos-Tam stated that the area mentioned by Neighborhood Board Chair Farm has been the subject to numerous attempts to address the persistent homeless encampment which has been going on for 7 or 8 years. He noted that he had the opportunity to walk around the area with the Reverend from Saint Elizabeth's Church and see that the neighbors in the area do not complain and just cope with the situation. Councilmember Dos Santos-Tam asked for councilmembers to support the passage of the Bill to help the neighbors and to hold the Administration accountable for a plan to address the very persistent homeless problem that has been in this area for years.

Councilmember Weyer expressed his reservations on the measure.

Bill 3 passed first reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER*, WATERS – 9.

NOES: None.

*Councilmember Weyer voted aye with reservations.

Related communication:

M-62 Testimony on Bill 3

FIRST READING

BILL 4

A BILL FOR AN ORDINANCE RELATING TO THE ADOPTION OF THE STATE ENERGY CONSERVATION CODE.

Councilmember Kia'āina moved that Bill 4 pass first reading. Seconded by Councilmember Cordero.

The following individual testified:

Howard Wiig, State Energy Office (M-71) (Support)

Bill 4 passed first reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Related communications:

MM-43 Office of Climate Change, Sustainability and Resiliency
M-71 Testimony on Bill 4

FIRST READING
BILL 5

A BILL FOR AN ORDINANCE RELATING TO REPORTING REQUIREMENTS.

Councilmember Kia'āina moved that Bill 5 pass first reading. Seconded by Councilmember Cordero.

There was no public testimony.

Bill 5 passed first reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

FIRST READING
BILL 6

A BILL FOR AN ORDINANCE RELATING TO PROFESSIONAL SELF-CERTIFICATION.

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

There was no public testimony.

Councilmember Tupola stated that the Bill will help expedite and streamline the permitting process. She explained that when the Bill is passed there will be an Administrative Rule explaining the process.

Bill 6 passed first reading.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Related communication:

M-72 Testimony on Bill 6

ADOPTION

RESOLUTION 23-2, CD1, FD1 – COMMITTEE REPORT 15

RESOLUTION RELATING TO REPROGRAMMING OF AMERICAN RESCUE PLAN ACT OF 2021 (PUB. L. 117-2), STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM FOR THE RENTAL AND UTILITY RELIEF PROGRAM.

The following amendment was posted on the agenda:

Resolution 23-2, CD1, Proposed FD1

Councilmember Cordero moved that Committee Report 15 and Resolution 23-2, as amended to CD1 be adopted. Seconded by Councilmember Weyer.

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

The following individual testified:

Angela Young (Support)

Resolution 23-2, CD1 was amended to the posted FD1.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Committee Report 15 and Resolution 23-2, CD1, FD1 were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Related communication:

M-68 Testimony on Resolution 23-2, CD1

ADOPTION
RESOLUTION 23-14 – COMMITTEE REPORT 16

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Cordero moved that Committee Report 16 and Resolution 23-14 be adopted. Seconded by Councilmember Weyer.

The following individual testified:

Angela Young (Support)

Committee Report 16 and Resolution 23-14 were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

ADOPTION
RESOLUTION 23-15– COMMITTEE REPORT 17

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Cordero moved that Committee Report 17 and Resolution 23-15 be adopted. Seconded by Councilmember Weyer.

There was no public testimony.

Committee Report 17 and Resolution 23-15 were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.

NOES: None.

ADOPTION

RESOLUTION 22-262, CD1, FD1 – COMMITTEE REPORT 21

RESOLUTION URGING THE CITY ADMINISTRATION TO FORMALLY RECOGNIZE AND OBSERVE NOVEMBER 28TH AS LĀ KU'OKO'A, HAWAIIAN INDEPENDENCE DAY.

Councilmember Dos Santos-Tam moved that Committee Report 21 and Resolution 22-262, as amended to CD1 be adopted. Seconded by Councilmember Cordero.

The following amendment was handcarried to the meeting:

Resolution 22-262, CD1, Proposed FD1 (OCS2023-0139/2/21/2023 4:41 PM)

Councilmember Tupola moved that the Resolution be amended to the handcarried FD1 (OCS2023-0139/2/21/2023 4:41 PM). Seconded by Councilmember Kia'āina. Councilmember Tupola explained the FD1 amendment.

There was no public testimony.

Councilmember Tupola thanked her staff and Professor Keao NeSmith from the University of Hawai'i at Mānoa for translating the Resolution into 'Ōlelo Hawai'i. She encouraged the community to continue observing this day and noted that the other counties have already passed a Resolution recognizing Hawaiian Independence Day.

Resolution 22-262, CD1 was amended to the handcarried FD1 (OCS2023-0139/2/21/2023 4:41 PM).

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.

NOES: None.

Council Rule 19.G relating to 48-hour notice was waived.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Committee Report 21 and Resolution 22-262, CD1, FD1 were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

Related communication:

M-74 Testimony on Resolution 22-262, CD1

ADOPTION

RESOLUTION 22-281, CD1 – COMMITTEE REPORT 25

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO PROVIDE AN UPDATE ON THE STATUS OF THE TRANSIT CONSTRUCTION MITIGATION FUND AND PROGRAM.

Councilmember Dos Santos-Tam moved that Committee Report 25 and Resolution 22-281, as amended to CD1 be adopted. Seconded by Councilmember Cordero.

The following individuals testified:

1. Angela Young (Support)
2. Lori Kahikina, Executive Director and Chief Executive Officer, Honolulu Authority for Rapid Transportation (HART) (D-111) (General comment)

In response to Councilmember Cordero, Director Lori Kahikina stated that in the past there was a very distinct division between the Administration and HART. She noted that the Board of Directors has taken the stance that HART is not equipped to administer the program.

In response to councilmembers, Andrew Kawano, Director, Department of Budget and Fiscal Services (BFS) stated that:

- BFS and the Administration are willing to take a look at the current statues of the Transit Mitigation Fund as it relates to rail construction along the Dillingham corridor. He also noted that upon adoption of the Resolution, the Administration will have 90 days to communicate, submit a plan and communicate the results of the study and provide recommendations on actions going forward.
- In preparing for the earlier Budget Committee meeting, it was the first time he was aware of the fund. He stated that going forward, the Administration can take a look at the status and they would really need to think about how to compensate businesses adversely impacted by the rail construction. He also stated that if the Administration commits to Dillingham, they would have to commit to downtown and other areas where there will be more liability.

Councilmember Say stated that he will be voting with reservations because he does not know the fiscal impact to the general fund. He stated that he believes that because this is a construction project, the relocation of businesses are tied to the construction and that HART should be paying for it rather than the City Council.

Committee Report 25 and Resolution 22-281, CD1 as amended were adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY*, TULBA, TUPOLA, WEYER, WATERS – 9.

NOES: None.

*Councilmember Say voted aye with reservations.

ADOPTION

RESOLUTION 22-300 – COMMITTEE REPORT 26

RESOLUTION RELATING TO AN APPOINTMENT TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION BOARD OF DIRECTORS.

Councilmember Dos Santos-Tam moved that Committee Report 26 and Resolution 22-300 be adopted. Seconded by Councilmember Cordero.

The following individuals testified:

1. Robert Yu (General comment)
2. Natalie Iwasa (M-77) (General comment)

Councilmember Tupola voiced her support for the nominee.

Committee Report 26 and Resolution 22-300 were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.

NOES: None.

ABSENT: DOS SANTOS-TAM – 1.

Related communication:

M-77 Testimony on Resolution 22-300

ADOPTION

RESOLUTION 22-276, CD1 – COMMITTEE REPORT 27

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH A TWO-CAR GARAGE AND SUPPORTING INFRASTRUCTURE AT TAX MAP KEY 5-7-003:057 IN KAHUKU.

Councilmember Say moved that Committee Report 27 and Resolution 22-276, as amended to CD1 be adopted. Seconded by Councilmember Cordero.

There was no public testimony.

Committee Report 27 and Resolution 22-276, CD1 as amended were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.

NOES: None.

ABSENT: DOS SANTOS-TAM – 1.

ADOPTION

RESOLUTION 22-293, CD1 – COMMITTEE REPORT 28

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW RENOVATIONS AND ADDITIONS AT SEA LIFE PARK AT TAX MAP KEY 4-1-014:004 IN WAIMĀNALO.

Councilmember Say moved that Committee Report 28 and Resolution 22-293, as amended to CD1 be adopted. Seconded by Councilmember Cordero.

The following individuals testified:

1. Jeff Overton, G70 (M-76) (Support)
2. Angela Young (Support)

In response to Councilmember Kia'āina, Jeff Overton, G70 and Valerie King, General Manager, Sea Life Park stated that:

- They are following up with the idea of talking directly with the Department of Land and Natural Resources (DLNR). He noted that the lease is with Hawai'i Pacific University (HPU) and Sea Life Park is a tenant.
- Sea Life Park pays \$140,000 directly to DLNR and a percentage to HPU.

Councilmember Kia'āina stated that she supports the Special Management Area Use Permit for Sea Life Park.

Committee Report 28 and Resolution 22-293, CD1 as amended were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 8.

NOES: None.

ABSENT: DOS SANTOS-TAM – 1.

Related communication:

M-76 Testimony on Resolution 22-293, CD1

ADOPTION

RESOLUTION 22-296 – COMMITTEE REPORT 29

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA (“SMA”) USE PERMIT TO ALLOW A NEW SINGLE-FAMILY DWELLING AND INDIVIDUAL WASTEWATER SYSTEM AT 67-433 WAIALUA BEACH ROAD.

Councilmember Say moved that Committee Report 29 and Resolution 22-296 be adopted. Seconded by Councilmember Cordero.

There was no public testimony.

Councilmember Say stated that this is an excellent project as was reflected in the Zoning Committee hearing.

Committee Report 29 and Resolution 22-296 were adopted.

AYES: CORDERO, KIA’ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 8.

NOES: None.

ABSENT: DOS SANTOS-TAM – 1.

ADOPTION

RESOLUTION 23-11, CD1 – COMMITTEE REPORT 30

RESOLUTION AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE FORT STREET MALL AFFORDABLE SENIOR RENTAL HOUSING PROJECT IN DOWNTOWN HONOLULU.

Councilmember Say moved that Committee Report 30 and Resolution 23-11, as amended to CD1 be adopted. Seconded by Councilmember Cordero.

There was no public testimony.

Councilmember Say stated that this is a great program for the seniors in the Fort Street Mall area and for having the Catholic Charities be a part of the development project.

Committee Report 30 and Resolution 23-11, CD1 as amended were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.
NOES: None.
ABSENT: DOS SANTOS-TAM – 1.

Related communication:

M-73 Testimony on Resolution 23-11, CD1

ADOPTION

RESOLUTION 23-3, FD1 – COMMITTEE REPORT 31

RESOLUTION AFFIRMING THE CITY'S ONGOING COMMITMENT TO THE GOALS OF THE PARIS CLIMATE AGREEMENT AND ENDORSING THE FOSSIL FUEL NON-PROLIFERATION TREATY.

The following amendment was posted on the agenda:

Resolution 23-3, Proposed FD1

Councilmember Weyer moved that Committee Report 31 and Resolution 23-3 be adopted. Seconded by Councilmember Kia'āina.

Councilmember Kia'āina moved that the Resolution be amended to the posted FD1. Seconded by Councilmember Weyer. Councilmember Kia'āina explained the FD1 amendment.

The following individuals testified:

1. Anne Pernick, The Fossil Fuel Non-Proliferation Treaty and SAFE Cities at Stand.earth, (M-65) (Support)
2. Joshua Cooper, Hawai'i Institute for Human Rights (M-65) (Support)
3. Joseph Moeono-Kolio, Fossil Fuel Non-Proliferation Treaty Institute (M-65) (Support)

Resolution 23-3 was amended to the posted FD1.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.
NOES: None.
ABSENT: DOS SANTOS-TAM – 1.

Committee Report 31 and Resolution 23-3, FD1 were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.
NOES: None.
ABSENT: DOS SANTOS-TAM – 1.

Related communications:

MM-41 Office of Climate Change, Sustainability and Resiliency
M-65 Testimony on Resolution 23-3

ADOPTION
RESOLUTION 23-5 – COMMITTEE REPORT 35

RESOLUTION ACCEPTING A GIFT OF \$9,815 TO THE CITY FROM THE 200 CLUB FOR THE HONOLULU POLICE DEPARTMENT TO HONOR THEIR OUTSTANDING OFFICERS DURING THE 2023 NATIONAL POLICE WEEK.

Councilmember Okimoto moved that Committee Report 35 and Resolution 23-5 be adopted. Seconded by Councilmember Tulba.

The following individuals testified:

1. Major J. Pedro, Honolulu Police Department (Support)
2. Angela Young (Support)

Committee Report 35 and Resolution 23-5 were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS – 7.
NOES: None.
ABSENT: DOS SANTOS-TAM, WEYER – 2.

ADOPTION
RESOLUTION 22-47 – COMMITTEE REPORT 36

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO PROVIDE AN UPDATE TO THE COUNCIL ON THE CITY'S PLANS AND EFFORTS TO ASSIST SEAGULL SCHOOLS IN RELOCATING THE EARLY EDUCATION CENTER.

Councilmember Tupola moved that Committee Report 36 and Resolution 22-47 be adopted. Seconded by Councilmember Say.

The following individuals testified:

1. Haku Milles, Director, Department of Design and Construction (General comment)
2. Angela Young, CARES (Support)

Councilmember Tupola stated that she would like a written update from the Department in case there are any questions from the constituents.

In response to Councilmember Say, Director Milles stated that Seagull Schools will need to be operating out of the Mission Memorial and Reference Center for at least three years. The project is currently in the design phase and disruption to the parking structure is anticipated to be around 2025.

Committee Report 36 and Resolution 22-47 were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 8.

NOES: None.

ABSENT: DOS SANTOS-TAM – 1.

ADOPTION

RESOLUTION 23-4 – COMMITTEE REPORT 37

RESOLUTION ACCEPTING OWNERSHIP OF THE EWA PORTION OF WAIMANU STREET DEEMED TO HAVE BEEN SURRENDERED TO THE CITY AND COUNTY OF HONOLULU BY THE STATE OF HAWAI'I PURSUANT TO THE AMENDED ADMINISTRATIVE ORDER ISSUED BY THE STATE DIRECTOR OF TRANSPORTATION IN ACCORDANCE WITH ACT 208 (2017), CODIFIED AS HAWAI'I REVISED STATUTES § 264-2.1.

The following amendment was posted on the agenda and not considered:

Resolution 23-4, Proposed FD1

Councilmember Tupola moved that Committee Report 37 and Resolution 23-4 be adopted. Seconded by Councilmember Say.

There was no public testimony.

Committee Report 37 and Resolution 23-4 were adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY*, TULBA, TUPOLA, WEYER,
WATERS – 8.
NOES: None.
ABSENT: DOS SANTOS-TAM – 1.

*Councilmember Say voted aye with reservations.

BALANCE OF COMMITTEE REPORTS

EMLACR-22 Request for authorization to settle a case against the City and County of Honolulu entitled Matthew Tabag-Kalua, et al. v. City and County of Honolulu, et al. Civil No. 1CCV-22-000415 (Cir. Ct.).

EMLACR-23 Request for authorization to settle ten cases against the City and County of Honolulu entitled Camilla M. Aluli et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000747 (Cir. Ct.), Calvary Lutheran Church v. City and County of Honolulu, Civil No. 1CCV-21-0000659 (Cir. Ct.), Brad Coles et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000655 (Cir. Ct.), David T. Cook v. City and County of Honolulu, Civil No. 1CCV-21-0000682 (Cir. Ct.), Erin Isa Donle et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000695 (Cir. Ct.), Lance S. Garrison et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000669 (Cir. Ct.), Brian Kirsch v. City and County of Honolulu, Civil No. 1CCV-21-0000658 (Cir. Ct.), Michelle Kunitake v. City and County of Honolulu, Civil No. 1CCV-21-000750 (Cir. Ct.), Clara K Nakanishi et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000749 (Cir. Ct.), The Charles A. Perkins Revocable Living Trust et al. v. City and County of Honolulu, Civil No. 1CCV-21-000661 (Cir. Ct.).

EMLACR-24 Request for authorization to settle a case against the City and County of Honolulu entitled Ronald G. Livingston, et al. v. Arthur J. Logan, et al.; Civil No. CV19-000157 JMS/RT (USDC).

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

The following individuals testified on EMLACR-23:

1. Meymo Rego (M-78) (General comment)
2. Anson Rego (M-66) (Support)
3. Angela Young (General comment)

The Balance of Committee Reports was adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.

NOES: None.

ABSENT: DOS SANTOS-TAM – 1.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION

RESOLUTION 23-8

RESOLUTION ACCEPTING A GIFT OF \$5,360.00 TO THE CITY FROM THE ROYAL HAWAIIAN BAND MUSIC SOCIETY TO ASSIST WITH THE PURCHASE OF A WENGER MUSIC LIBRARY SYSTEM.

Resolution 23-8 was waived to the Council floor by the Chair of the Parks, Enterprise Services and Culture and the Arts Committee (CC-26).

Councilmember Kia'āina moved that Resolution 23-8 be adopted. Seconded by Councilmember Cordero.

The following individuals testified:

1. Angela Young (Support)
2. Clarke Bright, Band Director, Royal Hawaiian Band (General comment)

Resolution 23-8 was adopted.

AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER,
WATERS – 8.
NOES: None.
ABSENT: DOS SANTOS-TAM – 1.

ADOPTION
RESOLUTION 23-13

RESOLUTION ACCEPTING A GIFT OF TRAVEL AND RELATED EXPENSES VALUED AT \$1,516.77 TO THE CITY FROM TREES FOR HONOLULU'S FUTURE FOR A STAFF MEMBER OF THE DEPARTMENT OF PARKS AND RECREATION'S DIVISION OF URBAN FORESTRY TO ATTEND THE GREEN COMMUNITIES LEADERSHIP INSTITUTE IN KNOXVILLE, TENNESSEE, MARCH 5-8, 2023.

Resolution 23-8 was waived to the Council floor by the Chair of the Parks, Enterprise Services and Culture and the Arts Committee (CC-28).

Councilmember Kia'āina moved that Resolution 23-13 be adopted. Seconded by Councilmember Cordero.

The following individual testified:

Emily Perry, Urban Forestry, Department of Parks and Recreation (DPR) (General comment)

In response to Councilmember Cordero, Ms. Perry stated that:

- The leadership institute will focus on developing leadership skills, diversity, equity, inclusion, environmental justice and will utilize data and technology to build into decision making. She noted that this will be an opportunity to see different community leaders in the environmental field and incorporate what is learned into the community forestry program in Honolulu.
- There will be different representatives from organizations both private and municipal and she will have an opportunity to talk with them about which software that they use and how it impacts their management and use of urban tress.

- The Mayor's Arborist Advisory Committee consist of a collection of different community organization representatives and herself and they are looking into future development and improvement of trees that are accepted into the exceptional tree program. The topic of infrastructure conflict has been brought up and should be addressed in the Committee.

Resolution 23-13 was adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.

NOES: None.

ADOPTION
RESOLUTION 23-24, FD1

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

The following amendment was handcarried to the meeting:

Resolution 23-24, Proposed FD1 (OCS2023-0132/2/21/2023 3:37 PM)

Councilmember Kia'āina moved that Resolution 23-24 be adopted. Seconded by Councilmember Cordero.

Councilmember Kia'āina moved that the Resolution be amended to the handcarried FD1 (OCS2023-0132/2/21/2023 3:37 PM). Seconded by Councilmember Cordero. Councilmember Kia'āina explained the FD1 amendment.

There was no public testimony.

Resolution 23-24 was amended to the handcarried FD1 (OCS2023-0132/2/21/2023 3:37 PM).

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.

NOES: None.

Council Rule 19.G relating to 48-hour notice was waived.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WEYER, WATERS – 9.

NOES: None.

Resolution 23-24, FD1 was adopted.

AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WEYER, WATERS – 9.
NOES: None.

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

At 3:16 p.m., Councilmember Kia'āina moved that the Council stand adjourned until Wednesday, March 15, 2023, at 10 a.m. Seconded by Councilmember Cordero 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 15, 2023