



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

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

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**Resolution 23-298 on page 29 has been cancelled.**

**ORDER OF BUSINESS**

REGULAR MEETING  
CITY COUNCIL CHAMBER  
16TH SESSION  
WEDNESDAY, DECEMBER 6, 2023  
10 A.M.

**ORAL TESTIMONY**

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions:

Each speaker may not have anyone else read their statement and is limited to:

1. A three-minute presentation on Public Hearing and New Business items; and
2. A one-minute presentation on all other items.

**Remote Testimony**

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **82806571051** and Passcode **151167**.
2. To testify by videoconference visit: <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Although remote oral testimony is being permitted, this is a regular meeting and not a remote meeting by interactive conference technology under HRS Section 92-3.7. Therefore, the meeting will continue notwithstanding loss of audiovisual communication with remote testifiers or loss of the public broadcast of the meeting.

**In-Person Testimony in the Council Chamber**

Persons wishing to testify are requested to register by 10 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

**Oral testimony, both remote and in-person, will be allowed when each agenda item is taken up.**

ORDER OF BUSINESS  
Wednesday, December 6, 2023

### **WRITTEN TESTIMONY**

Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address, and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3814 or send an email to [jyamane1@honolulu.gov](mailto:jyamane1@honolulu.gov).

**The Council will recess from 12:30 p.m. to 1:30 p.m.**

### **MATERIALS AVAILABLE FOR INSPECTION**

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlldoc.ehawaii.gov/hnlldoc/browse/agendas> by clicking on the appropriate Council meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, contact the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to [jyamane1@honolulu.gov](mailto:jyamane1@honolulu.gov) as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

### **VIEWING THE MEETING**

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Honorary Certificates will be presented at 9 a.m.

ORDER OF BUSINESS  
Wednesday, December 6, 2023

**PLEDGE OF ALLEGIANCE**

**MESSAGE OF ALOHA**

**CALL TO ORDER**

Roll Call

Introduction of Guests

**APPROVAL OF MINUTES**

15th Session (November 1, 2023)

ORDER OF BUSINESS  
Wednesday, December 6, 2023

**ORDER OF THE DAY**

**APPOINTMENTS - RESOLUTIONS**

PLANNING AND THE ECONOMY

CR-308

Resolution 23-150, CD1

Confirming the appointment of Lisa Martin to serve on the Liquor Commission of the City and County of Honolulu.

FOR ADOPTION, AS AMENDED

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**RESOLUTIONS**

EXECUTIVE MANAGEMENT

CR-325

Resolution 23-278

Relating to the appointment of the Director of the Office of Council Services.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-361

Resolution 23-297, CD1

Relating to the appointment of Elmer Ka'ai, Jr., to serve on the Salary Commission of the City and County of Honolulu.

FOR ADOPTION, AS AMENDED

ORDER OF BUSINESS  
Wednesday, December 6, 2023

**PUBLIC HEARING/RESOLUTION**

Resolution 23-285

Confirming the reappointment of Christopher T. Hong to serve on the Building Board of Appeals of the City and County of Honolulu.

PUBLIC HEARING AND REFERRAL TO COMMITTEE

Resolution 23-286

Confirming the reappointment of Mr. Kanekawaiola Lindsey to the Zoning Board of Appeals.

PUBLIC HEARING AND REFERRAL TO COMMITTEE

ORDER OF BUSINESS  
Wednesday, December 6, 2023

**PUBLIC HEARING/SECOND READING**

EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-327

Resolution 23-239

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the qualifications of the Director of Emergency Management.

PASS SECOND READING

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PARKS, ENTERPRISE SERVICES AND CULTURE AND THE ARTS

CR-348

Bill 61, CD1

Relating to exceptional trees. (Amending the register of exceptional trees.)

PASS SECOND READING, AS AMENDED

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

ZONING

CR-352

Bill 36, CD1

Relating to building permits. (Disallowing building permit applications from applicants who have been convicted of a criminal offense involving the acceptance of a bribe or who caused an employee of the Department of Planning and Permitting to be convicted of the same; and removing the affidavit requirement of stating no outstanding fines or liens for building permit applications.)

PASS SECOND READING, AS AMENDED



ORDER OF BUSINESS  
Wednesday, December 6, 2023

**THIRD READING**

EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-263

Bill 45, CD2

Relating to human resources. (Addressing the powers, duties, and functions of the Director of Human Resources.)

PASS THIRD READING, AS AMENDED

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Bill 45, CD2, Proposed FD1  
(Submitted by Council Chair Waters)

ZONING

CR-353

Bill 50, CD2

Relating to the transit-oriented development special district. [Expanding the transit-oriented development (“TOD”) special district to include one additional Honolulu Rail Transit Project station area and to incorporate land use standards and guidelines for that area based on the recommendations in the Halawa Area TOD Plan.] (Deadline: 1/22/24)

PASS THIRD READING, AS AMENDED

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

ZONING (Cont'd.)

CR-354

Bill 51, CD2

Relating to the rezoning of land situated at Halawa, O'ahu, Hawai'i. (Rezoning land from the A-1 Low-density Apartment, A-2 Medium-density Apartment, B-1 Neighborhood Business, B-2 Community Business, F-1 Military and Federal Preservation, and R-5 Residential Districts; to the A-1 Low-density Apartment, A-2 Medium-density Apartment, AMX-2 Medium-density Apartment Mixed-Use, AMX-3 High-density Apartment Mixed-Use, B-1 Neighborhood Business, B-2 Community Business, BMX-3 Community Business Mixed-Use, F-1 Military and Federal Preservation, and P-2 General Preservation Districts.) (Deadline: 1/22/24)

PASS THIRD READING, AS AMENDED

HOUSING, SUSTAINABILITY AND HEALTH

CR-362

Bill 56, CD1

Relating to a commercial property assessed financing program. (Authorizing a commercial property assessed financing program for financing certain qualifying improvements.)

PASS THIRD READING, AS AMENDED

**FIRST READING**

Bill 63

Relating to concessions. [Amending Section 38 of the Revised Ordinances of Honolulu 2021 to: (1) address the repeal of the licensing requirements for beachboys in Hawai'i Administrative Rules §13-251, Subchapters 1, 2, 3, and 7, effective December 21, 2022; (2) transfer authority regarding nonprofit beachboy concessions to the Department of Enterprise Services, as it is the department primarily responsible for the operation of such concessions; (3) further define the nonprofit status of beachboy associations to include tax exempt entities under §501 of the Internal Revenue Code of 1986, as amended; and (4) prescribe the location of the nonprofit beachboy concession.]

PASS FIRST READING

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Bill 64

Relating to use regulations. [Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 (“Land Use Ordinance” or “LUO”).]

PASS FIRST READING

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Bill 64, Proposed FD1

(Submitted by Councilmember Kia'āina)

ORDER OF BUSINESS  
Wednesday, December 6, 2023

Bill 65

Relating to the adoption of the State Building Code. [Adopting the Hawai'i State Building Code, including Appendices U, W, and X; the State Residential Code; the State Existing Building Code, subject to local amendments herein, and updating Article 13 ("Hawai'i Residential Safe Room") and Article 14 ("State- and City-Owned High Occupancy Buildings – Design Criteria for Enhanced Hurricane Protection Areas").]

PASS FIRST READING

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

**RESOLUTIONS CONTINUED**

BUDGET

CR-321

Resolution 23-262

Relating to the transfer of funds. (Department of Parks and Recreation)

FOR ADOPTION

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CR-322

Resolution 23-263

Identifying the dedicated source of revenue and pledge to repay loans with interest and loan fee provided by the State of Hawai'i (State) Water Pollution Control Revolving Fund for various wastewater capital improvement projects.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

BUDGET (Cont'd.)

CR-323

Resolution 23-269

Relating to the transfer of funds. (Department of  
Emergency Management)

FOR ADOPTION

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CR-324

Resolution 23-279

Relating to the transfer of funds. (Office of the Managing  
Director)

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-326

Resolution 23-227

Providing for the acquisition of land for public use of 1421 Pensacola Street, located at Kulaokahua, Honolulu, O'ahu, Hawai'i, and determining and declaring the necessity of the acquisition by eminent domain.

LAI D OVER AND BE PUBLISHED

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CR-328

Resolution 23-261

Establishing a Sister City relationship with Shibuya, Tokyo, Japan.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

CR-329

Resolution 23-291

To request additional funds for Contract No. SC-COR-2200087 to continue the services of Kobayashi Sugita & Goda LLP as Special Counsel to represent Defendants Honolulu Liquor Commission, Jacob Fears and Catherine Fontaine in the legal action entitled Scarlet Honolulu, Inc., et al. v. Honolulu Liquor Commission, et al., Case No. CV 21-00457 KJM (USDC).

FOR ADOPTION

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CR-330

Resolution 23-292

To retain the legal services of Kobayashi Sugita & Goda, LLP, as Special Deputy Corporation Counsel to represent Defendants Honolulu Liquor Commission, Jacob Fears, Glen Nishigata and Catherine Fontaine in the legal action entitled Jhumar Ray Waite v. Honolulu Liquor Commission, et al., Case No. CV23-00356 (USDC).

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

CR-331

Resolution 23-293

To request additional funds for Contract No. SC-COR-2200096 to continue the services of Kobayashi Sugita & Goda LLP as Special Counsel to represent defendants Ronald V. Dumlao, Chance C. Correa and Jose J. Villanueva in the legal action entitled Debralynn Thomas, Individually and in her capacity as Personal Representative of the Estate of Kyle Thomas v. City and County of Honolulu, et al., Case No. CV 21-00087 JAO/KJM (USDC).

FOR ADOPTION

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CR-332

Resolution 23-294

To request additional funds for Contract No. SC-COR-1700063 to continue the services of O'Connor & Dyet, P.C. formerly known as O'Connor & Campbell of Tempe, Arizona as Special Deputy Corporation Counsel for the Honolulu Police Department and its Custodian(s) of Records in a legal action entitled State of Arizona v. Miti Maugaotega, Criminal No. CR 2010-01172 (Superior Court of the State of Arizona, Pinal County).

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

CR-333

Resolution 23-295

To request additional funds for Contract No. SC-COR-1800062 to continue the services of Fukunaga Matayoshi Ching & Kon-Herrera LLP as Special Counsel to represent Dru Akagi in the legal action entitled Gerard K. Puana. et al. v. Katherine P. Kealoha, et al., Civil No. CV16-00659 LEK/WRP (U.S.D.C.).

FOR ADOPTION

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CR-334

Resolution 23-296

To request additional funds for Contract No. SC-COR-2200098 to continue the services of McCorriston Miller Mukai MacKinnon LLP as Special Counsel to represent Sheryl Sunia in the legal action entitled Roynes J. Dural II v. City and County of Honolulu, et al., Case No. CV21-00461 HG/WRP (U.S.D.C) and all related matters, including but not limited to Golden “Corina” Silva and Taishay Dural v. City and County of Honolulu, et al., Civil No. 1CCV-21-0001590 (Cir. Ct.).

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

TRANSPORTATION

CR-341

Resolution 23-249, CD1

Requesting the Department of Transportation Services to take immediate steps to improve pedestrian access between the Hālawā Skyline station and the Hālawā station park-and-ride parking lot.

FOR ADOPTION, AS AMENDED

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CR-342

Resolution 23-271

Urging the Hawai'i State Legislature to enact legislation eliminating the requirement to conduct an engineering study for reductions of maximum speed limits.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

PUBLIC SAFETY

CR-344

Resolution 23-274, CD1

Accepting a gift of \$35,000 to the City from the Waikīkī Transportation Management Association (WTMA) for the Honolulu Police Department, District 6, to address illegal activities in Waikīkī.

FOR ADOPTION, AS AMENDED

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CC-289

Disclosure of Interest Statement submitted by Councilmember Tupola.

CR-345

Resolution 23-275

Accepting a gift of 20 ultralight sleeping bags valued at \$1,799 to the City from ULOHA for the Honolulu Fire Department to assist in the response to the August 2023 West Maui Wildfires.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

PUBLIC SAFETY (Cont'd.)

CR-346

Resolution 23-276

Accepting a gift of freight transportation valued at \$2,323.26 to the City from Aloha Air Cargo for the Honolulu Fire Department to assist in the response to the August 2023 West Maui Wildfires.

FOR ADOPTION

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CR-347

Resolution 23-277

Accepting a gift of freight transportation valued at \$1,992 to the City from the Matson Navigation Company for the Honolulu Fire Department to assist in the response to the August 2023 West Maui Wildfires.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

PUBLIC SAFETY (Cont'd.)

CR-343

Resolution 23-237, CD1

Authorizing the use of overt video monitoring in the City and County of Honolulu to prevent and deter general criminal activity and achieve the legitimate law enforcement objective and legitimate public purpose of ensuring a safe and secure 2023 Honolulu Marathon event.

FOR ADOPTION, AS AMENDED

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PARKS, ENTERPRISE SERVICES AND CULTURE AND THE ARTS

CR-349

Resolution 23-259

Accepting a gift of cash in the amount of \$4,000 to the City from the Hawai'i Medical Service Association for the Mayor's Craft and Country Fair.

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

PARKS, ENTERPRISE SERVICES AND CULTURE AND THE ARTS (Cont'd.)

CR-351

Resolution 23-280

Accepting a gift of a stainless steel sculpture with a granite stone base, valued at \$99,000, to the City from Yoo Jeong-Bok, Mayor of Incheon Metropolitan City, Republic of Korea to be installed at Pāwa'a In-Ha Park.

FOR ADOPTION

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ZONING

CR-355

Resolution 23-244, CD1

Approving an application for a Plan Review Use Permit for the University of Hawai'i at Mānoa campus Ten-Year Master Plan. (Applicant: University of Hawai'i) (Deadline: 1/31/24)

FOR ADOPTION, AS AMENDED

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

ZONING (Cont'd.)

CR-356

Resolution 23-252, CD1

Granting a Special Management Area Major Permit to allow the implementation of a slope stabilization project at 46-40, 46-50, and 46-70 Kōnane Place in He'eia, O'ahu. (Applicant: Pu'u Ali'i Community Association) (Deadline: 12/9/23)

FOR ADOPTION, AS AMENDED

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CR-357

Resolution 23-264, CD1

Granting a Special Management Area Major Permit to allow for the construction of a new single-family dwelling unit and other improvements at 67-429A Waialua Beach Road in Waialua, O'ahu. (Applicant: Alex and Marilyn Roitman) (Deadline: 12/22/23)

FOR ADOPTION, AS AMENDED

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

ZONING (Cont'd.)

CR-358

Resolution 23-272, CD1

Amending Resolution 17-221, CD1, as amended by Resolution 20-170, CD1, to further extend the deadline to obtain a building permit for an Interim Planned Development-Transit project located at 1500 Kapi'olani Boulevard. (Applicant: Mana'olana Partners 1500, LLC)

FOR ADOPTION, AS AMENDED

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CR-359

Resolution 23-273, CD1

Granting a Special Management Area Major Permit to allow for the construction of additions and improvements to an existing single-family detached dwelling in Wailupe, O'ahu. (Applicant: Joseph and Cecilia Fatt) (Deadline: 1/2/24)

FOR ADOPTION, AS AMENDED

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

ZONING (Cont'd.)

CR-360

Resolution 23-281, CD1

Authorizing exemptions from certain requirements relating to the Waipahu Street Affordable Rental Housing Project in Waipahu, O'ahu. (Applicant: Michaels Development) (Deadline: 12/23/23)

FOR ADOPTION, AS AMENDED

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**BALANCE OF COMMITTEE REPORTS**

- EMLACR-335 Request for authorization to settle a case against the City and County of Honolulu entitled Scot Paiva, et al. v. City and County of Honolulu, et al.; Civ. No. 18-1-1535-09 (Cir. Ct.).
- EMLACR-336 Request for authorization to settle a claim against the City and County of Honolulu entitled Government Employees Insurance company and James H. Sibert v. City and County of Honolulu, et al., Civil No. 1DRC-20-0002661 (Hon. Dist. Ct.).
- EMLACR-337 Request for authorization to settle a claim against the City and County of Honolulu entitled Leticia M. Lucas v. City and County of Honolulu, Matter ID 23-00668.
- EMLACR-338 Request for authorization to settle a claim against the City and County of Honolulu entitled Benjamin Jelf behalf of B.J., a Minor, Claim No. 21-01569.
- EMLACR-339 Request for authorization to settle a case entitled Justin Matsuda v. City and County of Honolulu, et al.; Civil No. 1CCV-21-0000377 (KTM) (Cir. Ct.).
- EMLACR-340 Request for recommendation to settle a lawsuit entitled Souriya Xoumanivong v. Corey Morgan, et al., Civil No. 1CCV-21-0000811 (DEO) (Cir. Ct.).

FOR ADOPTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Resolution 23-283

Accepting a gift of advertising valued at \$7,250 and Papa Johns gift cards valued at \$2,500 for a total gift of \$9,750 to the City from Papa Johns Pizza to promote the use of City and County of Honolulu Department of Enterprise Services golf courses.

FOR ACTION

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Resolution 23-284

Accepting a gift of a kiosk frame and two interpretive signs, valued at \$9,000, to the City from the Hale'iwa Waialua Historical Society to be installed at the Waialua Bandstand.

FOR ACTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

**Resolution 23-298 has been cancelled**

Resolution 23-298

Accepting a gift of travel, ground transportation, and lodging with an estimated value of \$1,015.68 to the City from Hawai'i P-20 Partnerships for Education for two staff from the Department of Community Services to attend the Early Childhood Conference 2023 in Kailua-Kona, Hawai'i, December 1-2, 2023.

FOR ACTION

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Resolution 23-282

Relating to the transfer of funds. (Honolulu Fire Department)

FOR ACTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

Resolution 23-300

Relating to the transfer of funds. (Honolulu Police Department)

FOR ACTION

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Resolution 23-301

Relating to appointments to the Hawai'i State Association of Counties Executive Committee.

FOR ACTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

Communication D-672

From the Department of Design and Construction requesting consideration of Grant of Sewer Easements 2442, 3190, 5736, 2615, 2616; Grant of Sewer Easement 2617; and Grant of Sewer Easement 2618 for public use in Ewa. (Villages of Kapolei)

FOR ACTION

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Communication D-686

From the Department of Design and Construction requesting consideration of Grant of Sewer Easement 5499 for public use in Ewa. (Villages of Kapolei)

FOR ACTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

Communication D-722

From the Department of Design and Construction requesting consideration of Deed conveying roadway Lots 284, 285, and 286; Grant of Drainage Easement 6; Grant of Drainage Easement 32; Grant of Drainage Easement 53; Grant of Drainage Easement 54; Grant of Flowage Easement 5; Grant of Flowage Easement 7; Grant of Flowage Easement 31; Grant of Flowage Easement 46; Grant of Flowage Easement 52; Grant of Sewer Easement 8; Grant of Sewer Easement 47; and Grant of Sewer Easement 51 for public use in Ewa. (Kahiwelo at Makakilo Phase 2 Subdivision)

FOR ACTION

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Communication D-737

From the Department of Design and Construction requesting consideration of Deed with Covenants dedicating Park Site Lot 1 for public use in Ewa by Kunia Residential Partners. (Royal Kunia Park)

FOR ACTION

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ORDER OF BUSINESS  
Wednesday, December 6, 2023

### **COMMITTEE OF THE WHOLE/EXECUTIVE SESSION**

If the need arises with respect to any item on this agenda, then pursuant to Council Rule 12.A and Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the Council may resolve itself into a Committee of the Whole to consult with its attorneys in executive session on questions and issues pertaining to the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

### **ANNOUNCEMENTS**

### **ADJOURNMENT**