

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

# **ORDER OF BUSINESS**

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

REGULAR MEETING CITY COUNCIL CHAMBER 20TH SESSION WEDNESDAY, APRIL 17, 2024 10 A.M.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. Each speaker may not have anyone else read their statement and is limited to:

- A three-minute presentation on Public Hearing and New Business items; and
- 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 **84737845401** and Passcode **544934**.
- 2. To testify by videoconference visit: <u>https://hnldoc.ehawaii.gov/hnldoc/testimony</u>. 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.

Persons wishing to testify in-person in the Council Chamber 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.

Written testimony may be uploaded at <u>https://hnldoc.ehawaii.gov/hnldoc/testimony</u>, 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 <u>https://hnldoc.ehawaii.gov</u>.

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

Honorary Certificates will be presented at 9 a.m.

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

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

The meeting will be viewable: (1) by internet live streaming through <u>https://www.honolulucitycouncil.org/meetings;</u> (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 <u>https://www.honolulucitycouncil.org/meetings</u>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

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 <u>jyamane1@honolulu.gov</u> 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.

PLEDGE OF ALLEGIANCE

MESSAGE OF ALOHA

CALL TO ORDER

Roll Call

Introduction of Guests

# **APPROVAL OF MINUTES**

<u>19th Session</u> (March 25, 2024)

### ORDER OF THE DAY

# **APPOINTMENTS - RESOLUTIONS**

BUDGET

<u>CR-94</u>

#### Resolution 24-43

Confirming the appointment of David Sgan to serve on the Grants in Aid Advisory Commission of the City and County of Honolulu.

#### FOR ADOPTION

<u>CR-96</u>

Resolution 24-63

Relating to the Council's appointment of Cynthia L. McMillan to serve on the Rate Commission of the City and County of Honolulu.

EXECUTIVE MATTERS AND LEGAL AFFAIRS

<u>CR-100</u>

Resolution 24-35

Confirming the appointment of Cynthia Lynch to serve on the Ethics Commission of the City and County of Honolulu.

FOR ADOPTION

# PARKS, ENTERPRISE SERVICES AND CULTURE AND THE ARTS

<u>CR-118</u>

Resolution 24-41

Confirming the appointment of Jasper Wong to serve on the Commission on Culture and the Arts of the City and County of Honolulu.

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

<u>CR-119</u>

#### Resolution 24-42

Confirming the reappointment of Michael Robinson to serve on the Board of Parks and Recreation of the City and County of Honolulu.

#### FOR ADOPTION

PLANNING AND THE ECONOMY

<u>CR-123</u>

Resolution 24-40, CD1

Confirming the reappointment of Anthony Mizuno to serve on the Economic Revitalization Commission of the City and County of Honolulu.

FOR ADOPTION, AS AMENDED

# PUBLIC HEARING/RESOLUTIONS

# Resolution 24-64

Authorizing the use of overt video monitoring in the City and County of Honolulu at scenic points in East Oʻahu.

PUBLIC HEARING AND REFERRAL TO COMMITTEE

BUDGET

<u>CR-88</u>

#### Resolution 24-61

Determining the real property tax rates for the City and County of Honolulu for the Fiscal Year July 1, 2024 to June 30, 2025.

# ADOPT COMMITTEE REPORT AND REFER THE RESOLUTION TO THE COMMITTEE ON BUDGET

Tax Rate Per \$1,000 Net Taxable Real Property Value

Class (A)	Residential	\$ 3.50 \$13.90
Class (B)	Hotel and resort	+
Class (C)	Commercial	\$12.40
Class (D)	Industrial	\$12.40
Class (E)	Agricultural	\$ 5.70
Class (F)	Preservation	\$ 5.70
Class (G)	Public service	\$ 0.00
Class (H)	Vacant agricultural	\$ 8.50
Class (I)	Residential A	
	Tier 1:	\$ 4.00
	Tier 2:	\$11.40
Class (J)	Bed and breakfast home	\$ 6.50
Class (K)	Transient vacation	
	Tier 1:	\$ 9.00
	Tier 2:	\$11.50

#### FIRST READING

#### Resolution 23-193

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Salary Commission.

#### PASS FIRST READING

#### Resolution 24-82

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Salary Commission.

Resolution 24-85

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Salary Commission.

PASS FIRST READING

Resolution 24-86

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Salary Commission.

Resolution 24-87

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Salary Commission.

PASS FIRST READING

Resolution 24-91

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the Salary Commission.

Resolution 24-105

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

PASS FIRST READING

Resolution 24-101

Initiating amendments to Article III and Article XVI of the Revised Charter of the City and County of Honolulu 1973 (Revised 2017 Edition), as amended.

Resolution 24-102

Initiating miscellaneous amendments to the Revised Charter of the City and County of Honolulu 1973 (Revised 2017 Edition), as amended.

PASS FIRST READING

# <u>Bill 22</u>

Relating to the fire code. (Addressing fireworks use and permitting in the City and County of Honolulu.)

<u>Bill 23</u>

Relating to gifts to City officers and employees. (Clarifying which gifts to City officers and employees may be solicited or accepted.)

PASS FIRST READING

#### <u>Bill 24</u>

To adopt the revised Primary Urban Center Development Plan for the City and County of Honolulu. (Repealing the existing Development Plan for the Primary Urban Center, Chapter 24, Article 2, Revised Ordinances of Honolulu 2021, and to adopt a new Article 2 incorporating the revised Primary Urban Center Development Plan.)

Resolution 24-92

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the creation of an Ocean Safety Commission.

### FOR DISCUSSION

#### Resolution 24-103

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, pursuant to the mayor's executive reorganization authority, relating to the Department of Ocean Safety.

#### BCR-92

#### Resolution 24-50

Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the establishment of a Department of Ocean Safety.

### PUBLIC HEARING/SECOND READING

BUDGET

<u>CR-90</u>

<u>Bill 4</u>

Amending Ordinance No. 01-28. (Amending the authorization for the City and County of Honolulu to issue general obligation commercial paper in order to clarify and facilitate the use of such debt.)

PASS SECOND READING

<u>CR-82</u>

<u>Bill 11, CD1</u>

Relating to the Legislative Budget for the Fiscal Year July 1, 2024 to June 30, 2025.

PASS SECOND READING, AS AMENDED

BUDGET (Cont'd.)

<u>CR-83</u>

Bill 12, CD1

Relating to the Executive Operating Budget and Program for the Fiscal Year July 1, 2024 to June 30, 2025.

PASS SECOND READING, AS AMENDED

<u>CR-84</u>

#### Bill 13, CD1

Relating to the Executive Capital Budget and Program for the Fiscal Year July 1, 2024 to June 30, 2025.

PASS SECOND READING, AS AMENDED

BUDGET (Cont'd.)

<u>CR-85</u>

<u>Bill 14</u>

Authorizing the issuance and sale of General Obligation Bonds and Bond Anticipation Notes of the City and County of Honolulu in a maximum principal amount equal to the aggregate of the amounts appropriated in the Capital Budget Ordinance of said City and County for the Fiscal Year ending June 30, 2025, and specified in said Ordinance to be financed from the proceeds of the sale of such bonds and to be expended from the General Improvement Bond Fund, the Highway Improvement Bond Fund, Solid Waste Improvement Bond Fund, or the Housing Development Special Fund.

#### PASS SECOND READING

<u>CR-86</u>

<u>Bill 16</u>

Relating to the Honolulu Authority for Rapid Transportation Operating Budget for the Fiscal Year July 1, 2024 to June 30, 2025.

PASS SECOND READING

BUDGET (Cont'd.)

<u>CR-87</u>

<u>Bill 17, CD1</u>

Relating to the Honolulu Authority for Rapid Transportation Capital Budget for the Fiscal Year July 1, 2024 to June 30, 2025.

PASS SECOND READING, AS AMENDED

<u>CR-91</u>

#### <u>Bill 20</u>

Relating to fines, fees, and other revenues of the Department of Planning and Permitting. (Addressing the revenues of the Department of Planning and Permitting.)

# PASS SECOND READING

#### EXECUTIVE MATTERS AND LEGAL AFFAIRS

<u>CR-99</u>

# <u>Bill 21, CD1</u>

Relating to boards and commissions. (Amending or repealing the ordinances related to the City and County of Honolulu's boards and commissions.)

# PASS SECOND READING, AS AMENDED

### THIRD READING

BUDGET

<u>CR-89</u> <u>Bill 2, CD2</u>

Relating to public transit. (Updating and amending sections of Chapter 15B, Article 2, Revised Ordinances of Honolulu 2021 ["Islandwide Fare Structure"].)

#### PASS THIRD READING, AS AMENDED

Related communication:

<u>CC-5</u> Disclosure of Interest Statement submitted by Councilmember Okimoto.

#### EXECUTIVE MATTERS AND LEGAL AFFAIRS

<u>CR-98</u>

# <u>Bill 7</u>

Relating to declaring the City and County of Honolulu a Purple Heart City. (Declaring the City and County of Honolulu a Purple Heart City.)

PASS THIRD READING

#### RESOLUTIONS

BUDGET

<u>CR-93</u>

Resolution 24-17

Approving the sale of the Pi'ikoi Mini Park, Road Remnant Lot 46, 1409 Pi'ikoi Street, Honolulu, Hawai'i, Tax Map Key: 2-4-020:056.

FOR ADOPTION

<u>CR-95</u>

Resolution 24-60

Relating to the transfer of funds. (Department of the Medical Examiner)

BUDGET (Cont'd.)

<u>CR-97</u>

# Resolution 24-73, CD1

Authorizing the lease of City property to State of Hawai'i, Department of Human Services, Homeless Programs Office for special needs housing under Section 38-3.4, Revised Ordinances of Honolulu 2021.

FOR ADOPTION, AS AMENDED

# EXECUTIVE MATTERS AND LEGAL AFFAIRS

<u>CR-101</u>

Resolution 24-97

Resolution to retain the legal services of Clay Iwamura Pulice & Nervell as Special Counsel to represent Defendant Robert Lewis III in the legal action entitled <u>Ualani Gouveia</u>, <u>et al. v. Rick Blangiardi, et al.</u>, Case No. 1CV-23-00378-JAO-WRP (U.S.D.C.).

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

<u>CR-102</u>

#### Resolution 24-98

Resolution to retain the legal services of Farm Benedict Sugihara A Limited Liability Law Partnership LLP as Special Counsel to represent Defendant Joshua Nahulu in the legal action entitled <u>Ualani Gouveia, et al. v.</u> <u>Rick Blangiardi, et al.</u>, Case No. 1CV-23-00378-JAO-WRP (U.S.D.C.).

# FOR ADOPTION

<u>CR-103</u>

#### Resolution 24-99

Resolution to retain the legal services of the Giffords Law Center to prevent gun violence as Special Deputy Corporation Counsel for the City and County of Honolulu in a legal action entitled *Nelson, et al. v. Honolulu City and County*, 24-CV-00100-MWJS-RT (D. Haw.).

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

<u>CR-104</u>

#### Resolution 24-100

Resolution to authorize the Department of the Corporation Counsel to initiate Legal Action against a firearm industry member and to retain attorneys as special deputies corporation counsel.

# FOR ADOPTION

ZONING

<u>CR-112</u>

Resolution 24-23, CD1

Approving a conceptual plan for an Interim Planned Development-Transit project for the Chinatown Hotel Development. (Applicant: Ikenakea Hokele LLC) (Deadline: 5/29/24)

FOR ADOPTION, AS AMENDED

Resolution 24-23, CD1, Proposed FD1 (Submitted by Councilmember Say)

ZONING (Cont'd.)

<u>CR-113</u>

# Resolution 24-54, CD1

Granting a Special Management Area Major Permit to allow for the construction of an accessory farm dwelling and agricultural structures in Mokulē'ia, O'ahu. (Applicant: Mitch King) (Deadline: 4/21/24)

FOR ADOPTION, AS AMENDED

<u>CR-114</u>

# Resolution 24-57, CD1

Granting a Special Management Area Major Permit to allow for the establishment of agricultural operations and the construction of accessory farm dwellings and agricultural structures in Mokulē'ia, O'ahu. (Applicant: Carl and Suzanne DeForest, Safe Investment Properties, and SSQ Inc.) (Deadline: 4/27/24)

FOR ADOPTION, AS AMENDED

ZONING (Cont'd.)

<u>CR-115</u>

### Resolution 24-58, CD1

Granting a Special Management Area Major Permit to allow the construction of two new single-family dwellings with accessory pavilions, a swimming pool, and a garage in Kailua, Oʻahu. (Applicant: Ohana Makai, LLC) (Deadline: 4/29/24)

# FOR ADOPTION, AS AMENDED

<u>CR-116</u>

# Resolution 24-71, CD1

Granting a Special Management Area Major Permit to allow the construction of a new single-family dwelling, garage, driveway, landscaping and sprinkler system, and lānai area with swimming pool in Kahalu'u, O'ahu. (Applicant: Dream Hone Trust, LLC) (Deadline: 5/14/24)

FOR ADOPTION, AS AMENDED

ZONING (Cont'd.)

<u>CR-117</u>

### Resolution 24-80, CD1

Amending Resolution 17-221, CD1, as amended by Resolution 20-170, CD1, as further amended by Resolution 23-272, CD1, to further extend the deadline to obtain a building permit for an Interim Planned Development-Transit Project located at 1500 Kapi'olani Boulevard, and to approve certain project modifications. (Applicant: Mana'olana Partners 1500, LLC)

FOR ADOPTION, AS AMENDED

PARKS, ENTERPRISE SERVICES AND CULTURE AND THE ARTS

<u>CR-122</u>

Resolution 24-69

Accepting a gift of shipping services valued at \$2,500 to the City from Aloha Air Cargo for shipping flowers and lei from the neighbor islands to support the making and collection of 38,000 lei to adorn the graves of our service members buried at the National Cemetery of the Pacific at Pūowaina as part of the Mayor's Memorial Day ceremony.

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

<u>CR-120</u>

#### Resolution 24-51

Urging the Department of Parks and Recreation to make official requests for use of State Department of Education facilities and the State Board of Education to ensure availability of school grounds for recreational purposes.

#### FOR ADOPTION

Resolution 24-51, Proposed FD1 (Submitted by Councilmember Kia'āina)

<u>CR-121</u>

Resolution 24-62

Urging the City Administration to construct additional beach/sand volleyball courts at City parks.

PLANNING AND THE ECONOMY

<u>CR-125</u>

Resolution 24-76

Accepting a gift of travel, lodging and meals, valued at \$1,100, to the City from the National Association of Counties Research Foundation for a member of the Office of Economic Revitalization (OER) to attend the Counties for Career Success in Phoenix, Arizona, from April 30 to May 2, 2024.

# FOR ADOPTION

CR-124

Resolution 24-66

Requesting the Department of Land Management to update the Council on the status of the transfer of City-owned lands to the State Department of Education.

PUBLIC SAFETY

CR-126 Resolution 24-70

Accepting a gift of tuition, valued at \$24,060, to the City from Windward Community College, University of Hawai'i for up to 20 Honolulu Police Officers to enroll in the Certificate of Competence in Mental Health Technician Program.

#### FOR ADOPTION

Related communication:

<u>CC-84</u> Disclosure of Interest Statement submitted by Councilmember Tupola.

<u>CR-127</u> <u>Resolution 24-72</u>

Accepting a gift of stage and lighting equipment rental, valued at \$5,094.90, to the City from Hawai'i Stage and Lighting Rental Inc. for the 2024 Police Week Memorial Service.

FOR ADOPTION

Related communication:

<u>CC-84</u>

Disclosure of Interest Statement submitted by Councilmember Tupola.

PUBLIC SAFETY (Cont'd.)

<u>CR-128</u>

Resolution 24-75

Accepting a gift of \$10,250 to the City from The 200 Club for the Honolulu Police Department to honor their outstanding officers during the 2024 National Police Week.

FOR ADOPTION

Related communication:

<u>CC-84</u> Disclosure of Interest Statement submitted by Councilmember Tupola.

# **BALANCE OF COMMITTEE REPORTS**

EMLACR-105	Request for authorization to settle a case against Kone, Inc. in <u>Haunani Kahea v. Kone Inc.</u> , Civil No. 1CC171001413.
EMLACR-106	Request for authorization to settle a case against the Honolulu Liquor Commission in <u>Scarlet Honolulu, Inc., et al., v. Honolulu Liquor Commission</u> , Civil No. 21-cv-00457 MWJS-KJM.
EMLACR-107	Request for authorization to settle claims made by Friends of Hanauma Bay, a Hawai'i nonprofit corporation, against the City and County of Honolulu.
EMLACR-108	Request for authorization to settle a case against the City and County of Honolulu entitled <u>Maile Rego v. City and</u> <u>County of Honolulu, et al.</u> ; Civ. No. 1CCV-21-0001035 (Cir. Ct.).
EMLACR-109	Request for authorization to settle a case against the City and County of Honolulu entitled <u>Nicholas Porter v.</u> <u>Charles P. Iguchi et al.</u> , Civil No. 1CCV-22-0001236 JMT (Cir. Ct.).
EMLACR-110	Request for authorization to settle a case against the City and County of Honolulu entitled <u>Allstate Insurance</u> <u>Company as Subrogee of Aja-Marie Paro v. City and</u> <u>County of Honolulu</u> ; Civil No. 1CCV-23-0000264 GWBC (Cir. Ct.).
EMLACR-111	Request for authorization to settle attorneys' fees and costs in a case against the City and County of Honolulu entitled <u>Hawaii Legal Short-Term Rental Alliance v. City and County</u> of Honolulu, Civil No. 1:22-cv-00247-DKW-RT.

#### UNFINISHED BUSINESS

#### **NEW BUSINESS**

Resolution 24-77

Accepting a gift of lodging, airfare and per diem valued at \$1797.74 to the City from the United States Election Assistance Commission (EAC) for the Office of the City Clerk's Elections Administrator to attend the EAC Standards Board Meeting in Kansas City, Missouri on Apriil 17-18, 2024.

FOR ACTION

<u>Resolution 24-77, Proposed FD1</u> (Submitted by Council Chair Waters)

Accepting a gift of lodging, airfare, and per diem valued at \$1,797.74 to the City from the United States Election Assistance Commission for the Office of the City Clerk's Elections Administrator to attend the Election Assistance Commission's Standards Board Meeting in Kansas City, Missouri from April 16-18, 2024.

### Resolution 24-79

Accepting a gift of travel, lodging, meals and related expenses valued at approximately \$5,000 to the City from the American Association of Motor Vehicle Administrators for two representatives from the Department of Information Technology to attend the Annual Commercial Driver License Coordinators/IT Managers Meeting in Denver, Colorado, from May 7-9, 2024.

# FOR ACTION

# Resolution 24-94

Accepting a gift of quick-build curb extensions and street murals, valued at \$25,000, to the City from Better Block Hawai'i for safer pedestrian crossings on Leokū Street in Waipahu to revitalize, improve and enrich public spaces making them safer for the community.

#### FOR ACTION

#### Resolution 24-104

Accepting a gift of up to \$2,200 to the City from the Association of Local Government Auditors ("ALGA") for travel and related expenses for one staff member from the Office of the City Auditor to attend the 2024 ALGA Conference in Seattle, Washington.

FOR ACTION

#### 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