



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT

Voting Members:

Carol Fukunaga, Chair
Kymberly Marcos Pine, Vice Chair
Ikaika Anderson
Stanley Chang
Breene Harimoto

MINUTES

REGULAR MEETING
TUESDAY, FEBRUARY 25, 2014

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: The video of the full proceedings of this meeting can be viewed at <http://honolulucountyhi.igam2.com> or a copy of the video may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Public Safety and Economic Development was called to order by Committee Chair Carol Fukunaga at 9:05 a.m. Voting Members Anderson and Pine were present at the meeting. Voting Members Chang and Harimoto were excused from the meeting.

STAFF PRESENT

Linda Oamilda, Senior Legislative Aide to Committee Chair Fukunaga
Lori Hiraoka, Attorney, Office of Council Services
Andrew Sekine, Analyst, Office of Council Services
Duane Pang, Deputy Corporation Counsel, Department of the Corporation Counsel,
assigned to the Committee
Gail Murayama, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Public Safety and Economic Development meeting of February 4, 2014 were approved as circulated.

AYES: ANDERSON, PINE, FUKUNAGA – 3.
NOES: None.
EXCUSED: CHANG, HARIMOTO – 2.

FOR ACCEPTANCE OF A GIFT/DONATION TO THE CITY

1. RESOLUTION 14-36 – COMMITTEE REPORT 51

GIFT TO THE CITY FROM THE 200 CLUB. Approving the acceptance of a donation of \$9,765 from The 200 Club for use by the Honolulu Police Department to honor and award the department's outstanding officer, parent, reserve officer, civilian employee, and citizen for National Police Week 2014.

Administration/Others

Major Raymond Ancheta, Honolulu Police Department

There was no public testimony.

Major Ancheta testified that the donation from The 200 Club would be used during the week of May 15, 2014 which is designated annually as National Police Week.

Resolution 14-36 reported out for adoption.

AYES: ANDERSON, PINE, FUKUNAGA – 3.

NOES: None.

EXCUSED: CHANG, HARIMOTO – 2.

Related communication:

D-96 Honolulu Police Department, transmitting Resolution 14-36.

FOR ACTION

2. RESOLUTION 14-2 – COMMITTEE REPORT 50

URGING THE MAYOR TO PARTICIPATE IN THE "LET'S MOVE! CITIES, TOWNS, & COUNTIES" INITIATIVE. Urging the Mayor to make the City and County of Honolulu an official partner in the Let's Move! Cities, Towns, and Counties initiative to help combat childhood obesity and encourage healthy eating and living.

There was no testimony from the Administration or the public.

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Committee Chair Fukunaga recommended that the Resolution be reported out for adoption. She expressed her desire that the initiative would provide the City an opportunity to participate in activities that encourage healthy lifestyles.

Resolution 14-2 reported out for adoption.

AYES: ANDERSON, PINE, FUKUNAGA – 3.
NOES: None.
EXCUSED: CHANG, HARIMOTO – 2.

Related communication:

M-290 Mike Palcic (oppose)

3. BILL 60 (2013) – COMMITTEE REPORT 47

PUBLICATION DISPENSING RACKS. Prohibiting certain uses of publication dispensing racks.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 60 (2013) – The CD1 (OCS/102313/11:13/CT) clarifies that police officers have the authority to enforce ROH Section 29-11.11(c) and sets forth procedures on arrest and the issuances of summons or citations by police officers for violations of Sec. 20-11.11.

Administration/Others

Captain Lisa Mann, Honolulu Police Department (HPD)

There was no public testimony.

Captain Mann testified in support of the original version of Bill 60. The Captain noted the Department's concern with the language in the proposed CD1 as it relates to the method of enforcement. She noted that the proposed CD1 appears to require both arrest and the issuance of a citation and requested that the HPD be given some clarification.

In response to Committee Chair Fukunaga's question regarding the HPD's ability to cite juveniles, Captain Mann stated that, although the Department has not issued citations to juveniles in the past, it does have the ability to do so.

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Committee Chair Fukunaga recommended that the Bill be amended to the posted CD1. Additionally, she noted that the Committee would consult with the Department of the Corporation Counsel regarding any needed clarifying language.

Bill 60 (2013) amended to CD1 (OCS/102313/11:13/CT) and reported out for passage on third reading.

AYES: ANDERSON, PINE, FUKUNAGA – 3.
NOES: None.
EXCUSED: CHANG, HARIMOTO – 2.

Related communication:

D-117 Honolulu Police Department (support, comments)

4. BILL 67 (2013) – COMMITTEE REPORT 49

PUBLICATION DISPENSING RACKS AND PUBLICATION DISPENSING RACK ENCLOSURES IN WAIKIKI. Updating the ordinance provisions relation to publication dispensing racks and publication dispensing rack enclosures within the Waikiki special district.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 67 (2013) – The CD1 (OCS/012414/11:16/CT) adds a repeal of Section 16 of Ordinance 02-10 relating to the effective date and implementation of uncodified Part II of Ordinance 02-10 and makes technical and nonsubstantive amendments.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 67 (2013) – The CD1 (OCS/022114/04:00/CT) makes the following amendments:

- A. Adds a repeal of Section 16 of Ordinance 02-10 relating to the effective date and implementation of uncodified Part II of Ordinance 02-10.
- B. Provides that each designated location must have at least one publication dispensing rack enclosure consisting of a minimum of four 12-inch or two 24-inch spaces.

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- C. Provides that the location of publication dispensing rack enclosures and number of spaces per enclosure existing on January 1, 2014 is to be adjusted as follows:
- The director may remove a publication dispensing rack enclosure or replace an enclosure with an enclosure containing a lesser number of spaces (but not less than the minimum number of spaces per enclosure required in subsection (a)), if at least fifty percent of the number of spaces in an enclosure remain unallocated after two successive lotteries.
 - The director may add a minimum-sized publication dispensing rack enclosure or increase the number of spaces in an existing enclosure, if the director determines, upon petition and submission of evidence by an applicant, that additional spaces are warranted because there is sufficient demand to occupy at least fifty percent of the additional spaces requested. The director shall determine the evidence required to be submitted by an applicant, and the decision of the director is final.
- D. Provides that the director shall establish the permit fee by rule based on the City's cost to design, install, maintain, repair, remove and store the publication dispensing rack enclosures.
- E. Sets the permit fee at \$444 per triennium for each publication dispensing rack space, until such time as the director establishes a new fee.
- F. Deletes the uncodified "grandfather" clause relating to existing enclosures.
- G. Provides that the ordinance takes effect upon approval.
- H. Makes technical and non-substantive amendments.

Administration/Others

Sherilyn Kajiwarra, Director, Department of Customer Services (CSD)

Director Kajiwarra testified in support of the Bill but requested that the Bill be amended to eliminate the Department's current operation's conflict with Ordinance 02-10; allow the Director the CSD to, based on a set formula, either relocate, remove, or add publication racks; and change the permit fee to \$444 per triennium.

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In response to Committee Chair Fukunaga's inquiry regarding how the proposed fee was set, Director Kajiwara stated that the fee was based on the City's actual cost for placing and maintaining the publications racks.

The following individual testified:

Lester Kodama, Honolulu Star Advertiser (support, comments)

Committee Chair Fukunaga recommended that Bill 67 be amended to the hand-carried CD1 and reported out for passage on second reading and scheduling of a public hearing.

Bill 67 (2013) amended to CD1 (OCS/022114/04:00/CT) and reported out for passage on second reading and scheduling of a public hearing.

AYES: ANDERSON, PINE, FUKUNAGA – 3.

NOES: None.

EXCUSED: CHANG, HARIMOTO – 2.

Related communication:

D-118 Department of Customer Services, submitting requested amendments to Bill 67 (2013).

5. BILL 66 (2013) – COMMITTEE REPORT 48

ALARM SYSTEMS. Providing persons purchasing or leasing certain alarm systems with notification of the required alarm system permit.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 66 (2013) – The CD1 (OCS/012214/01:40/YL) amends the language in Section 4 as follows:

“Sec. 41-42.____ Failure to provide written notification – Violation.

An alarm company that fails to provide written notification of the required permit to the alarm user under Section 41-42.2(a) shall be responsible for the payment of all fines and charges assessed to the alarm user under Section 41-42.7, provided that the citation or notice of violation is provided to the alarm company by the alarm user within 30 days of the notice or citation's issuance.”

Administration/Others

Lieutenant Alan Vegas, Records and Identification Division, Honolulu Police
Department (HPD)

There was no public testimony.

Committee Chair Fukunaga alerted Committee members to the HPD's written response to her request for clarification regarding its prior opposition to the Bill. She noted that the proposed CD1 version of the Bill would change current law only by requiring that the HPD cite the alarm company instead of the alarm user.

In response to the Committee Chair's question regarding any negative impact on the Department's workload, Lieutenant Vegas stated that, while he was not aware of any negative impacts that the Bill would have on the Department, the HPD continues to feel that the Bill is unnecessary.

Committee Chair Fukunaga stated that the objective of the Bill was to assist the HPD by requiring the alarm sellers to properly notify alarm users of the need for a permit and relieve the alarm user from the burden of paying any fines generated from the lack of notification.

Committee Chair Fukunaga recommended that the Bill be amended to the posted CD1.

Bill 66 (2013) amended to CD1 (OCS/012214/01:40/YL) and reported out for passage on third reading.

AYES: ANDERSON, PINE, FUKUNAGA – 3.

NOES: None.

EXCUSED: CHANG, HARIMOTO – 2.

Related communication:

D-119 Honolulu Police Department, submitting clarification on the Department's opposition to the amendments to Bill 66, proposed CD1.

6. BILL 5 (2014)

FIREWORKS. Amending the regulation of fireworks within the City and County of Honolulu to allow certain sparklers and fountains to be used pursuant to permit in a manner similar to the current use of firecrackers, and providing for a refund of permit fees to permittees who do not purchase either permitted sparklers or firecrackers.

Administration/Others

Assistant Chief Socrates Bratakos, Honolulu Fire Department (HFD)
Major Kerry Inouye, Honolulu Police Department (HPD)

The was no public testimony.

Committee Member Anderson testified that the Bill was introduced in response to the many calls and inquiries from the public expressing their desire to have some novelty items included as permissible fireworks.

Assistant Chief Bratakos testified in opposition to the Bill. The Assistant Chief stated that the HFD believes that allowing such items would cause an increase in injuries to the public and a resultant increase in calls for emergency services. He noted that in the years since the law limiting fireworks use was enacted, fireworks-related injuries and emergency response calls have been greatly reduced. He further noted that increasing the use of consumer fireworks would negatively impact public health and safety. The Assistant Chief provided a brief summary of statistics on permits issued, fees collected, fireworks-related incidents and fireworks-related injuries as provided in Communication D-126.

Assistant Chief Bratakos further noted that, although the Department did not take a position on the refund requirement provided in the Bill, the fees collected are used for the initial processing of the permit.

In discussion with Committee members, Assistant Chief Bratakos provided the following additional information:

- The HFD has been meeting with the Department of Information Technology to offer the public the ability to apply for permits online or through mobile devices.
- The number of permits issued has been variable in recent years.

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- The Department does not keep statistics related specifically to sparklers and/or fountains.
- Since the passage of the fireworks ban, an average of 8 fireworks incidents and 18 fireworks injuries have occurred over the three-day New Year's Eve period. Prior to the ban, an average of 39 fireworks incidents and 73 fireworks injuries occurred.
- The Department does not keep injury statistics on non-fireworks devices such as acetylene bombs or other improvised explosive devices.

Major Inouye also testified in opposition to the Bill and emphasized that the HPD continues to favor a complete ban on consumer fireworks with the exception of certain special events.

In response to Committee members' questions, Major Inouye provided the following additional information:

- Uniformed officers respond to all telephone complaints regarding fireworks.
- Additionally, officers designated to address fireworks violations patrol areas to specifically look for violations.
- The HPD issued 60 citations island-wide during the past New Year's Eve period. The Department also experienced an approximate 23% increase in calls for violations.

Committee Chair Fukunaga requested that the HPD provide statistics on the number of violations and citations prior to, and following, the fireworks ban.

Committee Member Anderson thanked the Committee Chair for placing the item on the Committee's agenda and requested that the Bill be moved forward to continue the discussion. He acknowledged the concerns voiced by the HPD and the HFD but stated that, if novelty items such as sparklers and fountains were made available to the public, it might stop certain members of the public from crafting their own devices.

Committee Chair Fukunaga expressed her intention to further the discussion on the Bill but requested that action on the Bill be deferred to address a few technical concerns.

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Committee Member Anderson concurred with the Committee Chair's recommendation.

Action on Bill 5 (2014) deferred.

AYES: ANDERSON, PINE, FUKUNAGA – 3.

NOES: None.

EXCUSED: CHANG, HARIMOTO – 2.

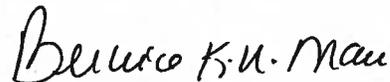
Related communications:

D-120	Honolulu Police Department (oppose)
D-126	Honolulu Fire Department (oppose)
M-291	Chris Lai Hipp, Pharm.D., MLS(ASCP) (support)
M-292	Natalie Iwasa (support)
M-293	Brett Katayama (support)
M-294	Tara Marie Ku'uponohaikealohanani Panoke (support)
M-295	Kyle Smigielski (support)
M-296	Lisa Yoshimura (oppose)
M-297	Lauren Zirbel, Executive Director, Hawaii Food Industry Association (support)
P-4	Lift the ban on consumer fireworks! (1,294 signatures)

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 am.

Respectfully submitted,



BERNICE K. N. MAU
City Clerk

gym

DATE APPROVED

March 18, 2014