



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

### Voting Members:

Ron Menor, Chair  
Carol Fukunaga, Vice-Chair  
Ikaika Anderson  
Brandon J.C. Elefante  
Ann H. Kobayashi  
Joey Manahan  
Ernest Y. Martin  
Trevor Ozawa  
Kymberly Marcos Pine

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## AGENDA

REGULAR MEETING  
COMMITTEE MEETING ROOM  
TUESDAY, JANUARY 23, 2018  
1:00 P.M.

### SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 1:00 p.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>
- b. By faxing to 768-3826 your name, phone number and the agenda item;
- c. By filling out a registration form in person; or
- d. By calling 768-3813.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker is limited to one-minute presentation.

### WRITTEN TESTIMONY

Written testimony may be faxed to 768-3826 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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Accommodations are available upon request to persons with disabilities, please call 768-3813 or send an email to [vchung@honolulu.gov](mailto:vchung@honolulu.gov) at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through <http://olelo.granicus.com/MediaPlayer.php?publish id=92>; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

**FOR APPROVAL**

MINUTES OF THE NOVEMBER 14, 2017 COMMITTEE ON EXECUTIVE  
MATTERS AND LEGAL AFFAIRS MEETING

**FOR ACTION**

1. **RESOLUTION 17-288 – CHARTER AMENDMENT RELATING TO THE BOARD OF THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION.** To provide that the President of the Senate and the Speaker of the House may each appoint up to two non-voting members, for terms to be determined by the appointing authority; to specify that six members shall constitute a quorum; and to specify that the affirmative vote of a majority of all voting members of the Board shall be necessary to take any action. (Resolution passed 2<sup>nd</sup> reading and public hearing on 12/6/17)

Related communication:

MM-7 From Mayor Kirk Caldwell, transmitting a proposed amendment to Resolution 17-288.

2. **RESOLUTION 17-307 – CHARTER AMENDMENT RELATING TO HONOLULU FIRE COMMISSION.** Changing the composition of the Fire Commission. (Resolution passed 1<sup>st</sup> reading on 12/6/17)
3. **RESOLUTION 17-308 – CHARTER AMENDMENT RELATING TO HONOLULU POLICE COMMISSION.** Changing the composition of the Police Commission. (Resolution passed 1<sup>st</sup> reading on 12/6/17)
4. **RESOLUTION 18-7 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION'S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation's acquisition by eminent domain of a fee simple interest and guideway easement over, on, and across the real property identified as Tax Map Key 2-1-014: 006 (portion) situated at 170 Aloha Tower Drive, Honolulu, Hawaii.

5. **RESOLUTION 18-8 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a fee simple interests, permanent easements, and temporary construction easements over, on, and across the real property identified as Tax Map Key 1-5-007: 016 (portion) situated at 617 Dillingham Boulevard, Honolulu, Hawaii.
6. **RESOLUTION 18-9 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a guideway easement over, on, and across the real property identified as Tax Map Key 1-5-007: 026 (portion) situated at 519 Kaaahi Street, Honolulu, Hawaii.
7. **RESOLUTION 18-10 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a fee simple interest and temporary construction easement over, on, and across the real property identified as Tax Map Key 1-5-008: 020 (portion) situated at 230 N. Nimitz Highway, Honolulu, Hawaii.
8. **RESOLUTION 18-11 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a fee simple interest, permanent easements, and temporary construction easements over, on, and across the real property identified as Tax Map Keys 2-1-014: 003 (portion) and 2-1-014-004 (portion) situated at 733 Bishop Street, Honolulu, Hawaii.
9. **RESOLUTION 18-12 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a guideway easement over, on, and across the real property identified as Tax Map Key 2-1-030: 012 (portion) situated at 586 South Street, Honolulu, Hawaii.

10. **RESOLUTION 18-13 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a permanent easement over, on, and across the real property Identified as Tax Map Key 2-1-031: 030 (portion) situated at 616 Keawe Street, Honolulu, Hawaii.
11. **RESOLUTION 18-14 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of an easement for guideway purposes over, on, and across the real property identified as Tax Map Key No. 2-3-039: 013 (portion) situated at 1357 Kapiolani Boulevard, Honolulu, Hawaii.
12. **RESOLUTION 18-15 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of a fee simple interest in the real property identified as Tax Map Key 2-1-052: 056 (portion) situated at 753 Halekauwila Street, Honolulu, Hawaii.
13. **RESOLUTION 18-17 – HONOLULU AUTHORITY FOR RAPID TRANSPORTATION’S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY.** Approving the Honolulu Authority for Rapid Transportation’s acquisition by eminent domain of various easements over, on, and across the real property identified in Exhibits A and B.
14. **BILL 99 (2017) – BUS STOPS.** Preserving the use of City bus stops for patrons of the City's bus system. (Bill passed 2<sup>nd</sup> reading and public hearing held 12/6/17)
15. **RESOLUTION 18-2 - DESIGNATING A SITE IN KAIMUKI AS A SAFE ZONE FOR HOMELESS INDIVIDUALS.** Urging the State of Hawaii is to reconsider designating a safe zone for homeless individuals on the vacant land in Kaimuki identified by the State of Hawaii Department of Land and Natural Resources as Tax Map Key 3-2-036-010, because the property is unsuitable for use as a safe zone.

16. **BILL 83 (2017) – PUBLIC SIDEWALKS.** Prohibiting, subject to exceptions, persons from sitting or lying on public sidewalks in areas near schools and public libraries. (Bill passed 2<sup>nd</sup> reading and public hearing held on 11/1/17; Committee deferred action on 11/14/17)
17. **BILL 69 (2017) – FIRE SAFETY.** Requiring existing highrise residential buildings to retrofit when necessary to comply with specified fire safety standards. (Bill passed 1<sup>st</sup> reading 8/9/17; Committee deferred action on 11/14/17)
18. **BILL 107 (2017) – FIRE SAFETY.** Providing for various means, methodologies, and standards to promote improvements to fire safety in existing high-rise residential buildings through the amendment of the Fire Code of the City and County of Honolulu, and provides for various incentives and cost mitigation measures to help building and unit owners mitigate the costs associated with implementing fire safety improvements. (Bill passed 1<sup>st</sup> reading 12/6/17)

PROPOSED CD1 TO BILL 107 (2017) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2018-0015/1/17/2018 11:41 AM) makes the following amendments:

A. Deletes the amendments made to Revised Ordinances of Honolulu 1990 (“ROW) Chapter 20, Article 2 in Sections 2 through 6 of the Bill and instead amends, in new Section 2, Section 20-1.1 ROH, as follows:

1. Adds a new paragraph (15) to read as follows:

“(15) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

“13.3.2.26.2 Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluation code assessments, which consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be conducted by a licensed design professional within three years from the effective date of this ordinance. Buildings shall comply by passing the building fire and life safety evaluation within six

years from the effective date of this ordinance. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are required to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluations.

**13.3.2.26.2.1** An existing high-rise residential building may appeal the final building fire and life safety evaluation score, and the resulting fire safety requirements for the building, as assessed by the licensed design professional or the determination of the AHJ, by filing a written request for an appeal to the director or head of the AHJ within 10 business days of the date of the completed building fire and life safety evaluation assessment or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a clear statement of the basis for appeal, supporting documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal not later than 30 calendar days from the receipt of the appeal. The AHJ shall submit as part of its annual report the appeals filed by existing high-rise residential buildings and the disposition of the appeals. The AHJ may prescribe, as needed, additional appeal procedures, requirements, and forms, not inconsistent with this section.

**13.3.2.26.2.2** Existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system or alternative fire prevention and fire safety systems in accordance with this Chapter and the building code.

**13.3.2.26.2.3** An existing high-rise residential building may opt-out of the automatic fire sprinkler system requirement; provided that, a majority of the unit owners affirmatively vote to opt-out of the requirement within three years of the completion of the building fire and life safety evaluation at a regularly scheduled or special meeting of the owners, convened and noticed in accordance with the condominium's or association's by-laws; and provided further, the building receives a passing score on the building fire and life safety evaluation through the implementation of alternative fire

prevention and fire safety systems. A building that opts-out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners. Verifiable public disclosure may include, but shall not be limited to, signs posted in the building's public notification areas, real estate sales disclosures as required by Hawaii law, and declarations recorded with the bureau of conveyances.

**13.3.2.26.2.4** Each building owner shall, within 180 days from the effective date of this ordinance, file a written statement of its intent to comply with this regulation with the AHJ for approval.

**13.3.2.26.2.5** The AHJ shall review and respond to the written statement of its intent to comply within 60 days of receipt of the intent to comply.

**13.3.2.26.2.6** The entire building shall be required to be protected by an approved automatic fire sprinkler system or alternative fire prevention and fire safety systems as approved by the AI-IJ within 12 years of the effective date of this ordinance, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

**13.3.2.26.2.7** Compliance with the automatic fire sprinkler system or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within eight years from the effective date of this ordinance, common areas for buildings 10 to 19 floors shall be completed within 10 years from the effective date of this ordinance, and all buildings, regardless of the number of floors, shall be completed within 12 years from the effective date of this ordinance. An extension to 15 years from the effective date of this ordinance may be approved by the AHJ, provided that compliance using an automatic fire sprinkler system has been achieved for common areas.

**EXCEPTION:** Existing high-rise residential buildings are exempted from the automatic fire sprinkler system

requirements in Section 13.3.2.26.2.2 if all dwelling units have exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

**EXCEPTION:** Existing high-rise residential buildings can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements through the implementation of a combination of alternative fire prevention and fire safety systems as provided in Section 13.3.2.26.2.2, as approved by the AHJ.

**EXCEPTION:** Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

**EXCEPTION:** Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Elevator hoistways and machine rooms are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.

**EXCEPTION:** Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

2. Renumbers all subsequent paragraphs thereafter accordingly.
- B. Deletes existing Section 3 of the Bill and replaces it with a new Section 3, as follows:

SECTION 3. The Revised Ordinances of Honolulu 1990 is amended to provide incentives and cost mitigation measures, as set forth in this Part and as may be further promulgated by the AHJ, to assist owners of highrise residential buildings and owner-occupants of highrise residential units to address the costs that may be associated with the installation of automatic

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fire sprinkler systems or alternative fire prevention and fire safety improvements. Such incentives and cost mitigation measures may include, but shall not be limited to, loans and grants, the waiver of applicable fees, real property tax credits, the issuance of bonds, and the extension of applicable compliance periods.

- C. Deletes existing Sections 4 to 6 of the Bill and renumbers remaining sections of the Bill accordingly.
- D. Makes miscellaneous technical and nonsubstantive amendments.

### **EXECUTIVE SESSION**

The Committee anticipates going into Executive Session pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult in a closed meeting with the attorneys for the Council Executive Matters and Legal Affairs Committee on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

- 19. Resolution to request additional funds for Contract No. SC-OCR-1700106 to continue the services of Chung & Ikehara, ALC, as Special Deputy Corporation Counsel to represent Louise M. Kealoha in a legal action entitled Jonah K. Kaahu and Donna Liaka Marie Kaahu, Husband and Wife v. City and County of Honolulu, et al.; Civil No. CV14-00266 HG/RLP
- 20. Request for authorization to settle a case against the City and County of Honolulu entitled Sean M. Davis, as Personal Representative of the Estate of Thomas James Davis, Deceased, et al. v. City and County of Honolulu; Civil No. 15-1-0221-02 JPC

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21. Request for authorization to settle a case against the City and County of Honolulu entitled George Martin v. City and County of Honolulu, et al.; Civil No. CV13-1-2915-10 JPC

RON MENOR, Chair  
Committee on Executive Matters and  
Legal Affairs