



CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3077

COMMITTEE ON PUBLIC SAFETY AND WELFARE

Voting Members:

Tommy Waters, Chair
Heidi Tsuneyoshi, Vice Chair
Carol Fukunaga
Joey Manahan
Ron Menor

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, OCTOBER 24, 2019
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 768-3827 your name, phone number and the agenda item;
- c. By filling out a registration form in person; or
- d. By calling 768-3801.

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 a **one-minute** presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 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, will be available to the public on both the City Council's pilot website: www.honolulucitycouncil.com as well as the City's DocuShare Website.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

Accommodations are available upon request to persons with disabilities, please call 768-3801 or send an email to guehara@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through www.honolulucitycouncil.com and <http://olelo.granicus.com/MediaPlayer.php?publishid=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 ACTION

1. **[RESOLUTION 19-184](#) – APPOINTMENT OF MARC E. DEXTER.** Confirming the appointment of Marc E. Dexter to serve on the Citizens Advisory Commission on Civil Defense of the City and County of Honolulu for a term to expire on March 31, 2024. (Transmitted by Communication [MM-88](#); Public hearing held on 9/4/19)
2. **[RESOLUTION 19-218](#) – UPDATED MULTI-HAZARD PRE-DISASTER MITIGATION PLAN.** Providing for the adoption of the fully updated Multi-Hazard Pre-Disaster Mitigation Plan for the City and County of Honolulu under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the Disaster Mitigation Act of 2000. (Transmitted by Communication [D-609](#))
3. **[RESOLUTION 19-261](#) – OVERT VIDEO MONITORING.** 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 2019 Honolulu Marathon event. (Transmitted by Communication [D-692](#))
4. **[RESOLUTION 19-239](#) – RESTRICT CABARET LICENSES WITHIN WAIKIKI TO ESTABLISHMENTS WITHIN HOTELS.** Urging the Hawaii State Legislature to restrict the issuance and renewal of cabaret licenses within Waikiki to establishments within hotels.
5. **[RESOLUTION 19-242](#) – FOOD SECURITY ADMINISTRATOR.** Urging the City Administration to create a Food Security Administrator position.
6. **[RESOLUTION 19-243](#) – REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES.** Urging the Legislature of the State of Hawaii to repeal the statutory provisions preempting stricter county regulation of the sale of cigarettes, tobacco products, and electronic smoking devices.
7. **[RESOLUTION 19-258](#) – THE KOKO HEAD STAIRS.** Requesting the City Administration to update the City Council on plans for immediate and long-term repairs to the Koko Head Stairs and urging the Mayor to release Council-approved appropriations for these repairs.

8. [**BILL 39 \(2019\), CD1 – EXTENDING LIFEGUARD SERVICES.**](#) Establishing a program for extended lifeguard services within the Department of Emergency Services. (Bill passed second reading and public hearing on 9/4/19)

[**PROPOSED CD2 TO BILL 39 \(2019\), CD1**](#) (Submitted by Councilmember Waters) – The CD2 (OCS2019-1119/10/18/2019 2:46 PM) makes the following amendments:

- A. In SECTION 1 of the bill, revises the first paragraph to replace the phrase "to address public safety concerns arising from frequent drownings at public beach parks" with the phrase "to serve public safety and welfare."
- B. In SECTION 2 of the bill, proposed Section 2-___.1(a), revises the first sentence to read as follows:
- (a) Legislative Findings and Declaration of Intent. Public safety and welfare would be served by providing public safety programs that protect and educate beachgoers about ocean safety.
- C. In SECTION 2 of the bill, proposed Section 2-___.1(a), replaces the phrase "beach parks" with "beaches and ocean waters."
- D. In SECTION 2 of the bill, proposed Section 2-___.2, adds new subsections (c) and (d) to read as follows:
- (c) The director of emergency services shall formalize a long-term plan to implement this program for extended lifeguard services within nine months of the effective date of this ordinance, and provide this plan to the Council by January 1, 2021.
- (d) The director of emergency services shall begin implementation of this program for extended lifeguard services no later than July 1, 2021.
- E. In SECTION 3 of the bill, specifies the effective date of the bill to be upon approval. The effective date had previously been blank.

9. **BILL 40 (2019) – RELATING TO PLASTIC.** Addressing the provision of certain single-use plastic goods and plastic bags. (Bill passed second reading and public hearing on 9/4/19)

PROPOSED CD1 TO BILL 40 (2019) (Submitted by Councilmember Manahan) – The CD1 (OCS2019-0963/10/18/2019 2:51 PM) makes the following amendments:

- A. In SECTION 1 of the bill ("Purpose and Findings"), clarifies that single-use plastic goods include expanded polystyrene food service products and plastic service ware and revises the general comments and findings of the Council.
- B. In SECTION 2 of the bill, adds a new definition of "Plastic" to ROH Section 9-9.1 ("Definitions") to read as follows:
- "Plastic" means any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.
- C. In SECTION 2 of the bill, amends the definitions of "Plastic checkout bag" and "Plastic film bag" in ROH Section 9-9.1 ("Definitions") to limit existing exclusions to:
- (A) Handle-less plastic bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) Newspaper bags for home newspaper delivery;
 - (D) Laundry, dry cleaning, or garment bags
 - (E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
 - (F) Bags used to contain live animals, such as fish or insects sold in pet stores;
 - (G) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer; and

(H) Third-party certified compostable plastic bags.

Exclusions (A), (D), and (H) have been modified from the "as introduced" version.

- D. In SECTION 4 of the bill, adds new definitions of "Business," "Expanded polystyrene," "Expanded polystyrene food service product," "Plastic," "Plastic service ware," "Single-use," and "Utensils," amends the definition of "Department," and removes the definitions of "Chlorofluorocarbons" or "CFCs," and "Polystyrene foam container" in ROH Section 41-27.1 ("Definitions").
- E. In SECTION 5 of the bill, amends ROH Section 41-27.2 ("Ban on use of polystyrene foam containers") to read as follows:

"Sec. 41-27.2 ~~[Ban]~~ **Restriction on** ~~[use of polystyrene foam containers.]~~ **non-compliant food service ware.**

- (a) ~~[Except if]~~ Unless exempted under Section 41-27.3, ~~[from January 1, 1990,]~~ no food vendor or business shall sell or serve prepared food or beverages in any expanded polystyrene ~~[foam container]~~ food service product. ~~[which is manufactured with the use of or contains chlorofluorocarbons. The department may require a food vendor, supplier, or distributor to furnish a written statement from the manufacturer or supplier of the container used by the food vendor, indicating that use of the container is not prohibited.]~~
- (b) Unless exempted under Section 41-27.3, no food vendor or business shall sell or provide single-use plastic service ware to customers.
- (c) ~~[Except if]~~ Unless exempted under Section 41-27.3, ~~[from January 1, 1990,]~~ no food packager shall package meat, eggs, bakery products, or other food in any expanded polystyrene ~~[foam container]~~ food service product. ~~[which is manufactured with the use of or contains chlorofluorocarbons. The department may require the manufacturer or supplier of the container used by the food packager to furnish a written statement from the manufacturer of the packaging, indicating that use of the container is not prohibited.]~~"

- F. In SECTION 6 of the bill, amends ROH Section 41-27.3 ("Exemptions") to read as follows:

"Sec. 41-27.3 Exemptions.

(a) ~~[The department may exempt a food vendor or food packager from compliance with the prohibition of Section 41-27.2 until December 31, 1990.]~~ The department may grant an exemption from compliance with the prohibitions of Section 41-27.2 upon application and [a showing by the applicant] the provision of sufficient evidence that compliance with the prohibition would cause undue hardship. "Undue hardship" ~~[shall]~~ will be construed to include, but not be limited to:

~~[(a)]~~(1) Situations where there are no acceptable alternatives to packaging with expanded polystyrene [foam containers] food service products or providing single-use plastic service ware to customers, for reasons ~~[which]~~ that are unique to the applicant; ~~[or]~~

~~[(b)]~~(2) Situations where compliance with the prohibition would deprive a person of a legally protected right ~~[or where the product containing CFCs was purchased prior to the effective date of the ordinance codified in this article].~~

(b) Disposable flexible plastic drinking straws may be provided, upon request, to customers for whom flexible non-fossil-fuel-based straws are unsuitable due to medical or physical conditions. Otherwise, straws must be fossil-fuel free and designed to be reusable.

(c) Prepackaged food products that are outside of a business' sphere of control, such as children's juice boxes packaged and sold with single-use plastic straws, soup or noodles packaged with expanded polystyrene that has been filled and sealed prior to receipt by the business, and single-use plastic condiments packaging, are exempt from compliance with the prohibitions of Section 41-27.2."

- G. Amends the bill's effective date to March 1, 2020; provided that subsection (b) of SECTION 5 takes effect on January 1, 2021.
- H. Makes miscellaneous technical and nonsubstantive amendments

[PROPOSED CD1 TO BILL 40 \(2019\)](#) (Submitted by Councilmember Tsuneyoshi)
– The CD1 (OCS2019-1031/9/27/2019 11:37 AM) makes the following amendments:

- A. Amends SECTION 9 by amending the effective date provision to state that SECTION 5 of the bill takes effect on January 1, 2021.
- B. Makes miscellaneous technical and nonsubstantive amendments, including formatting changes and amendments to comport the bill with recommended drafting style.

[PROPOSED CD1 TO BILL 40 \(2019\)](#) (Submitted by Councilmember Fukunaga) –
The CD1 (OCS2019-1085/10/16/2019 2:06 PM) makes the following amendments:

- A. In SECTION 4, adds new definitions for the terms "Polystyrene," "Pre-packaged foods," "Prepared food," "Single-use plastic straw," and "Vendor" to ROH Section 41-27.1.
- B. In SECTION 5, retitles ROH Section 41-27.2 to "Single-use--Prohibited acts," deletes the proposed subsections (b) and (c), and replaces them with a new subsection (b) that reads as follows:

"(b) A full-service restaurant shall not provide a single-use plastic straw to a consumer unless requested by the consumer. For purposes of this section, "full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and where all of the following actions are taken by an employee of the establishment:

- (1) The consumer is escorted or assigned to an assigned eating area, of which the employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request;
- (2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area;
- (3) The food and beverage orders are delivered directly to the consumer;
- (4) Any requested items associated with the consumer's

food or beverage order are brought to the consumer;
and

(5) The check is delivered directly to the consumer at the
assigned eating area."

C. In SECTION 6, amends ROH Section 41-27.3 by establishing a new subsection (a) for the existing text and proposed amendments, and adding a new subsection (b), so that the section text reads as follows:

"(a) The department [~~may exempt a food vendor or food packager from compliance with the prohibition of Section 41-27.2 until December 31, 1990. The department~~] may grant an exemption from compliance with the prohibitions of Section 41-27.2 upon application and a showing by the applicant that compliance with the prohibition would cause undue hardship. "Undue hardship" shall be construed to include, but not be limited to:

~~[(a)]~~(1) Situations where there are no acceptable alternatives to packaging with polystyrene foam containers for reasons [~~which~~] that are unique to the applicant; or

~~[(b)]~~(2) Situations where compliance with the prohibition would deprive a person of a legally protected right [~~or where the product containing CFCs was purchased prior to the effective date of the ordinance codified in this article~~].

(b) The following are exempt from this ordinance:

(1) Food that is packaged outside of the City and County of Honolulu;

(2) Pre-packaged foods;

(3) Coolers and ice chests that are intended for reuse; and

(4) Packaging for raw meat, poultry, seafood, and eggs that have not been further processed."

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- D. Extends the effective date from January 1, 2020, to January 1, 2022.
- E. Makes miscellaneous technical and nonsubstantive amendments.

TOMMY WATERS, Chair
Committee on Public Safety and Welfare