

# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN  
CHAIR & PRESIDING OFFICER  
IKAIKA ANDERSON  
VICE CHAIR  
TOM BERG  
STANLEY CHANG  
CAROL FUKUNAGA  
NESTOR R. GARCIA  
BREENE HARIMOTO  
ANN H. KOBAYASHI  
JOEY MANAHAN

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## ORDER OF BUSINESS

REGULAR MEETING  
CITY COUNCIL CHAMBER  
31ST SESSION  
WEDNESDAY, DECEMBER 5, 2012  
10 A.M.

### **SPEAKER REGISTRATION**

Persons wishing to testify on the morning calendar are requested to register by 10 a.m. as follows:

- a. On-Line at <http://www.honolulu.gov/council/attnspkcl.htm>;
- b. By faxing to 768-3826 your name, phone number and subject matter;
- c. By filling out the registration form in person; or
- d. By calling 768-3813.

Persons who have not registered to testify by 10 a.m. will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

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

- a. three-minute presentation on New Business and Sunshined items;
- b. one-minute presentation on all other items.

### **WRITTEN TESTIMONY**

Written testimony may be faxed to 768-3826 or e-mailed at <http://www.honolulu.gov/council/emailcl.htm> 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.

\* \* \* \* \*

Any physically challenged person requiring special assistance should call 768-3813 for details at least one day prior to the meeting date.

The video of the full proceedings of this meeting will be available for viewing after the meeting at <http://www1.honolulu.gov/cameras/council/index.htm> or a copy of the video may be requested by calling the City Clerk's Office at 768-5822.

Honorary Certificates will be presented at 9 a.m.

## **PLEDGE OF ALLEGIANCE**

## **MESSAGE OF ALOHA**

### **1. CALL TO ORDER – 10 A.M.**

Roll Call

Introduction of Guests

Approval of Minutes of the 30th Session

## 2. ORDER OF THE DAY – MORNING CALENDAR

### APPOINTMENTS – RESOLUTIONS

#### SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS

CR-376

Resolution 12-312

Relating to the appointment of Richard Jan Peterson to serve on the Citizens Advisory Commission on Civil Defense of the City and County of Honolulu.

FOR  
ADOPTION

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CR-378

Resolution 12-321

Relating to the reappointment of Eddie Flores, Jr. to serve on the Police Commission of the City and County of Honolulu.

FOR  
ADOPTION

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#### PARKS AND CULTURAL AFFAIRS

CR-384

Resolution 12-304

Relating to the appointment of Esther A. Wilhelm to serve on the Commission on Culture and the Arts of the City and County of Honolulu.

FOR  
ADOPTION

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EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-387

Resolution 12-308

Relating to the appointment of Leilani Tan Young to serve on the Ethics Board of Appeals.

FOR  
ADOPTION

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CR-388

Resolution 12-309

Relating to the appointment of Megan K. Kau to serve on the Ethics Board of Appeals.

FOR  
ADOPTION

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CR-389

Resolution 12-310

Relating to the appointment of Irene L. A. Puuohau to serve on the Ethics Board of Appeals.

FOR  
ADOPTION

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## THIRD READING

### SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS

CR-371

Bill 66, CD1

Relating to alarm systems. (Addressing concerns regarding the regulation of alarm systems.)

PASS \_\_\_\_\_ THIRD  
READING \_\_\_\_\_

### PUBLIC WORKS & SUSTAINABILITY

CR-399

Bill 62, CD1

Relating to the preparation of integrated solid waste management plans. (Revising Chapter 9, Revised Ordinance of Honolulu 1990, as amended, related to the submittal of integrated solid waste management plans, by amending the required submittal dates to conform to Hawaii Revised Statutes Section 342G-24.)

PASS \_\_\_\_\_ THIRD \_\_\_\_\_ READING, \_\_\_\_\_ AS  
AMENDED \_\_\_\_\_

ZONING AND PLANNING

CR-407

Bill 51, CD1

Relating to the Electrical Code. (Amending the Electrical Code.)

PASS                      THIRD                      READING,                      AS  
AMENDED

## FIRST READING

Bill 73  
(Budget)

Relating to approval of Consolidated Plan and Annual Action Plans. (Amending the requirements for review and approval of the Consolidated Plan and Annual Action Plan.)

PASS FIRST  
READING

Bill 74 (Zoning and  
Planning)

Relating to the Building Code. (Amending Chapter 16 of the Revised Ordinances of Honolulu 1990, as amended, with respect to stairway doors.)

PASS FIRST  
READING

Bill 75 (Zoning and  
Planning)

Relating to hotels. (Permitting certain (limited service) hotels in the BMX-3 business mixed use district.)

PASS FIRST  
READING

## RESOLUTIONS

### LEGISLATIVE MATTERS

CR-370

#### [Resolution 12-139](#)

Adopting a revision to the Public Infrastructure Map for the Waianae Sustainable Communities Plan area.

FOR  
ADOPTION

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Resolution 12-139, Proposed FD1

CR-411

#### [Resolution 12-322](#)

Authorizing the execution of a Full Funding Grant Agreement with the Federal Transit Administration for federal transportation assistance authorized by United States Code Title 49, Chapter 53, and other Federal statutes administered by the Federal Transit Administration.

FOR  
ADOPTION

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SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS

CR-373

Resolution 12-297

Relating to the acceptance of a gift from the Waikiki Business Improvement District Association (WBIDA) to address various illegal activities on the public sidewalks in specific areas in Waikiki.

FOR  
ADOPTION

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CR-374

Resolution 12-302

Relating to the acceptance of a gift to the City for the Honolulu Police Department to accept a gift of a used shipping container to be used for storage of training equipment at the Koko Head Range.

FOR  
ADOPTION

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CR-375

Resolution 12-311, CD1

Establishing a sister city relationship with Cali, Colombia.

FOR  
ADOPTION

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SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS (Cont'd.)

CR-377

Resolution 12-313, CD1

Requesting the Department of Enterprise Services to determine the feasibility of developing a concert hall and meeting room facility in Central Oahu.

FOR  
ADOPTION

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CR-379

Resolution 12-323

Authorizing the City and County of Honolulu to enter into an intergovernmental agreement with the State of Hawaii Housing Finance and Development Corporation for the use of certain lands in Kapolei.

FOR  
ADOPTION

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PARKS AND CULTURAL AFFAIRS

CR-380

Resolution 12-293

Relating to the acceptance of a gift to the City from the Hawaii United Okinawa Association.

FOR  
ADOPTION

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CR-381

Resolution 12-295

Relating to the acceptance of a gift to the City from the family of Ronald and Bernice Brissette of funds to purchase a standard bench to be installed at Kailua Beach Park.

FOR  
ADOPTION

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CR-382

Resolution 12-296

Relating to the acceptance of gifts of real property to the City from the James Campbell Company LLC.

FOR  
ADOPTION

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Restolution 12-296, Proposed FD1

PARKS AND CULTURAL AFFAIRS (Cont'd.)

CR-383

Resolution 12-301

Relating to the acceptance of a gift to the City from the family of Claire M. Dauer of funds to purchase a standard bench to be installed at Kailua Beach Park.

FOR  
ADOPTION

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CR-385

Resolution 12-318

Recognizing the cultural, historic and scientific value of the karst fresh-water aquifer eco-system of the Ewa Plains, West Oahu.

FOR  
ADOPTION

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Resolution 12-318, Proposed FD1

EXECUTIVE MATTERS AND LEGAL AFFAIRS

CR-386

Resolution 12-303

Accepting a gift to the City from Hagadone Printing Company.

FOR  
ADOPTION \_\_\_\_\_

CR-391

Resolution 12-327

To request the services of Ayabe Chong Nishimoto Sia & Nakamura as Special Counsel for the City and County of Honolulu to represent Defendant City and County of Honolulu in a legal action entitled: Sergeant Shermon Dean Dowkin, et al. v. The City and County of Honolulu, et al., Civil No. CV10-00087 SOM-RLP.

FOR  
ADOPTION \_\_\_\_\_

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

CR-392

Resolution 12-328

To request the services of Tanaka & Takase as Special Counsel for the City and County of Honolulu to represent Defendants Wayne Fernandez and Dan Kwon in a legal action entitled: Sergeant Shermon Dean Dowkin, et al. v. The City and County of Honolulu, et al., Civil No. CV10-00087 SOM-RLP.

FOR  
ADOPTION \_\_\_\_\_

CR-393

Resolution 12-329

To request the services of Chung & Ikehara as Special Counsel for the City and County of Honolulu to represent Defendants Ralstan Tanaka & Colby Kashimoto in a legal action entitled: Sergeant Shermon Dean Dowkin, et al. v. The City and County of Honolulu, et al., Civil No. CV10-00087 SOM-RLP.

FOR  
ADOPTION \_\_\_\_\_

EXECUTIVE MATTERS AND LEGAL AFFAIRS (Cont'd.)

CR-394

Resolution 12-330

To request the services of Fukunaga Matayoshi Hershey & Ching as Special Counsel for the City and County of Honolulu to represent Defendant William Axt in a legal action entitled: Sergeant Shermon Dean Dowkin, et al. v. The City and County of Honolulu et al., Civil No. CV10-00087 SOM-RLP.

FOR  
ADOPTION \_\_\_\_\_

BUDGET

CR-398

Resolution 12-317, CD1

Repealing prior Council policies relating to the Council's audit program and urging the City Auditor to comply with the State Procurement Code and Federal laws when selecting outside auditors.

FOR  
ADOPTION

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PUBLIC WORKS & SUSTAINABILITY

CR-401

Resolution 12-300

Approving the grants of the subsurface waterline easements to the Hawaii Public Housing Authority within the City's Ahe Street for the State's Palolo Valley Homes modernization project, TMK 3-4-07:15 and 17.

FOR  
ADOPTION

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CR-402

Resolution 12-306

Authorizing the Director of the Department of Design and Construction of the City and County of Honolulu or the Director's authorized representative to sign Amendment No. 1 to the Feasibility Cost Share Agreement between the Department of the Army and the City and County of Honolulu for the Waialele Stream Flood Control Feasibility Study in Laie, Oahu, Hawaii, and authorizing the Director of the Department of Budget and Fiscal Services to receive and expend funds from Hawaii Reserves, Inc. relating to said project.

FOR  
ADOPTION

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PUBLIC WORKS & SUSTAINABILITY (Cont'd.)

CR-403

Resolution 12-314

Approving the grants of the overhead utility easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. within the Honouliuli Wastewater Treatment Plant Expansion Parcel, TMK: 9-1-69:3.

FOR  
ADOPTION

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CR-404

Resolution 12-315

Approving the grants of various easements over the City's Ulehawa Drainage Channel property for the Green Homes at Lualualei, LLC project, Tax Map Key No. 8-7-033:027

FOR  
ADOPTION

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CR-405

Resolution 12-316

Approving the grant of Easement B for access and waterline purposes to property owners Douglas Smith and Ben Kulia over the City's Kuliouou Stream Flood Control Project, TMK: 3-8-06:4.

FOR  
ADOPTION

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ZONING AND PLANNING

CR-409

Resolution 12-292

Granting a Special Management Area Use Permit for development of a convenience store. (Applicant: 7-Eleven Hawaii, Inc.) (Deadline: 12/15/12)

FOR  
ADOPTION

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TRANSPORTATION

CR-410

Resolution 12-307

Approving the August 2012 Oahu Bike Plan and transmitting the plan to the Oahu Metropolitan Planning Organization for incorporation into the Oahu Regional Transportation Plan.

FOR  
ADOPTION

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### 3. BALANCE OF COMMITTEE REPORTS

PWSCR-406                      Dedication document conveying a park lot for public use in Ewa (Kamokila Community Park). (D-749)

EMLACR-395                      To request for authorization to settle a claim against the City entitled, Susan C. Park v. City and County of Honolulu, et al., Civil No. 09-1-2243-09 (EEH)

EMLACR-396                      To request for authorization to settle a claim against the City entitled, Souza v. City and County of Honolulu, et al., Civil No. 10-1-1655-08 PWB

FOR  
ADOPTION \_\_\_\_\_

### 4. UNFINISHED BUSINESS

**5. NEW BUSINESS**

Resolution 12-54

To amend Resolution No. 11-142 FD1, relating to the acceptance of a gift to the City from the Taipei Economic and Cultural Office in Honolulu, China People's Municipal Governments and Shenzhen Delicate Furniture Co., Ltd. of travel to Taiwan and Mainland China, and to amend Resolution No. 11-186, relating to the acceptance of a gift to the City from Nagaoka City of travel to Nagaoka, Japan.

FOR  
ACTION

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(TYPO: Resolution Number should be 12-325)

Resolution 12-235

Relating to the budget proviso for the Sand Island Wastewater Treatment Plant Solids Handling Project.

FOR  
ACTION

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(TYPO: Resolution Number should be 12-326)

Resolution 12-236

Urging the Customer Services Department of the City and County of Honolulu to require the disclosure of certain information by animal control contractors.

FOR  
ACTION

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## 6. COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

Pursuant to Council Rule 12A and the Hawaii Revised Statutes Section 92-4 and Section 92-5(a)(4), the Council will resolve itself into a Committee of the Whole to consult with its attorneys in executive session on questions and issues on matters pertaining to the Council's powers, duties, privileges, immunities and/or liabilities, and may resolve itself into a Committee of the Whole to consult with its attorneys on other claims and matters pertaining to the Council's powers, duties, privileges, immunities and/or liabilities.

## 7. RECESS

### CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

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JOEY MANAHAN

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## ORDER OF BUSINESS

REGULAR MEETING/PUBLIC HEARING  
CITY COUNCIL CHAMBER  
31<sup>ST</sup> SESSION  
WEDNESDAY, DECEMBER 5, 2012  
2 P.M.

### SPEAKER REGISTRATION

Persons wishing to testify on the afternoon calendar are requested to register by 2 p.m. as follows:

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### WRITTEN TESTIMONY

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**8. RECONVENE – 2 P.M.**

**9. EXECUTIVE SESSION ITEM(S)**

**10. ORDER OF THE DAY – AFTERNOON CALENDAR**

**APPOINTMENTS - PUBLIC HEARING**

**a. Caroldean Kahue, Ethics Board of Appeals**

(Executive Matters and Legal Affairs)

MM-129

- From Mayor Peter B. Carlisle, appointing Caroldean Kahue as a member of the Ethics Board of Appeals for a term to expire on December 31, 2013.

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**b. Gary Okino, Ethics Board of Appeals**

(Executive Matters and Legal Affairs)

MM-132

From Mayor Peter B. Carlisle, appointing Gary Okino as a member of the Ethics Board of Appeals for a term to expire on December 31, 2014.

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**SECOND READING/PUBLIC HEARING**

SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS

CR-372

Bill 72

Relating to smoking. (Amending the prohibition of smoking in certain places.)

PASS SECOND READING

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BUDGET

CR-397

- Bill 69,  
CD1

- Relating to rental assistance. (Modifying requirement concerning the rental assistance fund.)

- PASS SECOND READING, AS AMENDED

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- Bill 69, CD1, Proposed  
FD1

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PUBLIC WORKS AND SUSTAINABILITY

CR-400

- Bill \_\_\_\_\_ 71.  
CD1

- Relating to street lighting. (Amending the requirements for City or City-approved street lighting fixtures to minimize light pollution and glare.)

- PASS SECOND READING, AS AMENDED

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ZONING AND PLANNING

CR-408

- Bill \_\_\_\_\_ 68.  
CD1

- Relating to the fees and permits for Building, Electrical, Plumbing and Sidewalk codes to repeal the exemption of permit fees for photovoltaic solar electric power systems. (Repealing the exemption of permit fees for photovoltaic solar electric power systems from the payment of certain permit fees.)

- PASS SECOND READING, AMENDED

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**11. ANNOUNCEMENTS**

**12. ADJOURNMENT**