28th Session

ORDER OF BUSINESS

West Hawai‘i Civic Center
74-5044 Ane Keohokalole Highway, Building A
Kailua-Kona, Hawai‘i

December 18, 2019

9:00 a.m.

(Note: Please turn all communication devices to silent mode.)

INVOCATION
Kahu Kealoha Kaʻopua of Calvary Community Church in Kona

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Hawai‘i County is an Equal Opportunity Provider and Employer
PETITIONS, MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

(NOTE: COUNCIL MAY TAKE A LUNCH BREAK CLOSE TO THE NOON HOUR)

APPROVAL OF MINUTES November 20, 2019

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 403-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I, PURSUANT TO HAWAI‘I REVISED STATUTES 46-7, FOR A GRANT TO THE POLICE DEPARTMENT

Accepts funds of $10 million from the State of Hawaiʻi to reimburse the County for overtime costs, supplies, equipment, and other expenses incurred by the department in response to the protest activities related to the construction of the Thirty Meter Telescope on the summit of Mauna Kea.

Reference: Comm. 605
Intr. by: Ms. David (B/R)
Approve: FC-88


The landholder seeks to dedicate the roadway and all improvements for public roadway purposes.

Reference: Comm. 615
Intr. by: Ms. Lee Loy (B/R)
Approve: PWMTC-18
Res. 420-19: Creates two new temporary positions for the Hawai‘i County Department of Parks and Recreation
Establishes one Community Service Program Assistant and one Community Service Worker III position to support the Elderly Activities Division’s paratransit program for seniors.

Reference: Comm. 629
Intr. by: Ms. David (B/R)
Approve: FC-89

Res. 421-19: Transfers/appropriates an appropriation out and from a designated fund account and credits same to a designated fund account
Transfers $12,320 from the Hāmākua Police – Other Current Expenses account and credits to the North Hilo Police – Other Current Expenses account to maintain operations at the North Hilo Police Station.

Reference: Comm. 630
Intr. by: Ms. David (B/R)
Approve: FC-90

Res. 422-19: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year lease of real property for the County of Hawai‘i, Hawai‘i Fire Department
Assigns the balance of the ninety-nine year lease to the Hawai‘i Fire Department to operate its 9 Bravo Volunteer Fire Station.

Reference: Comm. 631
Intr. by: Ms. David (B/R)
Approve: FC-91

Authorizes the Mayor to enter into a seven-year lease agreement with two additional five-year options with W. H. Shipman, Limited, for property in the W. H. Shipman Industrial Park to construct a compost facility.

Reference: Comm. 634
Intr. by: Ms. David (B/R)
Approve: FC-92

Res. 424-19: GRANTS A VARIANCE FROM CHAPTER 3, SECTIONS 3-5(a), 3-6(b)(3), 3-58(a)(2)(B), 3-58(a)(5)(B), 3-58(c), 3-59(a)(4), and 3-60(a), HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), TO ALLOW CONSTRUCTION OF GROUND AND WALL SIGNS AT THE PROPERTY LOCATED AT 75-971 HENRY STREET, KAILUA-KONA, HAWAI‘I, 96740, TAX MAP KEY: 7-5-004:007

Grants a sign variance to Kona Owner, LLC for construction of certain ground and wall signs at the Niumalu Marketplace.

Reference: Comm. 642
Intr. by: Ms. Lee Loy (B/R)
Approve: PWMTC-19

Res. 425-19: AUTHORIZES THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH SPECTRUM OCEANIC, LLC, TO ALLOW SPECTRUM OCEANIC, LLC, TO ACCESS COUNTY OF HAWAI‘I PARKS FACILITIES LOCATED ON THE COUNTY OF HAWAI‘I, STATE OF HAWAI‘I, FOR THE PURPOSE OF INSTALLING WIFI EQUIPMENT

The agreement would allow Spectrum to install and maintain free Wi-Fi service to the public for up to one hour per day at six facilities.

Reference: Comm. 643
Intr. by: Ms. Poindexter
Approve: PRC-1
Res. 426-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO GOING HOME HAWAI‘I TO SUPPORT ITS KONA PU‘UHONUA WELLNESS CENTER PROGRAM
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 647
Intr. by: Ms. Villegas

Res. 427-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO YWCA OF HAWAI‘I ISLAND FOR REIMBURSEMENT OF EXPENSES RELATED TO THE 2019 FAMILY VIOLENCE SUMMIT
Transfers $750 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 648
Intr. by: Mr. Richards

Res. 428-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ALOHA ‘ĪLIO RESCUE TO SUPPORT ITS ONGOING EFFORTS TO SAVE ANIMALS FROM EUTHANASIA
Transfers $3,500 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 649
Intr. by: Mr. Kanealiʻi-Kleinfelder
Res. 429-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE FOOD BASKET, INC., FOR THE BODACIOUS WOMEN OF PĀHOA’S HOʻOULU NA KEIKI ‘O HAWAI‘I BACKPACK PROGRAM

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 650
Intr. by: Ms. Kierkiewicz

Res. 430-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF FUNDS TO BE USED BY THE HAWAIʻI FIRE DEPARTMENT TOWARDS THE EXPANSION OF THE COMMUNITY PARAMEDICINE PROGRAM

Accepts a monetary donation of $125,000 from West Hawaiʻi Community Health Center, Inc.

Reference: Comm. 656
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)


Appropriates revenues in the State Grants – Mauna Kea Costs account ($10 million); and appropriates the same to the Mauna Kea Costs account. Funds from the State of Hawaiʻi would be used to reimburse the County for overtime costs, supplies, equipment, and other expenses incurred by the Police Department in response to the protest activities related to the construction of the Thirty Meter Telescope on the summit of Mauna Kea.

Reference: Comm. 605
Intr. by: Ms. David (B/R)
Approve: FC-93
Appropriates revenues in the Fire Department Private Contributions account ($125,000); and appropriates the same to the Fire Department Private Contributions account. Funds provided by the West Hawai‘i Community Health Center, Inc. would be used for the expansion of the Community Paramedicine Program.

Reference: Comm. 632
Intr. by: Ms. David (B/R)
Approve: FC-94

Bill 121: AMENDS ORDINANCE NO. 19-74, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020
Adds the Public Works Banyan Drive Roadway Improvements project for $500,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used for sidewalks, roadway widening, drainage, and additional street lighting.

Reference: Comm. 633
Intr. by: Ms. David (B/R)
Approve: FC-95
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

ORDER OF THE DAY (SECOND OR FINAL READING)

Increases revenues in the Federal Grants – State Homeland Security Program account ($164,500); and appropriates the same to the State Homeland Security Program Fiscal Year 2019 account, bringing the total appropriation to $764,500. Funds would be used to support efforts to prevent, protect and respond to incidents, threats, and hazards within the context of terrorism.

Reference: Comm. 603
Intr. by: Ms. David (B/R)
First Reading: December 4, 2019

Appropriates revenues in the Federal Grants – Local Justice Assistance Grant (JAG) Program account ($76,444); and appropriates the same to the Local JAG Program account. Funds would be used by the Police Department to purchase a shooting simulator for its training program.

Reference:  Comm. 604
Intr. by:  Ms. David (B/R)
First Reading:  December 4, 2019


Addresses a drafting error contained in Ordinance No. 19-100.

Reference:  Comm. 627
Intr. by:  Ms. Kierkiewicz (B/R)
First Reading:  December 4, 2019


Increases revenues in the Fund Balance from Previous Year account ($32,000); and appropriates the same to the Transfer to Capital Projects Fund – Park Dedication account. Funds would be used to stake and adjust an existing easement of Phase 2 of the Waimea Trails and Greenways Project.

Reference:  Comm. 635
Intr. by:  Ms. David (B/R)
First Reading:  December 4, 2019

REPORTS

PC-38 (Comm. 625):  NOMINATION OF JUDY SIGRID HOWARD TO THE WATER BOARD

Requires Council Confirmation by:  December 28, 2019 (Section 13-4(I), Hawai‘i County Charter)
PSC-12 (Comm. 626): NOMINATION OF ANTHONY SUR TO THE POLICE COMMISSION

Requires Council Confirmation by: December 28, 2019 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to Hawai‘i Revised Statutes, Section 92-4, and Rule Nos. 2 and 10 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by December 16, 2019. If a response is received after December 16, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Notice is hereby given that pursuant to Hawai‘i Revised Statutes (hereinafter “HRS”) §92-3.5, the Hawai‘i County Council will be conducting this meeting via videoconference. If audio stream between Kona and Hilo is lost for more than a short period of time, the meeting will be terminated. Council Members will be present at the following location:

- Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401.
  (Pursuant to HRS §92-7 and Council Rule No. 2, Council Members Aaron S. Y. Chung, Matt Kaneali‘i-Kleinfelder, Ashley L. Kierkiewicz, and Susan L. K. Lee Loy will be participating from the Hilo Council Chambers.)

Public attendance via videoconference will be available at the Hilo location.

Public attendance via courtesy site is also available at the following location until 4:30 p.m. or later in the event public testimony has not been completed:

Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nāʻālehu State Office Building, 95-5669 Māmalahoa Highway;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapaʻau; and
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.

If, due to unanticipated circumstances, the courtesy site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Live stream of County Council Meetings: Council meetings are available for live viewing. Click on Council Meetings on the County’s homepage at [http://www.hawaiicounty.gov](http://www.hawaiicounty.gov).

Copies of this agenda and items listed on the agenda are available on the County Clerk-Council web page at [http://www.hawaiicounty.gov/lb-council-meeting](http://www.hawaiicounty.gov/lb-council-meeting). For further information, please call 961-8255.

Submitting Written Testimony: Those submitting written testimony at the meeting should bring fourteen (14) copies for distribution. Public testimony may also be submitted before 12:00 noon on the business day prior to the meeting: (1) by mail to the County Clerk’s Office in Hilo at 25 Aupuni Street, Hilo, Hawaiʻi, 96720; (2) by facsimile to (808) 961-8912; or (3) by email to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may email a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The email shall indicate the appropriate Committee or Council meeting, the meeting date, agenda item (communication, bill, resolution or report number), and number of testifiers on the video submittal. Each video submittal shall be limited to a single agenda item. Video submittals may contain up to three individual testifiers and shall each be up to three minutes in length. Video testimony will not be played during the meeting; however, it will be distributed to Council Members prior to the meeting. The Office of the County Clerk reserves the right to refuse testimony containing inappropriate content or that is not in compliance with Council Rule 13 (Public Statements and Testimony).