COUNTY COUNCIL

County of Hawai‘i
Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i 96720

30th Session

ORDER OF BUSINESS

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

January 22, 2020

9:00 a.m.

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

INVOCATION Senior Pastor Bill Dierking of Kona Coast Baptist Church

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

December 18, 2019

COMMUNICATIONS

Comm. 706: NOMINATION OF GREGORY CHARLES HENKEL TO THE FIRE COMMISSION

From Mayor Harry Kim, dated January 2, 2020, submitting for the Council’s review and confirmation the above nomination.

Waived: PSC
Requires Council Confirmation by: February 15, 2020 (Section 13-4(l), Hawai‘i County Charter)

; and

Comm. 706.1: From Public Safety Committee Chairperson Rebecca Villegas, dated January 14, 2020, requesting this matter be waived from the Committee on Public Safety to the full Council.

Comm. 708: REQUESTS TO INCREASE THE COMPENSATION AMOUNT TO LEONG KUNIHIRO BENTON & BROOKE AS SPECIAL COUNSEL TO THE DEPARTMENT OF HUMAN RESOURCES, HEALTH & SAFETY DIVISION, WORKERS’ COMPENSATION BRANCH

From Corporation Counsel Joseph K. Kamelamela, dated January 13, 2020, requesting authorization to amend the agreement by increasing the compensation amount from $300,000 to $350,000.

Waived: FC
Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawai‘i County Charter
ORDER OF RESOLUTIONS

Res. 431-20: DIRECTS HAWAI‘I COUNTY TO STRATEGICALLY ADDRESS ITS ESCALATING HOUSING CRISIS WITH URGENCY
Advocates a multi-pronged approach to significantly expand affordable housing opportunities on Hawai‘i County, including the creation of an Affordable Housing Fund, the establishment of a “Hawai‘i County Housing Coalition”, and the development of a comprehensive housing plan.

Reference: Comm. 657
Intr. by: Ms. Kierkiewicz
Approve: FC-100

Seeks an appropriation of $125,000 for the purpose of funding a consultant for the Planning Department to complete the audit.

Reference: Comm. 658
Intr. by: Ms. Kierkiewicz
Approve: PC-44

Res. 458-20: AUTHORIZES THE MAYOR TO ENTER INTO A MULTI-YEAR HOUSING ASSISTANCE PAYMENT CONTRACT WITH AINAKEA SENIOR RESIDENCES, LLP, OWNERS OF AINAKEA SENIOR RESIDENCES, FOR THE SECTION 8 PROJECT-BASED VOUCHER PROGRAM AS OFFERED THROUGH A PUBLIC NOTICE DATED JULY 26, AUGUST 2 AND 9, 2009
Requests the Council to authorize the extension of the initial master agreement to February 28, 2030, to continue providing rental assistance for up to 29 eligible elderly participants.

Reference: Comm. 685
Intr. by: Ms. David (B/R)
Approve: FC-101
Res. 459-20: AUTHORIZES THE MAYOR TO ENTER INTO A MULTI-YEAR HOUSING ASSISTANCE PAYMENT CONTRACT WITH THE PROPERTY OWNERS OR PROPERTY MANAGERS OF SELECTED PROJECTS FOR THE SECTION 8 PROJECT-BASED VOUCHER PROGRAM AS OFFERED THROUGH A PUBLIC NOTICE DATED FEBRUARY 18 AND 19, 2019

Authorizes the Mayor to enter into a multi-year agreement for proposed voucher projects at Kaiaulu O Kapiolani, Kaloko Heights, Papaʻaloa Elderly Housing, and West Kawili Street Senior Project.

Reference: Comm. 686
Intr. by: Ms. David (B/R)
Approve: FC-102

Res. 466-20: AUTHORIZES THE ACCEPTANCE OF A DONATION OF TWO BOAT MOTORS FROM THE KUKIO GOLF AND BEACH CLUB

The donation, valued at $18,000, would be used by the Hawai‘i Fire Department’s Kailua Station.

Reference: Comm. 705
Intr. by: Ms. David (B/R)
Waived: FC

Res. 467-20: 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 ASSIST WITH EXPENSES RELATED TO ITS EAST HAWAI‘I PUʻUHONUA WELLNESS CENTER PROGRAM

Transfers $7,500 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 707
Intr. by: Ms. Lee Loy
Res. 468-20:  
AUTHORIZES THE ACCEPTANCE OF ALL FUTURE DONATIONS FROM THE DANIEL R. SAYRE MEMORIAL FOUNDATION TO THE COUNTY OF HAWAI‘I  
Provides authorization in advance of future donations to establish an expeditious manner of accepting donations of possible life-saving equipment and training.  
Reference:  Comm. 709  
Intr. by: Mr. Chung and Ms. David  
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)  

Bill 128:  
Increases revenues in the Federal Grants – Nutrition Services Incentive Program account ($20,000); and appropriates the same to the Nutrition Services Incentive Program account, bringing the total appropriation to $120,000. Funds will be used for home delivered meal services for the elderly.  
Reference:  Comm. 687  
Intr. by: Ms. David (B/R)  
Approve: FC-103

ORDER OF THE DAY (SECOND OR FINAL READING)  

Bill 124:  
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 Paniolo Avenue Rehabilitation project for $5.5 million 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 paving and rehabilitating Paniolo Avenue in Waikōloa.  
Reference:  Comm. 644  
Intr. by: Ms. David (B/R)  
First Reading: January 8, 2020  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 125: 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 Plumeria Street Rehabilitation project for $4 million 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 for paving and rehabilitating Plumeria Street in Honoka`a.

Reference: Comm. 645
Intr. by: Ms. David (B/R)
First Reading: January 8, 2020
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai`i County Charter

Bill 126: AMENDS CHAPTER 5, ARTICLE 5, SECTION 5-84, OF THE HAWAI`I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO ENERGY CONSERVATION

Updates the County’s Energy Conservation Code provisions by replacing the 2006 International Energy Conservation Code with the 2015 International Energy Conservation Code, and incorporating 46 amendments to promote the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting, and power systems in the County of Hawai`i, while taking into consideration local conditions and providing options to mitigate increases in the cost of construction.

Reference: Comm. 646
Intr. by: Ms. Lee Loy (B/R)
First Reading: January 8, 2020


Modifies provisions to increase efficiency and program flexibility to encourage the formation of improvement districts.

Reference: Comm. 655
Intr. by: Ms. David (B/R)
First Reading: January 8, 2020

Increases revenues in the Federal Grants – Speed Enforcement account ($137,715); and appropriates the same to the Speed Enforcement account, bringing the total appropriation to $287,715. Funds would be used for speed enforcement operations.

Reference: Comm. 699
Intr. by: Ms. David (B/R)
First Reading: January 8, 2020


Increases revenues in the Transfer from General Fund account ($6,000); and appropriates the same to the Homeless Taskforce account. Funds would be used for outreach and engagement services in West Hawai‘i.

Reference: Comm. 700
Intr. by: Ms. David (B/R)
First Reading: January 8, 2020

Bill 131: 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

Increases the Mass Transit Agency Hub and Spokes project by $1.45 million, for a total appropriation of $2 million. Funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources and would be used for land acquisition, planning, design, and construction.

Reference: Comm. 701
Intr. by: Ms. Kierkiewicz
First Reading: January 8, 2020
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 132:
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 Office of Management Village 9 Homeless and Affordable Rental Project for $4 million to the Capital Budget. Funds for this project shall be provided from State Grants Receivable. Funds would be used for planning, design, construction, and dedication of an access road.

Reference: Comm. 704
Intr. by: Ms. David (B/R)
First Reading: January 8, 2020
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawaiʻi County Charter

REPORTS

PC-42 (Comm. 688):
NOMINATION OF NICOLE LUI TO THE HAWAIʻI COUNTY CULTURAL RESOURCES COMMISSION

PC-43 (Comm. 689):
NOMINATION OF MARK VAN PERNIS TO THE LEEWARD PLANNING COMMISSION

Negative Recommendation: Due to a vote of 2-ayes, 5-noes, 2-absent
Requires Council Confirmation by: February 2, 2020 (Section 13-4(l), Hawaiʻi County Charter)

PSC-13 (Comm. 690):
NOMINATION OF BENJAMIN AGDEPPA TO THE FIRE COMMISSION

Requires Council Confirmation by: February 2, 2020 (Section 13-4(l), Hawaiʻi County Charter)
**PSC-14**
(Comm. 691): **NOMINATION OF DONNA MAE SPRINGER TO THE POLICE COMMISSION**

Requires Council Confirmation by: February 2, 2020 (Section 13-4(l), Hawaiʻi County Charter)

**REFERRALS FOR EXECUTIVE SESSION**

A 2/3 vote pursuant to Hawaiʻi 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 reconsideration 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 January 17, 2020. If a response is received after January 17, 2020, 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 Hawaiʻi Revised Statutes (hereinafter “HRS”) §92-3.5, the Hawaiʻi 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, Hawaiʻi 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 Kanealiʻi-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:

- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; 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.

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. 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, Hawai‘i, 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).