COUNTY COUNCIL

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

39th Session

ORDER OF BUSINESS

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

May 4, 2016
9:00 a.m.

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

INVOCATION
Pastor Jason Meechan of Kona Faith Center

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE
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

May 6, 2015

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 510-16: AUTHORIZES THE DEPARTMENT OF PUBLIC WORKS TO AWARD FUNDS TO PEOPLES ADVOCACY FOR TRAILS HAWAI‘I (PATH)

The grant in the amount of $47,164.63 would be used by PATH to administer the County’s Safe Routes to School program.

Reference: Comm. 838
Intr. by: Ms. Eoff
Approve: FC-61

Res. 519-16: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF LAND AND NATURAL RESOURCES, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE DEPARTMENT OF RESEARCH AND DEVELOPMENT

Accepts funds in the amount of $96,589 to reduce, control, and eradicate little fire ants.

Reference: Comm. 858
Intr. by: Ms. Eoff
Waived: FC
Res. 520-16: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO RECEIVE FUNDS FOR THE PLANNING AND DESIGN OF THE COUNTY OF HAWAI‘I’S EXPANSION OF WATER RESOURCES PROJECT AT HAWAI‘I OCEAN VIEW ESTATES Accepts funds in the amount of $725,000 for this project.

Reference: Comm. 859
Intr. by: Ms. David
Waived: FC

Res. 521-16: AWARDS A GRANT TO THE FOOD BASKET, INC., TO ASSIST WITH EXPENSES RELATING TO THE PĀHOA PANTRY AND SOUP KITCHEN UTILIZING CONTINGENCY RELIEF FUNDS PREVIOUSLY APPROPRIATED AND AWARDED BY RESOLUTION NO. 307-15 Funds would be used to purchase food and eating utensils.

Reference: Comm. 860
Intr. by: Mr. Ilagan

Res. 522-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO YESHUA OUTREACH CENTER, INC., TO ASSIST WITH THE PURCHASE OF REPLACEMENT PARTS AND EQUIPMENT FOR A BOXING RING Transfers $1,121.68 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 861
Intr. by: Mr. Ilagan

Res. 523-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO SPECIAL OLYMPICS HAWAI‘I INC. TO ASSIST EAST HAWAI‘I ATHLETES AS THEY PREPARE FOR THE STATE SUMMER GAMES ON O‘AHU Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 862
Intr. by: Ms. Poindexter
Res. 524-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO SPECIAL OLYMPICS HAWAI‘I INC. FOR THE ANNUAL BIG ISLAND AREA GAMES
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 863
Intr. by: Ms. Wille

Res. 525-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF THE FUTURE FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR ĀNUENUE PLAYGROUND
Transfers $15,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 864
Intr. by: Ms. Wille

BILLs FOR ORDINANCES (FIRST READING)

Prohibits the annual audit plan from including specific agencies, funds, programs, services, or operations that have been selected for an audit in the coming year.

Reference: Comm. 704
Intr. by: Ms. Wille
Negative: GREDC-5 (Due to a vote of 1-aye, 8-noes)
2/3 Vote: First of three required readings, Section 15-1(a), Hawai‘i County Charter
**Bill 154**
*(Draft 2):*

**INITIATES AN AMENDMENT TO ARTICLE III, SECTION 3-2 OF THE HAWAI'I COUNTY CHARTER (2014), RELATING TO COUNTY COUNCIL TERMS**

Amends the term limit for Council Members from four consecutive two-year terms to six two-year terms. Would take effect on December 5, 2016, and apply to all Council Members elected in the 2016 elections, regardless of how many terms an incumbent Council Member has served.

- Reference: Comm. 705.7
- Intr. by: Ms. Wille
- Approve: FC-62
- 2/3 Vote: First of three required readings, Section 15-1(a), Hawai'i County Charter

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**Bill 185:**

**AMENDS CHAPTER 24, ARTICLE 11, DIVISION 1, SECTION 24-298 AND SECTION 24-300 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS ON PRIVATE STREETS**

Adds unpaved and portions of unpaved roads to Schedule 2 (15 mile per hour limit), and paved and portions of paved roads to Section 4 (25 mile per hour limit), in the Fern Forest Subdivision, Subsection (g), Puna.

- Reference: Comm. 807
- Intr. by: Mr. Paleka
- Approve: PWPRC-40

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**Bill 186:**

**AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-255 AND SECTION 24-257 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS**

Revises Schedule 3 (25 mile per hour limit) and Schedule 5 (35 mile per hour limit) Subsection (g), Puna, to increase the speed limit from 25 to 35 miles per hour for a portion of Ainaloa Boulevard.

- Reference: Comm. 809
- Intr. by: Mr. Paleka
- Approve: PWPRC-41
**Bill 187:** Adopts a pay plan for persons employed by the county other than those whose pay is otherwise provided for, Designating payroll periods, pay days, prescribing requirements with respect to official fidelity bonds, and repealing ordinance No. 15-59 and all amendments thereto, said ordinance to be known as the Salary ordinance of 2016

Reference: Comm. 810  
Intr. by: Ms. Eoff  
Approve: FC-63

**Bill 196:** Authorizes the issuance of general obligation bonds of the county of Hawai‘i for the purpose of funding all or a portion of the costs of various improvement projects; fixes the form, denominations, and certain other details of such bonds and provides for their sale to the public; and authorizes the taking of other actions relating to the issuance and sale of the bonds

Authorizes the issuance of general obligation bonds, not to exceed $10.6 million, for public improvement projects authorized under Ordinance No. 15-58, the capital budget ordinance for the fiscal year ending June 30, 2016.

Reference: Comm. 855  
Intr. by: Ms. Eoff  
Waived: FC

**Bill 197:** Amends ordinance No. 15-58, as amended, relating to public improvements and financing thereof for the fiscal year July 1, 2015, to June 30, 2016

Adds the Environmental Management Organics Processing Facilities project for $10.5 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 ($10.5 million). Funds would be used to construct a full-scale composting facility at the South Hilo Sanitary Landfill and a receiving and processing facility at the West Hawai‘i Sanitary Landfill.

Reference: Comm. 856  
Intr. by: Ms. Eoff  
Waived: FC  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 198:  

Increases revenues in the Transfer from General Fund account ($5,000); and appropriates the same to the Signals and Street Lights account. Funds would be used to install two street lights on Puakalo Street in Honoka‘a.

Reference: Comm. 857  
Intr. by: Ms. Eoff  
Waived: FC

Bill 199:  

Appropriates revenues in the State Grants – Little Fire Ant (LFA) Pesticide Treatment Voucher Program account ($96,589); and appropriates the same to the LFA Pesticide Treatment Voucher Program account. Funds would be used to reduce, control, and eradicate little fire ants.

Reference: Comm. 858  
Intr. by: Ms. Eoff  
Waived: FC

Bill 202:  
AUTHORIZES THE MAYOR OF THE COUNTY OF HAWAI‘I TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF $68,000,000 GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI‘I

Funds would be used for the Kealakehe Wastewater Treatment Plant R-1 Upgrade project ($54 million) to provide recycled water for irrigation and other non-potable uses, and the Pua Force Main Installation and Rehabilitation project ($14 million) to install a new sewage force main and to rehabilitate the existing sewer force main.

Reference: Comm. 872  
Intr. by: Ms. Eoff  
Waived: FC
Appropriates revenues in the State Grants – Aloha United Way account ($150,000); and appropriates the same to the Coordinated Statewide Homeless Initiative account. Funds would be used to assist homeless and at-risk families pay for security deposits, first and last month’s rent and/or utilities.

Reference: Comm. 873
Intr. by: Ms. Eoff
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 102 (Draft 2): AMENDS ORDINANCE NO. 10-110, WHICH AMENDED ORDINANCE NO. 08-39, WHICH RECLASSIFIED LANDS FROM SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 20,000 SQUARE FEET (CN-20) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-040:121 (Applicant: Jinsoo and Ran Hui Iida) (Area: Approx. 23,559 sq. ft.)
Extends the deadline to submit the water commitment payment and complete the proposed commercial development, and replaces the requirement to provide curb, gutter, and sidewalk improvements along the frontage of the subject property with a requirement to pay the applicant’s pro-rata share of the full cost of said improvements.

Reference: Comm. 495.4
Intr. by: Mr. Onishi
First Reading: April 20, 2016

Bill 164: AMENDS ORDINANCE NO. 99-36, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – FIVE ACRES (A-5a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT KEALAKEHE HOMESTEADS, 1ST SERIES, KEALAKEHE, NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY: 7-4-004:033 (Applicant: Kenneth K. Leong Trust) (Area: Approx. 4.201 acres)
The Leeward Planning Commission forwards its favorable recommendation for this five-year time extension to Condition C, Final Subdivision Approval. The applicant states that the family is now ready to complete the subdivision of the parcel into three lots, with the original plan to convey one lot to each family member.

Reference: Comm. 748
Intr. by: Mr. Ilagan (B/R)
First Reading: April 20, 2016
Bill 166: AMENDS THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI‘I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT KEA‘AU, PUNA, HAWAI‘I (TAX MAP KEY:  1-6-152:020) (Applicant: Milo Street Ventures, Inc.) (Area:  Approx. 2.082 acres)

Reference:  Comm. 753

; and


The Windward Planning Commission forwards its favorable recommendation for this amendment to the State Land Use Boundaries Maps and change of zone, which would allow the current agricultural uses to continue and allow the applicant to expand to provide service-type light industrial uses on the property.

Reference:  Comm. 753.2
Intr. by:  Mr. Ilagan
First Reading:  April 20, 2016

Bill 168: AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO INDUSTRIAL - COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20) AT WAIĀKEA HOUSE LOTS, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY:  2-2-035:060
(Applicant: Pūlama ‘Āina Trust) (Area:  Approx. 21,050 square feet)

The Windward Planning Commission forwards its favorable recommendation for this change of zone. The applicant states that the existing single-family dwelling would be demolished, and a 6,000 square foot office building, improvements, and 37 parking stalls would be constructed.

Reference:  Comm. 754
Intr. by:  Mr. Ilagan (B/R)
First Reading:  April 20, 2016
Bill 169 (Draft 2):
AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM FAMILY AGRICULTURAL – TWO ACRES (FA-2a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT PONAHAWAI, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-5-040:042 (Applicants: Francis H. and Martha A. Rodillas) (Area: 2.724 acres)
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicants to apply for a subdivision of the property into two lots which the applicants state would be conveyed to family members.

Reference: Comm. 755.2
Intr. by: Mr. Ilagan
First Reading: April 20, 2016

Bill 179 (Draft 2):
AMENDS ARTICLE III, SECTION 3-15 OF THE HAWAI'I COUNTY CHARTER (2014), RELATING TO THE GENERAL PLAN
Adds and amends language in Section 3-15.

Reference: Comm. 794.3
Intr. by: Ms. Wille
First Reading: April 20, 2016
2/3 Vote: Second of three required readings, Section 15-1(a), Hawai'i County Charter

Bill 182:
AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS
Revises existing Item 3 (Kalapana-Kapoho Beach Road), Schedule 4 (30 mph), subsection (g), Puna, by designating a specific portion of the road to the prescribed speed limit.

Reference: Comm. 803
Intr. by: Mr. Ilagan
First Reading: April 20, 2016
Bill 183: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

Adds a portion of Kalapana-Kapoho Beach Road to Schedule 8 (45 mph), subsection (g), Puna.

Reference: Comm. 804
Intr. by: Mr. Ilagan
First Reading: April 20, 2016

Bill 184: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

Adds a portion of Kalapana-Kapoho Beach Road to Schedule 5 (35 mph), subsection (g), Puna.

Reference: Comm. 805
Intr. by: Mr. Ilagan
First Reading: April 20, 2016


Appropriates revenues in the State Grants – Safe Routes to School (SRTS) Program Grant account ($175,000); and appropriates the same to the Safe Routes to School Program Grant account. Funds would be used to support the SRTS program to improve the ability of children to walk or bicycle safely to school.

Reference: Comm. 836
Intr. by: Ms. Eoff
First Reading: April 20, 2016


Increases revenues in the Federal Grants – High Intensity Impact Grant account ($17,540); and appropriates the same to the High Intensity Impact Grant account. Funds would be used to combat the methamphetamine drug problem by conducting sting operations and training officers in the enforcement of these drug related cases.

Reference: Comm. 837
Intr. by: Ms. Eoff
First Reading: April 20, 2016
Increases revenues in the Transfer from General Fund account ($5,000); and appropriates the same to the Office of Housing, Emergency Gap Assistance Program account. Funds would be used to provide a pass-through grant to Catholic Charities of Hawai'i for its Emergency Gap Assistance Program.

Reference: Comm. 839
Intr. by: Ms. Eoff
First Reading: April 20, 2016

Increases revenues in the Transfer from General Fund account ($1,000); and appropriates the same to the Office of Housing, Other Current Expenses account. Funds would be used to remove a container on the micro unit construction site that is impeding construction of the micro unit project.

Reference: Comm. 840
Intr. by: Ms. Eoff
First Reading: April 20, 2016

Increases revenues in the Transfer from General Fund account ($1,200); and appropriates the same to the Signals and Street Lights account. Funds would be used to purchase and install pedestrian crossing flags at various crosswalks on Ali'i Drive.

Reference: Comm. 842
Intr. by: Ms. Eoff
First Reading: April 20, 2016
Increases revenues in the Transfer from General Fund account ($20,000); and appropriates the same to the Signals and Street Lights account. Funds would be used to purchase and install solar flashing lights designated for use at the new pedestrian crosswalk on Kuakini Highway.

Reference: Comm. 843
Intr. by: Ms. Eoff
First Reading: April 20, 2016

Appropriates revenues in the Federal Grants – Firefighter Safety account ($81,000); and appropriates the same to the Firefighter Safety account. Funds would be used to purchase supplies and personal protective equipment to be used by the Hawai‘i Fire Department’s Fire Protection Bureau.

Reference: Comm. 844
Intr. by: Ms. Eoff
First Reading: April 20, 2016

Increases revenues in the Real Property Tax Interest account ($90,000); and appropriates the same to the Transfer to Public Access/Open Space Preservation Fund ($80,000) and Transfer to Public Access/Open Space Preservation Maintenance Fund ($10,000) account. Appropriates additional revenues to meet County Charter requirements for these funds.

Reference: Comm. 845
Intr. by: Ms. Eoff
First Reading: April 20, 2016

REPORTS

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.

The meeting places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by May 2, 2016. Relay users please call 711(961-8255) to contact our office.

Public attendance via courtesy site is available at the following locations until 4:30 p.m. or later in the event public testimony has not been completed:
- County Council Room, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401; and
- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

Public attendance via courtesy site is also available at the following location until public testimony has been completed or 4:30 p.m., whichever comes first:
- Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapa‘au.

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, Nā‘ālehu; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

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 Council-Clerk 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 e-mail to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.
Submitting Video Testimony: Those submitting video testimony may e-mail a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The e-mail 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).

Viewing of Meetings on Government Access Television - Channel 55:
Wednesdays, May 11 and 18, 2016, at 6 p.m.; Fridays, May 13 and 20, 2016, at 12 p.m.; and Sundays, May 15 and 22, 2016, at 9 a.m. (These airtimes are subject to preemption by broadcasts from the State Legislature, and are subject to change by Na Leo ‘O Hawai‘i. Please check the current legislative broadcast schedule on the Na Leo ‘O Hawai‘i website at http://www.naleo.tv/tv-schedules/channel-55/.)