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

18th Session

ORDER OF BUSINESS

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

July 24, 2015
9:00 a.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

INVOCATION
Pastor Keith Elliot of Kona Church of God

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

COMMUNICATIONS

Comm. 348: NOMINATION OF KELLY ANN VALENZUELA TO THE BOARD OF APPEALS
From Mayor William P. Kenoi, dated June 15, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PC

ORDER OF RESOLUTIONS

Res. 208-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PAY FOR PORTABLE RESTROOMS AT ‘O‘OMA BEACH
Transfers/appropriates $10,500 out and from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits the same to the Department of Parks and Recreation, Parks Maintenance Other Current Expenses, Rental/Lease of Equipment account (‘O‘oma Portable Restrooms). Funds would be used to pay for one Americans with Disabilities Act compliant restroom and five standard portable restrooms for one year.

Reference: Comm. 347
Intr. by: Ms. Eoff

Res. 209-15: REQUESTS THE CHIEF ELECTION OFFICER OF THE STATE OF HAWAI‘I TO USE PLAIN LANGUAGE SUCH AS THE TERM “VOTE BY MAIL” INSTEAD OF “ABSENTEE VOTING” FOR THE PURPOSE OF IMPROVING CLARITY TO INCREASE TURNOUT OF REGISTERED VOTERS AT ELECTIONS

Reference: Comm. 350
Intr. by: Mr. Ilagan
Waived: GREDC

; and

(Comm. 350.1 continues on the next page.)
Comm. 350.1: From Governmental Relations and Economic Development Committee Chairperson Dennis “Fresh” Onishi, dated July 7, 2015, requesting that this matter be waived to the full Council for immediate action.

Res. 210-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR EXPENSES RELATED TO THE FOURTH OF JULY FESTIVITIES IN HILO

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Department of Parks and Recreation, Culture/Arts Other Current Expenses, Miscellaneous Contract Services account (Fourth of July Festivities).

Reference: Comm. 351
Intr. by: Mr. Paleka

Res. 211-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR EXPENSES RELATED TO THE FOURTH OF JULY CELEBRATION IN HILO

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits the same to the Department of Parks and Recreation, Culture/Arts Other Current Expenses, Miscellaneous Contract Services account (Fourth of July Celebration).

Reference: Comm. 352
Intr. by: Mr. Chung

Res. 212-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO THE OFFICE OF THE PROSECUTING ATTORNEY TO PROVIDE FINANCIAL ASSISTANCE FOR THE GIRLS EXPLORING MATH AND SCIENCE (GEMS) PROGRAM

Transfers/appropriates $4,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits the same to the Office of the Prosecuting Attorney, Prosecuting Attorney Other Current Expenses, Miscellaneous Contract Services account (GEMS).

Reference: Comm. 355
Intr. by: Mr. Kanuha
Res. 213-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE PURCHASE OF THREE CONVEX MIRRORS

Transfers/appropriates $900 out and from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits the same to the Department of Public Works, Transfer to Highway Fund, Miscellaneous Charges account (Traffic Signs and Markings/Highway Materials/Roadway Safety Mirrors).

Reference: Comm. 361
Intr. by: Mr. Onishi

Res. 214-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ‘Ō KAʻŪ KAKOU, INC., FOR COMMUNITY ENGAGEMENT AND OUTREACH ACTIVITIES THAT PROMOTE AGRICULTURAL TOURISM

Transfers/appropriates $15,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits the same to the Department of Research and Development, Tourism Promotion, Miscellaneous Contract Services account (‘Ō Kaʻū Kakou, Inc.).

Reference: Comm. 364
Intr. by: Ms. David

Res. 216-15: AUTHORIZES THE DEPARTMENT OF RESEARCH AND DEVELOPMENT TO AWARD FUNDS TO THE COUNTY OF HAWAIʻI’S FOUR SOIL AND WATER CONSERVATION DISTRICTS

Provides $150,000 to the Kaʻū District (Kaʻū, Puna, and Waiākea) and $50,000 each to the Mauna Kea, Hāmākua, and Kona Districts.

Reference: Comm. 366
Intr. by: Ms. Eoff
Waived: FC

Res. 217-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAIʻI DEPARTMENT OF AGRICULTURE (HDOA), PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 46-7, TO RECEIVE FUNDS FOR THE COUNTY OF HAWAIʻI’S LITTLE FIRE ANT (LFA) CONTROL PROGRAM

Provides $90,000 from HDOA to the Parks and Recreation Department’s LFA Control program to purchase equipment and supplies.

Reference: Comm. 368
Intr. by: Ms. Eoff
Waived: FC
Res. 218-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF HAWAIʻI DEPARTMENT OF HEALTH (DOH), PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 46-7, FOR FUNDS TO PROVIDE COMPLETE STREETS TRAINING AND CAPACITY BUILDING FOR HAWAIʻI COUNTY STAFF

Provides $7,500 from DOH to the Planning Department for Complete Streets training to help local jurisdictions design, build, and operate streets that enable safe access for all users.

Reference: Comm. 369
Intr. by: Ms. Eoff
Waived: FC

Res. 219-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE ATTORNEY GENERAL, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 46-7, FOR THE IMPROVE FORENSIC SERVICES GRANT TO THE HAWAIʻI COUNTY POLICE DEPARTMENT

Provides $3,000 from the Department of the Attorney General’s Crime Prevention and Justice Assistance Division to the Police Department to pay for training for laboratory personnel, supplies, and equipment.

Reference: Comm. 370
Intr. by: Ms. Eoff
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)


The Windward Planning Commission forwards its unfavorable recommendation for this proposed change of zone due to application deficiencies relating to: (1) minimum water concurrency requirements; (2) Puna Community Development Plan policies discouraging further subdivision of larger agricultural lots through the variance process; (3) General Plan policies requiring adequate water utilities to support an increase in density; and (4) substandard road conditions.

Reference: Comm. 330
Intr. by: Greggor Ilagan (B/R)
Negative: PC-23 (Due to a vote of 4-ayes, 4-noes, 1-absent)
Bill 64: 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 Public Works Māmalahoa Highway Widening, Mud Lane to Mānā Road – Federal ($640,000), County ($142,000), and State ($18,000) project, for a total of $800,000, to the Capital Budget. Funds for the project shall be provided from Federal Grants Receivable ($640,000); General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($142,000); and State Capital Improvement Funds ($18,000). Funds would be used to pay for consultant design services.

Reference: Comm. 367  
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


Appropriates revenues in the State Grants – Little Fire Ant (LFA) Control – Department of Agriculture account ($90,000); and appropriates the same to the LFA Control – Department of Agriculture account. Funds would be used to purchase equipment and supplies.

Reference: Comm. 368  
Intr. by: Ms. Eoff  
Waived: FC


Appropriates revenues in the Federal Grants – Department of Health (DOH) Complete Streets account ($7,500); and appropriates the same to the DOH Complete Streets – Federal account. Funds would be used for Complete Streets training to help local jurisdictions design, build, and operate streets that enable safe access for all users.

Reference: Comm. 369  
Intr. by: Ms. Eoff  
Waived: FC

Appropriates revenues in the Federal Grants – Improve Forensic Services account ($3,000); and appropriates the same to the Improve Forensic Services account. Funds would be used to pay for training for laboratory personnel, supplies, and equipment.

Reference: Comm. 370
Intr. by: Ms. Eoff
Waived: FC


Appropriates revenues in the Federal Grants – Federal Emergency Management Agency (FEMA) Alternate Projects – (Iselle) account ($122,710.05); and appropriates the same to the FEMA Alternate Projects – (Iselle) account. Funds would be used to pay for expenditures incurred during Tropical Storm Iselle.

Reference: Comm. 371
Intr. by: Ms. Eoff
Waived: FC

Bill 70: 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 Land Acquisition project for $1 million to the Capital Budget. Funds for the project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used to purchase real property to resolve an inadvertent approval of a consolidation and subdivision application by the Planning Department that occurred without first obtaining a Conservation District Use Permit from the Department of Land and Natural Resources.

Reference: Comm. 373
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
ORDER OF THE DAY (SECOND OR FINAL READING)

REPORTS


REFERRALS FOR EXECUTIVE SESSION

Comm. 353: STEVEN LEE FINEBERG VS. PLANNING DEPARTMENT, COUNTY OF HAWAI‘I; CIVIL NO. 15-1-215
From Assistant Corporation Counsel William V. Brilhante, Jr., dated June 26, 2015, requesting an attorney-client confidential discussion to consult with the Council on a negligence lawsuit filed on June 8, 2015.

The Council anticipates convening an executive meeting regarding the above matter, pursuant to Section 92-5(a)(4), for the purpose of consulting with Council’s attorney on questions and issues pertaining to the Council’s powers, duties, privileges, immunities, and liabilities. 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 July 22, 2015. 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 locations until public testimony has been completed:

- County Facility (former Bank of Hawai‘i Building), 54-3888 Akoni Pule Highway, Kohala;
- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

If for technical or other unanticipated circumstances the video and/or audio connection cannot be made or 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:
Fridays, July 31 and August 7, 2015, at 12 p.m.; Sundays, August 2 and 9, 2015, at 9 a.m.; and Wednesdays, August 5 and 12, 2015, at 6 p.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/.)

UPCOMING MEETINGS

**TUESDAY, AUGUST 4, 2015**

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WEDNESDAY, AUGUST 5, 2015

COUNCIL  9:00 A.M.  COUNCIL ROOM - HILO
          25 Aupuni Street

TUESDAY, AUGUST 18, 2015

COMMITTEES  TBA  WEST HAWAI'I CIVIC CENTER
              74-5044 Ane Keohokālole Highway
              Building A

WEDNESDAY, AUGUST 19, 2015

COUNCIL  9:00 A.M.  WEST HAWAI'I CIVIC CENTER
          74-5044 Ane Keohokālole Highway
          Building A