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

22nd Session

ORDER OF BUSINESS

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

September 16, 2015
9:00 a.m.

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

INVOCATION
Pastor Dean Stanley of Kona Baptist Church

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

ORDER OF RESOLUTIONS

Res. 269-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY ENTERPRISES TO PAY FOR ADVERTISING AND EXPENSES FOR WEST HAWAI‘I FORUMS

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Research and Development, Hawai‘i County Resource Center account. Forums are held monthly.

Reference: Comm. 449
Intr. by: Ms. Eoff

Res. 270-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY ENTERPRISES TO PAY FOR VARIOUS OPERATIONAL EQUIPMENT, EXPENSES, AND SUPPLIES FOR COMMUNITY FORUMS IN WEST HAWAI‘I

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Research and Development, Hawai‘i County Resource Center account. Forums are held monthly.

Reference: Comm. 450
Intr. by: Ms. David
Res. 271-15: 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 HAWAI‘I LGBT LEGACY FOUNDATION TO ASSIST WITH EXPENSES RELATED TO THE THIRD ANNUAL LGBT PRIDE PARADE AND FESTIVAL

Transfers $2,000 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. 454
Intr. by: Mr. Ilagan

Res. 272-15: REPRIMANDS MAYOR WILLIAM P. KENOI FOR USING HIS GOVERNMENT PURCHASING CARD (PCARD) FOR PERSONAL USE

Reference: Comm. 456
Intr. by: Ms. Wille
Waived: FC

Res. 274-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KALANI HONUA FOR THE PUNA RESILIENCY BLOCK PARTY

Transfers $7,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Hawai‘i County Resource Center account. The block party is scheduled for October 24, 2015, in Pāhoa Village.

Reference: Comm. 458
Intr. by: Mr. Ilagan
BILL FOR ORDINANCES (FIRST READING)

Bill 37 (Draft 3):


Amends: 1) Definitions - revises definition for “agency” and adds definition for “immediate family”; 2) Fair Treatment - amends provision for use of County property to include “campaign purposes” and adds provision that places a $50,000 limit on any County contract for goods and services with a County officer or employee or a business where an immediate family member of a County officer or employee has a controlling interest of said business; 3) Conflicts of Interest - revises provisions for the ability of County officers and employees to represent private interests in legal actions/ proceedings against the County or appear on behalf of private interests before any agency of the County; and 4) Contracts - establishes a $50,000 limit on any County contract with an officer or employee of the County, or a business in which the officer or employee of the County or the officer or employee’s immediate family holds a controlling interest.

Reference: Comm. 231.14
Intr. by: Ms. Wille
Approve: FC-33

Bill 78 (Draft 2):

AMENDS CHAPTER 2, ARTICLE 16, SECTION 2-98 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED) RELATING TO TRAVEL AND OTHER EXPENSES

Amends the Code to require that an exception to prohibited expenditures may only be allowed if a written request showing the expenditure would be for a public purpose is approved by the Mayor for requests made by employees or officers of the Executive Branch or the Council Chair for requests made by employees or officers of the Legislative Branch.

Reference: Comm. 422.3
Intr. by: Mr. Ilagan
Approve: FC-34
Bill 79: AMENDS SECTION 25-8-3 (NORTH KONA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT KEŌPŪ 3RD, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY: 7-5-024:078 (Applicant: Charles E. Lipps, Jr., and Janet S. Lipps Trust) (Area: 3.039 acres)

The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to apply for the subdivision of the property into two lots. The applicant states that the makai lot would be conveyed to a family member to build a residence.

Reference: Comm. 424
Intr. by: Mr. Ilagan (B/R)
Negative: PC-25 (Due to a vote of 2-ayes, 6-noes, 1-absent)

Bill 81: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING

Adds two separate portions of Mohouli Street to Section 24-280 (No parking at anytime), Subsection (c), South Hilo.

Reference: Comm. 440
Intr. by: Ms. Poindexter
Approve: PWPRC-12

Bill 82: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING

Adds a portion of Kaomoloa Road to Section 24-279 (Parking on pavement prohibited at all times), Subsection (e), Kohala.

Reference: Comm. 441
Intr. by: Ms. Poindexter
Approve: PWPRC-13
Bill 83: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 6, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO LOADING ZONES
Adds the western terminus of Kahauloa Road to Section 24-288.1 (Active loading and unloading zones), Subsection (f), Kona.

Reference: Comm. 442
Intr. by: Ms. Poindexter
Approve: PWPRC-14

Amends Section 24-280 (No parking at anytime), Subsection (f), Kona, by extending the portion of Hina-Lani Street where parking is prohibited.

Reference: Comm. 443
Intr. by: Ms. Poindexter
Approve: PWPRC-15

Bill 87: 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 Kahilu Road Resurfacing – State project for $500,000 to the Capital Budget. Funds for the project shall be provided from State Grants Receivable ($500,000). Funds would be used towards labor and equipment.

Reference: Comm. 451
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

Increases revenues in the Transfer from General Fund account ($900); and appropriates the same to the Signs and Markings, Other Current Expenses account (Roadway Safety Mirrors District – 3). Funds would be used to install three convex mirrors to provide improved sight distance to driveways in District 3.

Reference: Comm. 452
Intr. by: Ms. Eoff
Waived: FC
Bill 89: 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 Parks and Recreation Hilo Trap and Skeet Range – Federal project for $643,250 to the Capital Budget. Funds for the project shall be provided from Federal Grants Receivable ($643,250). Funds would be used to upgrade the project, which would include repairing building structures, paving the entrance road and parking lot, and drywell installation.

Reference: Comm. 453
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)


Appropriates revenues in the Housing Private Contributions account ($50,000); and appropriates the same to the Direct Deposit Incentive Program account. Funds would be used to provide Direct Deposit Incentive program participants incentives for opening and maintaining an account free of overdraft fees and introduce participants to additional financial and employment related services.

Reference: Comm. 433
Intr. by: Ms. Eoff
First Reading: September 2, 2015

Bill 85: 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 Water Line Replacement, Nohea Street, Santos Lane – State project for $550,000 to the Capital Budget. Funds for the project shall be provided from State Grants Receivable ($550,000). Funds would be used to replace corroded and leaky galvanized water lines along Nohea Street and Santos Lane in Hilo.

Reference: Comm. 444
Intr. by: Ms. Eoff
First Reading: September 2, 2015
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
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 September 14, 2015. Relay users please call 711(961-8255) to contact our office.

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 Member Greggor Ilagan will be participating from the Hilo Council Chambers.)

Public attendance via courtesy site 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:

- 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:

- Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapa‘au;
- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.
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, September 23 and 30, 2015, at 6 p.m.; Fridays, September 25 and October 2, 2015, at 12 p.m.; and Sundays, September 27 and October 4, 2015, 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/.)

UPCOMING MEETINGS

TUESDAY, OCTOBER 6, 2015
COMMITTEES TBA COUNCIL ROOM - HILO
25 Aupuni Street

WEDNESDAY, OCTOBER 7, 2015
COUNCIL 9:00 A.M. COUNCIL ROOM - HILO
25 Aupuni Street

TUESDAY, OCTOBER 20, 2015
COMMITTEES TBA WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālole Highway
Building A
WEDNESDAY, OCTOBER 21, 2015

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