13th Session

ORDER OF BUSINESS

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

May 19, 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 (9:00 A.M.)

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

APPROVAL OF MINUTES

COMMUNICATIONS

Comm. 293: NOMINATION OF STEPHEN D. LOPEZ TO THE LIQUOR COMMISSION
From Mayor William P. Kenoi, dated April 20, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PSMTC

Comm. 294: NOMINATION OF ROBERT A. BECKER TO THE FIRE COMMISSION
From Mayor William P. Kenoi, dated April 20, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PSMTC

Comm. 295: NOMINATION OF KANOE A. WILSON TO THE WATER BOARD
From Mayor William P. Kenoi, dated April 20, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PC

Comm. 296: NOMINATION OF RYAN N. KOHATSU TO THE GAME MANAGEMENT ADVISORY COMMISSION
From Mayor William P. Kenoi, dated April 20, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: AWESC

Comm. 297: NOMINATION OF ARTHUR F. BUCKMAN TO THE POLICE COMMISSION
From Mayor William P. Kenoi, dated April 29, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PSMTC
Comm. 305: NOMINATION OF KEITH F. UNGER TO THE LEEWARD PLANNING COMMISSION
From Mayor William P. Kenoi, dated April 29, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PC

Comm. 306: NOMINATION OF JAMES G. FRITZ TO THE ENVIRONMENTAL MANAGEMENT COMMISSION
From Mayor William P. Kenoi, dated April 29, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: EMC

Comm. 307: NOMINATION OF LENINGRAD ELARIONOFF TO THE WATER BOARD
From Mayor William P. Kenoi, dated April 29, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PC

Comm. 312: REQUEST BY COUNCIL MEMBER MARGARET WILLE TO PROVIDE A REPORT OF HER ATTENDANCE AT THE HAWAI’I COUNTY DEMOCRATIC CONVENTION, PURSUANT TO HAWAI’I REVISED STATUTES SECTION 92-2.5(e)
From Council Member Margaret Wille, dated May 1, 2015.

Waived: GREDC

ORDER OF RESOLUTIONS

Res. 166-15: ACCEPTS THE DEDICATION OF ROAD LOT (12.5 FEET WIDE RIGHT-OF-WAY), BEING A PORTION OF ALLOTMENT 14 OF HOLUALOA 1 AND 2 PARTITION (MAUKA SECTION) BEING A PORTION OF ROYAL PATENT 4475, LAND COMMISSION AWARD 7713, APANA 43 TO VICTORIA KAMAMALU, TAX MAP KEY: 7-6-004:059, SITUATED AT HOLUALOA 1 AND 2, DISTRICT OF NORTH KONA, ISLAND OF HAWAI’I, FROM MILICENT A. GRAND, SUCCESSOR TRUSTEE OF THE LILLIAN U. TOWATA REVOCABLE LIVING TRUST DATED JANUARY 24, 1999
The road lot contains an area of 1,657 square feet, and would be used for public road purposes.

Reference: Comm. 266
Intr. by: Ms. Poindexter
Approve: PWPRC-9
Res. 186-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAIʻI DEPARTMENT OF HEALTH (DOH), PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 46-7, FOR A GRANT TO MITIGATE THE ISSUE OF ILLEGALLY DUMPED TIRES THROUGHOUT THE COUNTY OF HAWAIʻI

Authorizes $45,000 from the State’s DOH to the County to be used towards abandoned motor vehicle tire disposal fees and to assist programs that promote the removal of these tires.

Reference: Comm. 298
Intr. by: Ms. Eoff
Waived: FC

Res. 187-15: AUTHORIZES THE ABANDONMENT AND DISPOSITION OF A PORTION OF PUAKŌ ROAD SITUATED AT PUAKŌ, DISTRICT OF SOUTH KOHALA, COUNTY AND STATE OF HAWAIʻI, BEING TAX MAP KEY: 6-6-002 (PORTION) TO THE STATE OF HAWAIʻI, DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR), DIVISION OF STATE PARKS

Authorizes the abandonment of “Parcel C,” measuring approximately 6.665 acres, to the State DLNR for incorporation into Hāpuna State Park.

Reference: Comm. 300
Intr. by: Ms. Eoff
Waived: FC

Res. 188-15: AUTHORIZES THE ACCEPTANCE OF A DONATION OF A DIGITAL VIDEO RECORDER AND CAMERAS TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by the Keaukaha Community Association with a combined value of $4,474.97 to provide video surveillance at Kawānanakoa Gym and Hualani Park in Keaukaha.

Reference: Comm. 301
Intr. by: Ms. Eoff
Waived: FC
Res. 189-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO COVER UNANTICIPATED EXPENSES IN THE HAWAI‘I STATE ASSOCIATION OF COUNTIES/NATIONAL ASSOCIATION OF COUNTIES (HSAC/NACo) ACCOUNT

Transfers/appropriates $5,000 out and from the Clerk-Council Services Other Current Expenses, Miscellaneous Charges account; and credits the same to the HSAC/NACo, Travel/Conferences, Travel/Conference account. Funds would be used for the 2015 NACo Western Interstate Region Conference held in May and monthly HSAC Executive Board meetings for the remainder of the fiscal year 2014-2015.

Reference: Comm. 302
Intr. by: Mr. Onishi
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)


Names the beach park located at Kohanaiki, North Kona, the “Kohanaiki Beach Park.”

Reference: Comm. 284
Intr. by: Ms. Eoff
Approve: PWPRC-10


Appropriates revenues in the State Grants – Abandoned Motor Vehicle Tires account ($45,000); and appropriates the same to the Abandoned Motor Vehicle Tires. Funds would be used towards abandoned motor vehicle tire disposal fees and to assist programs that promote the removal of these tires.

Reference: Comm. 298
Intr. by: Ms. Eoff
Waived: FC

Increases revenues in the State Grants – Department of Health – Tobacco Sting Grant account ($12,000); and appropriates the same to the Department of Health – Tobacco Sting Grant. Funds would be used to prevent the sale of tobacco to minors.

Reference: Comm. 299
Intr. by: Ms. Eoff
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 38: AMENDS ORDINANCE NO. 08-115, WHICH AMENDED ORDINANCE NO. 93-36, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 20 ACRES (A-20a), AGRICULTURAL – 10 ACRES (A-10a), AND AGRICULTURAL – 3 ACRES (A-3a) TO RESIDENTIAL AND AGRICULTURAL – 1 ACRE (RA-1a) AT KŪKŪAU 1ST, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEYS: 2-4-082:001-56, 58-61 (FORMERLY 2-4-008: PORTIONS OF 014 AND 026) (Applicant: Moanalua Holdings, LLC) (Area: 171.84 acres)

The Windward Planning Commission forwards its favorable recommendation for this amendment to Change of Zone Ordinance No. 08-115, which would:
1) Modify the timing of water commitment payments; 2) Grant a time extension to secure Final Subdivision Approval; 3) Modify road construction requirements for Kawailani Street and Kupulau Street extensions; and 4) Update Fair Share Contribution rates, including considerations for potential changes to credits associated with roadway improvements.

Reference: Comm. 232
Intr. by: Mr. Ilagan (B/R)
First Reading: May 6, 2015


Amends multiple definitions and what constitutes a prohibited act to expand and more clearly define first amendment protections for solicitation-related activity.

Reference: Comm. 233
Intr. by: Mr. Kanuha (B/R)
First Reading: May 6, 2015
Bill 40
(Draft 3):


Amends various sections to expand and more clearly define first amendment protections for solicitation-related activity at County parks and recreational facilities.

Reference: Comm. 234.4
Intr. by: Mr. Kanuha (B/R)
First Reading: May 6, 2015

Bill 41:


Appropriates revenues in the Federal - 2015 Block Grant account ($2,465,271) and the Block Grant - Program Income account ($215,925.52); and appropriates the same to the following accounts: Hilo Adult Day Care Center - Foundation and Site Improvements ($700,000); West Hawai‘i Emergency Shelter - Kitchen Renovations ($255,000); Habitat for Humanity Affordable Workforce Housing - Land Acquisition ($132,000); Pāhoa Fire Station - Wild Brush Truck Acquisition ($235,000); West Hawai‘i Homeless Micro Housing Units - Site Improvements ($434,771); Kamakoa Nui Mutual Self-Help Housing - Land Acquisition ($200,000); Kona Domestic Abuse Shelter - Kitchen Renovations ($86,500); Residential Emergency Repair Program ($237,925.52); and Administration, Planning & Fair Housing ($400,000).

Reference: Comm. 237
Intr. by: Ms. Eoff
First Reading: May 6, 2015

Bill 42:


Appropriates revenues in the Federal - 2015 HOME Program account ($2,852,059) and the HOME Grant - Program Income account ($69,941.21); and appropriates the same to the following accounts: Tenant Based Rental Assistance ($666,178.21); Hale Ulu Hoi I and II Apartments ($400,000); Mohouli Heights Senior Neighborhood 2 ($669,287); Habitat for Humanity Affordable Workforce Housing ($600,000); Kumakua Self-Help Housing, Increment 2B ($160,000); Micro Housing First Project ($276,427); and Office of Housing and Community Development Administration ($150,108).

Reference: Comm. 238
Intr. by: Ms. Eoff
First Reading: May 6, 2015

Increases revenues in the Transfer from General Fund account ($10,000); and appropriates the same to the Recycling Programs-County Other Current Expense account (Grant to Recycle Hawai‘i, Zero Waste Programs - District 9). Funds would be used to support, initiate, and facilitate Zero Waste programs at District 9 public and charter schools.

Reference: Comm. 239
Intr. by: Ms. Eoff
First Reading: May 6, 2015


Appropriates revenues in the State Grants – Wellhead Protection Program Grant account ($60,000); and appropriates the same to the Wellhead Protection Program Grant account. Funds would be provided to the Department of Environmental Management to advertise and conduct Household Hazardous Waste collection events around the island.

Reference: Comm. 286
Intr. by: Ms. Eoff
First Reading: May 6, 2015

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 15, 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 Danny Paleka will be participating from the Hilo Council Chambers.)

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

Public attendance via videoconference 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 videoconference 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;**
- **Hawaiian Ocean View Estates Community Center, 92-8924 Leilani Circle; 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](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](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 27 and June 3, 2015 (to follow the viewing of the May 18, 2015, meeting scheduled to start at 6 p.m.); Fridays, May 29 and June 5, 2015 (to follow the viewing of the May 18, 2015, meeting scheduled to start at 12 p.m.); and Sundays, May 31 and June 7 (to follow the viewing of the May 18, 2015, meeting scheduled to start 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

MONDAY, JUNE 1, 2015
SPECIAL MEETING OF THE COUNCIL TBA COUNCIL ROOM - HILO 25 Aupuni Street

TUESDAY, JUNE 2, 2015
COMMITTEES TBA COUNCIL ROOM - HILO 25 Aupuni Street

WEDNESDAY, JUNE 3, 2015
COUNCIL 9:00 A.M. COUNCIL ROOM - HILO 25 Aupuni Street

MONDAY, JUNE 15, 2015
COMMITTEES TBA WEST HAWAI‘I CIVIC CENTER 74-5044 Ane Keohokālole Highway Building A

TUESDAY, JUNE 16, 2015
COUNCIL 9:00 A.M. WEST HAWAI‘I CIVIC CENTER 74-5044 Ane Keohokālole Highway Building A