COUNTY COUNCIL

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

35th Session

ORDER OF BUSINESS

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

March 2, 2016
11:00 a.m.

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

INVOCATION
Captain Celestine Ruwethin of Hilo Salvation Army Temple Corps

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

October 15, 2014
January 6, 2016

COMMUNICATIONS

Comm. 710: APPOINTMENT OF RANDALL “RANDY” KUROHARA AS MANAGING DIRECTOR
From Mayor William P. Kenoi, dated February 23, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: FC

ORDER OF RESOLUTIONS

Res. 392-16: Authorizes the Mayor to enter into a Multi-Year Housing Assistance Payment Contract (Agreement) with Mohouli Senior, Phase 3, LLLP (Provider), Owner of the Mohouli Heights Neighborhood Project, Phase 3 (Project), Selected for the Section 8 Project-Based Voucher Program (PBV Program) as offered through a Public Notice Dated August 16, 23, and 30, 2015

The purpose of the PBV Program is to encourage property owners to make available rental housing units to low-income families that are not within the current housing fair market rents. The Office of Housing and Community Development would like to assist 30 units in the County under the funding available for this purpose.

Reference: Comm. 661.1
Intr. by: Ms. Eoff
Approve: FC-50
Res. 398-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BIG ISLAND SUBSTANCE ABUSE COUNCIL FOR THE 2016 “SPLASH BASH KAʻŪ” IN NĀʻÄLEHU
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 671
Intr. by: Ms. David

Res. 399-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BASIC IMAGE, INC., FOR THE 12TH ANNUAL HONOLIʻI & HAKALAU PĀKA ALOHA HONUA SURFING CLASSIC
Transfers $4,800 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. 672
Intr. by: Ms. Poindexter

Res. 400-16: 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 PALACE THEATER TO ASSIST IN THE PURCHASE AND INSTALLATION OF PHOTOVOLTAIC PANELS
Transfers $25,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Research and Development, Energy account.

Reference: Comm. 675
Intr. by: Mr. Chung
Res. 401-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAI‘I ISLAND WORKFORCE AND ECONOMIC DEVELOPMENT ‘OHANA TO DEFRAY MILEAGE COSTS FOR THE “NINE MONTHS: WINDOW OF HOPE” PILOT PROJECT
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account. This pilot project provides prenatal care visits, substance abuse treatment, and counseling services for pregnant women with substance abuse issues.

Reference: Comm. 676
Intr. by: Mr. Paleka

Res. 402-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE BIG ISLAND WAVE RIDERS AGAINST DRUGS FOR THE BIG ISLAND COMMUNITY BEACH CLEANUP
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 680
Intr. by: Mr. Kanuha

Res. 403-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE SHARED-RIDE TAXI COUPONS FOR DISABLED PERSONS THROUGH THE MASS TRANSIT AGENCY
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Mass Transit Agency, Other Current Expenses account.

Reference: Comm. 681
Intr. by: Mr. Ilagan
Res. 404-16: AMENDS RESOLUTION NO. 256-13 BY INCREASING THE COST CAP FOR THE FINAL YEAR OF A MULTI-YEAR AGREEMENT TO PURCHASE SOFTWARE AND LICENSING FOR THE COUNTY EMAIL SYSTEM
Increases from $180,000 to $197,749.48 for the final year of the three-year agreement for the County’s total licensing count adjustments and additional licensing to allow for email anti-virus and anti-spam services added by a supplemental agreement.

Reference: Comm. 682
Intr. by: Ms. Eoff
Waived: FC

Res. 416-16: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS SENATE BILL NO. 2933 AND HOUSE BILL NO. 2404 APPROPRIATING FUNDS FOR A FEDERAL INSPECTION STATION AT KONA INTERNATIONAL AIRPORT
Funds would be used to replace a structure that no longer meets United States Customs and Border Protection technical standards; provides the state with a second international port of entry.

Reference: Comm. 708
Intr. by: Mr. Onishi
Waived: GREDC (per Comm. 708.1)

BILLS FOR ORDINANCES (FIRST READING)

Bill 139: 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 Kealakehe Scrap Metal Yard Remediation - State Revolving Funds (SRF) project for $6 million to the Capital Budget. Funds for this project shall be provided from SRF ($6 million). Funds would be used to excavate lead impacted soil and transport it to the West Hawai‘i Sanitary Landfill for final disposal. This request allows the County to take advantage of the lower interest rates provided by the SRF Loan Program.

Reference: Comm. 663
Intr. by: Ms. Eoff
Approve: FC-51
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 Federal Grants – Housing Choice Voucher Program account ($1,321,500); and appropriates same to the Office of Housing and Community Development’s Voucher Rental Subsidies account. Funds would be used for payment of rental assistance for eligible participants in the program.

Reference: [Comm. 686](#)
Intr. by: Ms. Eoff
Waived: FC (per [Comm. 686.1](#))


Increases revenues in the Transfer from General Fund account ($13,000); and appropriates the same to the Office of Housing, Other Current Expenses (Construction of entranceway rock wall sign and purchase of picnic tables, District – 8) account.

Reference: [Comm. 687](#)
Intr. by: Ms. Eoff
Waived: FC


Increases revenues in the Federal Grants – Justice Assistance Grant (JAG) Special Sex Assault Unit account ($8,618); and appropriates the same to the Prosecuting Attorney’s JAG Special Sex Assault Unit account.

Reference: [Comm. 690](#)
Intr. by: Ms. Eoff
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

Res. 376-16:

AUTHORIZES THE ACQUISITION OF PRIVATE PROPERTY BY EMINENT DOMAIN OF TAX MAP KEY: 2-4-019:127 (PORTION), SITUATED AT WAIĀKEA, DISTRICT OF SOUTH HILO, COUNTY AND STATE OF HAWAI‘I, FOR THE KAWAILANI STREET IMPROVEMENTS PROJECT (‘IWALANI STREET TO POHAKULANI STREET)

Authorizes the acquisition of a portion of the property described in Exhibit “1” and delineated in Exhibit “2”, to realign Ainaola Drive, widen Kawailani Street and some of the feeder streets, and install traffic signals at the intersections of Kawailani and ‘Iwalani Streets, and Kawaiailani Street and Ainaola Drive.

Reference: Comm. 639
Intr. by: Ms. Poindexter
First Reading: February 17, 2016
Note: Second of two required readings, Section 101-13, Hawai‘i Revised Statutes

Bill 129:

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 AGRICULTURAL – THREE ACRES (A-3a) TO RESIDENTIAL AND AGRICULTURAL – ONE ACRE (RA-1a) AT PANA‘EWA HOUSE LOTS, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-052:027 (Applicant: Brad McClary) (Area: 2.73 acres)

The Windward 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 he plans to build a single-family dwelling on the newly created lot to be used as a home for his elderly relatives.

Reference: Comm. 615
Intr. by: Mr. Ilagan (B/R)
First Reading: February 17, 2016
(Applicants: Kurt Shively and Jason Shively) (Area: approximately 5.497 acres)

Reference: Comm. 616
Intr. by: Mr. Ilagan (B/R)
First Reading: February 17, 2016

; and

The Leeward Planning Commission forwards its favorable recommendation for this State Land Use boundary amendment and change of zone, which would allow the applicants to apply for the subdivision of the property into two lots. The applicants state that they plan to build a single-family dwelling for their daughter on the newly created lot.

First Reading: February 17, 2016

Appropriates revenues in the Fund Balance from Previous Year account ($250,000); and appropriates the same to the Bicycle Education Program account. Funds would be used by the Department of Research and Development for its Bike Share pilot project.

Reference: Comm. 643
Intr. by: Ms. Eoff
First Reading: February 17, 2016
Bill 141: AMENDS ORDINANCE NO. 15-57, AS AMENDED, THE OPERATING
BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR
ENDING JUNE 30, 2016
Appropriates revenues in the Federal Grants – Multi-Hazard Mitigation account
($60,705.50); and appropriates the same to the Multi-Hazard Mitigation account.
Funds would be used to prepare an updated multi-hazard mitigation plan.

Reference: Comm. 665
Intr. by: Ms. Eoff
First Reading: February 17, 2016

REPORTS

REFERRALS FOR EXECUTIVE SESSION

Comm. 678: STACY S. K. HIGA, ET AL. VS. COUNTY OF HAWAI‘I, ET AL.;
CIVIL NO. 08-1-0293
From Deputy Corporation Counsel Section Chief Laureen L. Martin, dated
February 10, 2016, requesting an attorney-client confidential discussion to consult
with the Council the above-entitled matter, including settlement discussion.

Comm. 679: RONALD DALESSIO AND ROY ATIZ VS. COUNTY OF HAWAI‘I, ET AL.;
CIVIL NO. 10-1-0099
From Deputy Corporation Counsel Steven D. Strauss, dated February 11, 2016,
requesting an attorney-client confidential discussion to consult with the Council
the above-entitled matter, including settlement discussion.

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 February 29, 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:

- **Kona Council Office, West Hawai‘i Civic Center, 74-5044 Ane Keohokālole Highway, Building A; 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 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](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, March 9 and 16, 2016, at 6 p.m.; Fridays, March 11 and 18, 2016, at 12 p.m.; and Sundays, March 13 and 20, 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/.)