COUNTY COUNCIL

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

7th Session

ORDER OF BUSINESS

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

March 8, 2017
9:00 a.m.

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

INVOCATION

Kahu Brian Welsh of Haili Congregational 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

December 5, 2016
December 21, 2016

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 65-17: AUTHORIZES THE DIRECTOR OF FINANCE TO ENTER INTO NEGOTIATIONS FOR THE ACQUISITION OF TAX MAP KEY: 7-3-003:010, SITUATED IN THE DISTRICT OF NORTH KONA, ALSO KNOWN AS LOT 4 OF HALEOHU HOMESTEADS, UTILIZING THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

The 8.2-acre property is listed as priority No. 10 for purchase in the 2016 Annual Report of the Public Access, Open Space, and Natural Resources Preservation Commission.

Reference: Comm. 93
Intr. by: Ms. Eoff
Approve: FC-6

Res. 77-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST WITH EXPENSES FOR THE ANNUAL OUTSTANDING OLDER AMERICANS AWARD LUNCHEON ON MAY 5, 2017

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Office of Aging, Other Current Expenses account.

Reference: Comm. 111
Intr. by: Ms. Eoff
Res. 78-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO MALAMA O PUNA FOR THE RENOVATION OF ITS ENVIRONMENTAL RESOURCE CENTER
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 112
Intr. by: Ms. O’Hara

Res. 79-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO MALAMA O PUNA TO ASSIST WITH THE KEAU‘OHANA FOREST RESERVE RESTORATION PROJECT
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 113
Intr. by: Ms. O’Hara

Res. 80-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE ANNUAL OUTSTANDING OLDER AMERICANS AWARD LUNCHEON
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Office of Aging, Other Current Expenses account.

Reference: Comm. 117
Intr. by: Ms. Poindexter
Res. 81-17: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS HOUSE BILL 2 AND HOUSE BILL 229 RELATING TO TINY HOMES

Urges the State Legislature to pass House Bill 2 to address affordable housing for farm workers and House Bill 229 to construct affordable shelters for houseless individuals and low income families.

Reference: Comm. 118
Intr. by: Mr. Richards and Ms. Ruggles
Waived: GREDC

Res. 82-17: URGES THE STATE DEPARTMENT OF TRANSPORTATION TO CLASSIFY THE CAPITAL IMPROVEMENT PROJECT FOR HIGHWAY 130 (KEA‘AU-PĀHOA ROAD), RELATING TO FEEDER ROADS AND ALTERNATE ROUTES, AS A TOP PRIORITY AND TO ISSUE $15,000,000 FOR THE PROJECT TO THE COUNTY OF HAWAI‘I DEPARTMENT OF PUBLIC WORKS, BEFORE THIS APPROPRIATION EXPIRES ON JUNE 30, 2017

Further requests the Director of the Department of Transportation to retain the project’s classification as a “health and safety project” rather than reclassifying as a “capacity project” to best ensure that the project remains a top priority and establish eligibility for Federal funds.

Reference: Comm. 119
Intr. by: Ms. Ruggles
Waived: GREDC

Res. 83-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE POLICE DEPARTMENT’S BIKE PATROL PROGRAM IN SOUTH HILO

Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Police Department, South Hilo-Other Current Expenses account.

Reference: Comm. 120
Intr. by: Ms. Poindexter
Res. 84-17: 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 UNITED WAY FOR EXPENSES RELATING TO ITS YOUTH ENGAGEMENT INITIATIVE
Transfers $4,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Liquor Control, Public Programs account.
Reference: Comm. 121
Intr. by: Mr. Kanuha

Res. 85-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KEALAKEHE HIGH SCHOOL GRAD FOR PROJECT GRADUATION 2017
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Liquor Control, Public Programs account.
Reference: Comm. 122
Intr. by: Ms. Eoff

Res. 86-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE PRIMER AND BASE PAINT FOR THE STANLEY COSTALES WAIĀKEA-UKA GYM
Transfers $1,589.53 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Parks and Recreation, Maintenance Other Current Expenses account.
Reference: Comm. 123
Intr. by: Ms. Lee Loy
Res. 88-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION’S BASKETBALL WORKSHOP IN KONA

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Parks and Recreation, Division Other Current Expenses account.

Reference: Comm. 126
Intr. by: Mr. Kanuha

Res. 90-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR TWO ROLL-OFF PULL TRAILERS

Authorizes the Mayor to enter into a five-year lease for two roll-off pull trailers at an estimated monthly cost of $2,000. The trailers would be used by the Department of Environmental Management, Solid Waste Division, to haul refuse and recyclable bins from various transfer stations to approved and permitted solid waste and recycling facilities, and will become the property of the department upon completion of the terms of the lease.

Reference: Comm. 129
Intr. by: Ms. David (B/R)
Waived: FC

Res. 91-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR A RUBBER TIRE BUCKET LOADER

Authorizes the Mayor to enter into a five-year lease for a rubber tire bucket loader at an estimated monthly cost of $3,800. The loader would be used by the Department of Environmental Management, Solid Waste Division, to place cover material on the refuse at the West Hawai‘i Sanitary Landfill, and will become the property of the department upon completion of the terms of the lease.

Reference: Comm. 130
Intr. by: Ms. David (B/R)
Waived: FC
Res. 92-17:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR THREE REFUSE TRAILERS

Authorizes the Mayor to enter into a five-year lease for three 120 cubic yard refuse trailers at an estimated monthly cost of $8,400. The trailers would be used by the Department of Environmental Management, Solid Waste Division, to transport refuse from the East Hawai‘i Regional Sort Station to the West Hawai‘i Sanitary Landfill, and will become the property of the department upon completion of the terms of the lease.

Reference:  Comm. 131
Intr. by:  Ms. David (B/R)
Waived:  FC

Res. 93-17:  
AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $300 TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by Bruce W. Hisanaga and Ruth G. H. Smith, for the department’s Elderly Activities Division.

Reference:  Comm. 132
Intr. by:  Ms. David (B/R)
Waived:  FC

Res. 94-17:  
AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF AGRICULTURE, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO RECEIVE FUNDS FOR THE COUNTY OF HAWAI‘I’S LITTLE FIRE ANT (LFA) CONTROL PROGRAM

Authorizes the Mayor to enter into an agreement to accept $225,000 to hire up to three staff members and provide equipment and bait needed to establish an LFA control program to fight the invasive species at County parks.

Reference:  Comm. 133
Intr. by:  Ms. David (B/R)
Waived:  FC
Res. 95-17: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF AGRICULTURE, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO RECEIVE FUNDS FOR THE COUNTY’S AGRICULTURAL CRIMES PROJECT

Authorizes the Mayor to enter into an agreement to accept $91,891 to hire an agricultural investigator at the Office of the Prosecuting Attorney for one year to investigate and prepare cases for prosecution.

Reference: Comm. 134
Intr. by: Ms. David (B/R)
Waived: FC

Res. 96-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR A DOZER

Authorizes the Mayor to enter into a five-year lease for a D8T Dozer at an estimated monthly cost of $15,000. The dozer would be used by the Department of Environmental Management, Solid Waste Division, to break down refuse at the West Hawai‘i Sanitary Landfill to maximize compaction in the landfill and minimize airspace used and will become the property of the department upon completion of the terms of the lease.

Reference: Comm. 135
Intr. by: Ms. David (B/R)
Waived: FC

Res. 97-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR A DOCUMENT FOLDER/INSERTER

Authorizes the Mayor to enter into a five-year lease for a document folder inserter at an estimated monthly cost of $700. The document folder inserter would be used by the Department of Environmental Management, Administration/Business Services Office, to fold and insert bills into envelopes for mailing.

Reference: Comm. 136
Intr. by: Ms. David (B/R)
Waived: FC
Res. 98-17:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR THREE PICKUP TRUCKS  
Authorizes the Mayor to enter into a five-year lease for three pickup trucks at an estimated monthly cost of $1,800. The trucks would be used by the Department of Environmental Management, Solid Waste Division, to transport workers from the baseyards to island-wide transfer stations and other solid waste facilities, and will become the property of the department upon completion of the terms of the lease.

Reference: Comm. 137  
Intr. by: Ms. David (B/R)  
Waived: FC

Res. 99-17:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR TWO BOOM TRUCKS WITH HYDRAULIC ARMS AND GRAPPLIES  
Authorizes the Mayor to enter into a five-year lease for two boom trucks at an estimated monthly cost of $8,000. The trucks would be used by the Department of Environmental Management, Solid Waste Division, to pick up greenwaste, white goods, and other bulky items that are being diverted from the landfill, and will become the property of the department upon completion of the terms of the lease.

Reference: Comm. 138  
Intr. by: Ms. David (B/R)  
Waived: FC

Res. 100-17:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR THREE ROLL-OFF TRUCKS  
Authorizes the Mayor to enter into a five-year lease for three roll-off trucks at an estimated monthly cost of $12,000. The trucks would be used by the Department of Environmental Management, Solid Waste Division, to haul refuse and recyclable bins from various transfer stations to approved and permitted solid waste and recycling facilities, and will become the property of the department upon completion of the terms of the lease.

Reference: Comm. 139  
Intr. by: Ms. David (B/R)  
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 10: AMENDS ORDINANCE NO. 12-111 WHICH AMENDED ORDINANCE NO. 99-116 WHICH AMENDED ORDINANCE NO. 96-159 WHICH AMENDED SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED) (formerly referred to as Section 25-114, City of Hilo Zone Map, Article 3, Chapter 25, Zoning Code), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 7,500 SQUARE FEET (CN-7.5) AT WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEYS: 2-2-044:003, 031,032, 035, AND 037 (Applicant: Rhodes Moore, LLC (formerly Graphic Images Hawaiʻi, Inc.)) (Area: 322,414 square feet)
The Windward Planning Commission forwards its favorable recommendation for amendments to Conditions C, G, and Q of Change of Zone Ordinance No. 12-111, which would: 1) Grant a time extension to secure final subdivision approval; 2) Modify the timing of installing drainage improvements; and 3) Reduce the fair share contribution provision for this assisted living facility.

Reference: Comm. 81
Intr. by: Ms. Eoff
Approve: PC-5

Bill 13 (Draft 2): AMENDS CHAPTER 20, OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING A NEW ARTICLE RELATING TO REDUCTION OF POLYSTYRENE FOAM “STYROFOAM” FOOD CONTAINERS AND FOOD SERVICE WARE Prohibits food vendors from dispensing prepared food in disposable polystyrene food service ware effective July 1, 2018. Exempts ice chest and coolers, County facility users and food vendors with approval by the Environmental Management Director, and County facility users and food vendors procuring supplies during an event declared as an emergency by the Mayor.

Reference: Comm. 107.11
Intr. by: Ms. O’Hara
Approve: EMC-1
Bill 14: AMENDS ORDINANCE NO. 16-72, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2017
Increases revenues in the Federal Grants – Housing Choice Voucher Program account ($3,000,000); and appropriates the same to the Voucher Rental Subsidies account. Funds would be used for payment of rental assistance for eligible participants of the program.

Reference: Comm. 128
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the State Grants – Little Fire Ant (LFA) Control – Department of Agriculture account ($225,000); and appropriates the same to the LFA Control – Department of Agriculture account. Funds would be used to hire up to three staff members and provide equipment and bait needed to establish an LFA control program to fight the invasive species at County parks.

Reference: Comm. 133
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the State Grants – Agricultural Crimes Project account ($91,891); and appropriates the same to the Agricultural Crimes Project account. Funds would be used to hire an agricultural investigator at the Office of the Prosecuting Attorney for one year to investigate and prepare cases for prosecution.

Reference: Comm. 134
Intr. by: Ms. David (B/R)
Waived: FC
Bill 17: AMENDS ORDINANCE NO. 16-73, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016, TO JUNE 30, 2017

Adds the Public Works Hakalau Stream Bridge Repairs Project for $5 million (Federal ($4 million) and County ($1 million)) to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($4 million) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($1 million). Funds would be used for repairs to the Hakalau Bridge, which has been declared unsafe for use.

Reference: Comm. 141
Intr. by: Ms. David (B/R)
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

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 March 6, 2017. Relay users please call 711(961-8255) to contact our office.

Public attendance via courtesy site is available at the following location 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.
Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nāʻālehu State Office Building, 95-5669 Māmalahoa Highway, Nāʻālehu;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapaʻau; and
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.

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, Hawaiʻi, 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 15 and 22, 2017, at 6 p.m.; Fridays, March 17 and 24, 2017, at 12 p.m.; and Sundays, March 19 and 26, 2017, at 9 a.m. (These airtimes are subject to preemption by broadcasts from the State Legislature, and are subject to change by Na Leo ʻO Hawaiʻi. Please check the current legislative broadcast schedule on the Na Leo ʻO Hawaiʻi website at http://www.naleo.tv/tv-schedules/channel-55/.)