COUNTY COUNCIL

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

4th Session

ORDER OF BUSINESS

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

January 23, 2019

9:00 a.m.

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

INVOCATION

Kahu Kealoha Kaʻopua of Calvary Community Church in Kona

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Serving the Interests of the People of Our Island
Hawai‘i County is an Equal Opportunity Provider and Employer.
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 3, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 21-19: AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Provides $100,000 from Department of Commerce and Consumer Affairs to the Department of Information Technology to fund its Hi-WiFi project to increase access to affordable internet and broadband services in unserved and underserved areas in Hawai‘i County.

Reference: Comm. 14
Intr. by: Ms. David (B/R)
Approve: FC-3

Res. 27-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR SOFTWARE MAINTENANCE AGREEMENT FOR THE DEPARTMENT OF PUBLIC WORKS, TRAFFIC DIVISION
Authorizes the Mayor to enter into a five-year lease agreement for continued software support and annual upgrades, with an approximate cost of $80,899, effective April 1, 2019 through March 31, 2024.

Reference: Comm. 43
Intr. by: Ms. David (B/R)
Approve: FC-4
Res. 31-19: 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 RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL TO ASSIST THE KONA SOIL AND WATER CONSERVATION DISTRICT WITH EXPENSES FOR EDUCATIONAL MATERIALS
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 54
Intr. by: Ms. David

Authorizes right-of-entry agreements to enter State lands for the purpose of increasing visibility in an effort to deter illegal activities.

Reference: Comm. 55
Intr. by: Ms. Lee Loy (B/R)
Waived: PWMTC

Res. 33-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO GOING HOME HAWAI‘I TO ASSIST WITH ITS WEST HAWAI‘I PU‘UHONUA WELLNESS CENTER PROGRAM
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 56
Intr. by: Ms. Villegas
Res. 34-19: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $1,000 TO THE HAWAI‘I FIRE DEPARTMENT
Donated by The Petco Foundation, this donation would be used towards the department’s canine program to defray training and travel costs.

Reference: Comm. 58
Intr. by: Ms. David (B/R)
Waived: FC

Res. 35-19: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $3,000 TO THE POLICE DEPARTMENT
Donated by Hawai‘i Chapter No. 1, Order of the Eastern Star, this donation would be used to purchase equipment and/or train police officers in the Puna and South Hilo districts.

Reference: Comm. 59
Intr. by: Ms. David (B/R)
Waived: FC

Federally-derived funds in the amount of $7,000 would be used to reimburse overtime costs incurred by staff of the Office of the Prosecuting Attorney while they research cases with overdue dispositions identified by the HCJDC.

Reference: Comm. 61
Intr. by: Ms. David (B/R)
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 102: AMENDS CHAPTER 2 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED) BY ADDING A NEW ARTICLE RELATING TO TRANSPORTATION SURCHARGE

Establishes a one-half percent general excise and use tax surcharge to fund operating or capital costs of public transportation systems within Hawai‘i County, to be levied beginning January 1, 2019.

Reference: Comm. 722.84
Intr. by: Ms. David (B/R)
Negative: FC-79 (Due to a vote of 3-ayes, 6-noes)
Public Hearing: February 20, 2018
Postponed: February 21 and May 9, 2018

(Note: There is a motion by Ms. David, seconded by Ms. O’Hara, to approve Bill 102, Draft 2, as amended.)


Establishes an Environmental Quality Control program to mitigate nuisance factors at County facilities, under the control of the department, such as improperly-handled refuse and wastewater, invasive plants, and feral cats, dogs, and pigs.

Reference: Comm. 1083.23
Intr. by: Ms. O’Hara
Negative: AWEEMC-3 (Due to a vote of 9-noes)
Bill 210:
(2016-2018)

AMENDS CHAPTER 21, ARTICLE 4, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SEWER SERVICE CHARGES

Increases sewer fees incrementally on March 1 for three years beginning in 2019, as follows: Single Unit Residential: $12, $7, and $6; Multi-Unit Residential: $12, $7, and $6; Nonresidential: $17, $9, and $6; Private Haulers: $15, $10, and $5; and Gang Cesspools: $0, $6, and $3. The Department of Environmental Management requests these increases to eliminate the need for the General Fund subsidy and increase funding for facility repairs.

Reference: Comm. 1165
Intr. by: Ms. David (B/R)
Approve: FC-5

Bill 1:

AMENDS ORDINANCE NO. 99-42 WHICH RECLASSIFIED LANDS FROM OPEN (O) TO PROJECT DISTRICT (PD) AT KAUPULEHU, NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY: 7-2-003, PORTION OF 1 (Applicant: KD Acquisition, LLLP and Hualālai Investors, LLP; formerly Kaupulehu Developments) (Area: approximately 1,078.63 Acres)

The Leeward Planning Commission forwards its favorable recommendation to accept the Overall Status Report required by Condition BB, and to grant a 20-year time extension to Condition B (Development Period). The property, known as the Kaupulehu Project District, is located between the 87 and 84 mile markers of the Queen Ka‘ahumanu Highway.

Reference: Comm. 13
Intr. by: Ms. Kierkiewicz
Approve: PC-1

Bill 2:


Appropriates revenues in the State Grants-DCCA – HI-WiFi Pilot account ($100,000); and appropriates the same to the DCCA – HI-WiFi Pilot account. Funds would be used to increase access to affordable internet and broadband services in unserved and underserved areas in Hawai‘i County.

Reference: Comm. 14
Intr. by: Ms. David (B/R)
Approve: FC-6

Increases revenues in the State Grants – Commercial Driver’s License Program account ($1,759); and appropriates the same to the Commercial Driver’s License Program Other Current Expenses account. Funds would be used by the Finance Department’s Vehicle Registration and Licensing Division for travel costs to send a County Commercial Driver’s License instructor to Honolulu to instruct a Commercial Driver’s License Examiner class and gain experience with testing protocols.

Reference: Comm. 15
Intr. by: Ms. David (B/R)
Approve: FC-7

Bill 4: AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019

Adds the Public Works Dispatch Center project for $500,000 to the Capital Budget. Funds for this project shall be provided from the General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources. The new Fire and Police Dispatch Center would be located at Mohouli Street in Hilo.

Reference: Comm. 16
Intr. by: Ms. David (B/R)
Approve: FC-8
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 5: AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - THREE ACRE (A-3a) TO SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT WAIĀKEA HOMESTEADS 2ND SERIES, WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-4-039:026 (Applicant: Hilo One Incorporated) (Area: approximately 12.728 Acres) The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into 30 lots. The application states that the subdivided lots will be sold on the open market to the general public. The property is located along the south side of Haihai Street.

Reference: Comm. 27
Intr. by: Ms. Kierkiewicz (B/R)
Approve: PC-2

Bill 6: AMENDS ORDINANCE NO. 07-26, WHICH RECLASSIFIED LANDS FROM OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL - 1,000 SQUARE FEET (RM-1) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-4-057:029, PORTION 030 AND PORTION 031 (FORMERLY 2-4-057:001) (Applicant: Hawai‘i Island Veterans Memorial, Inc.) (Area: 4.888 Acres) The Windward Planning Commission forwards its favorable recommendation to grant a 10-year time extension to Condition C (Complete Construction), and its unfavorable recommendation to defer the requirements of Condition B (Water Commitment) and delete Condition F (Install Street Lights and Traffic Controls). The applicant’s current plan is to establish the Ka Hui Koa development project consisting of approximately 96 rental housing units and a community center, located at the north corner of the Kāwili Street and Kapi‘olani Street intersection.

Reference: Comm. 28
Intr. by: Ms. Kierkiewicz (B/R)
Approve: PC-3
Bill 7: AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019
Adds the Public Works Ali’i Drive Culvert Replacement – Fair Share project for $2.2 million to the Capital Budget. Funds for this project shall be provided from Fair Share Contributions. Funds would account for the County’s 20 percent portion of costs, with remaining funding provided by Federal Highway Administration.

Reference: Comm. 44
Intr. by: Ms. Villegas (B/R)
Approve: FC-9
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 – Traffic Safety Training Project account ($3,228); and appropriates the same to the Traffic Safety Training Project account, for a total appropriation of $143,228. Funds would be used to pay for a representative of the Office of the Prosecuting Attorney to attend traffic safety meetings and provide traffic safety training for law enforcement personnel.

Reference: Comm. 60
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the Federal Grants – Hawai‘i Criminal Justice Center-Overdue Dispositions account ($7,000); and appropriates the same to the Hawai‘i Criminal Justice Center-Overdue Dispositions account. Funds would be used to reimburse overtime costs incurred by staff of the Office of the Prosecuting Attorney while they research cases with overdue dispositions identified by the HCJDC.

Reference: Comm. 61
Intr. by: Ms. David (B/R)
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 8:** AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019

Adds the General Government, Island-Wide Hurricane Lane Damage Projects for $36,921,225 (Federal Emergency Management Agency) and $12,307,075 (County), for a total of $49,228,300 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($36,921,225) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($12,307,075).

Reference: Comm. 45
Intr. by: Ms. Lee Loy
First Reading: January 9, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

**Bill 9:** AMENDS ORDINANCE NO. 18-68, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Appropriates revenues in the Federal Grants – Economical Adjustment Assistance account ($250,000); and appropriates the same to the Economical Adjustment Assistance account. Funds would be used to create an economic recovery plan to provide relief, recovery, and relocation strategies for the recent Kīlauea eruption.

Reference: Comm. 46
Intr. by: Ms. Kierkiewicz
First Reading: January 9, 2019
Bill 10: AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019

Adds the General Government, Island-Wide 2018 Lava Flow Damage Projects for $24,746,625 (Federal Emergency Management Agency) and $8,248,875 (County), for a total of $32,995,500 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($24,746,625) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($8,248,875).

Reference: Comm. 47
Intr. by: Ms. Kierkiewicz
First Reading: January 9, 2019
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 – Department of Health (DOH) Record Access Grant account ($7,500); and appropriates the same to the DOH Record Access Grant account. Funds would be used by the Police Department to set up a streamlined process to allow the department to disclose government records to the DOH.

Reference: Comm. 48
Intr. by: Ms. David (B/R)
First Reading: January 9, 2019

REPORTS

FC-1 (Comm. 35): REAPPOINTMENT OF DR. HAROLD DWIGHT DOW, JR., TO THE SALARY COMMISSION

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawai‘i County Charter)
FC-2  
(Comm. 36):

REAPPOINTMENT OF SHELLIE BEE MANULANI NAUNGAYAN TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION COMMISSION

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawai‘i County Charter)

PSC-1  
(Comm. 39):

NOMINATION OF PAULA THOMAS TO THE LIQUOR COMMISSION

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawai‘i County Charter)

PSC-2  
(Comm. 40):

NOMINATION OF ARTHUR K. TANIGUCHI TO THE LIQUOR CONTROL ADJUDICATION BOARD

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawaiʻi County Charter)

PSC-3  
(Comm. 41):

NOMINATION OF JUDE MATTOS TO THE POLICE COMMISSION

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawaiʻi County Charter)

PSC-4  
(Comm. 42):

NOMINATION OF THE HONORABLE RONALD IBARRA TO THE LIQUOR COMMISSION

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawai‘i County Charter)

AWEEMC-1  
(Comm. 37):

NOMINATION OF ABRAHAM ANTONIO TO THE GAME MANAGEMENT ADVISORY COMMISSION

Requires Council Confirmation by: February 1, 2019 (Section 13-4(l), Hawai‘i County Charter)
AWEEMC-2
(Comm. 38):
REAPPOINTMENT OF JON OLSON TO THE ENVIRONMENTAL MANAGEMENT COMMISSION

Requires Council
Confirmation by: February 1, 2019 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

Comm. 53: ELAINE SURNOW, ET. AL. VS. JODY BUDDEMEYER, ET. AL.; CIVIL NO. 17-00038 JMS-KSC
From Deputy Corporation Counsel Section Chief Laureen L. Martin, dated January 2, 2019, requesting an attorney-client confidential discussion to consult with the Council regarding the above-entitled matter.

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.

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by January 18, 2019. If a response is received after January 18, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.
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:
- Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401; and

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;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; 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 Clerk-Council 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 email to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may email a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The email 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).