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

6th Session

ORDER OF BUSINESS

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

February 18, 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

Global Virtual Studio “GVS” Transmedia Accelerator: Presentation of a Certificate of Merit Sponsored by Council Member Karen Eoff recognizing “GVS” Transmedia Accelerator for being selected by the United States Small Business Administration as a top business accelerator in the nation.

Reference: Comm. 60

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (9:15 A.M.)

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

APPROVAL OF MINUTES

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 41-15: AUTHORIZES APPROVAL OF IN LIEU FAIR SHARE CONTRIBUTION TO SATISFY CONDITION “M” OF ORDINANCE NO. 09-149

Authorizes the reimbursement of $2,400, the cost of contributing a 15-foot wide future road widening strip along the property frontage of Ainaola Drive, to offset future fair share contributions.

Reference: Comm. 65
Intr. by: Mr. Ilagan (B/R)
Approve: PC-2
**Res. 50-15:** AMENDS THE RULES OF PROCEDURE AND ORGANIZATION OF THE COUNCIL OF THE COUNTY OF HAWAI‘I BY AMENDING RULE NO. 2, MEETINGS
Amends Council Rule 2 by decreasing the number of votes required to allow a Committee or Council meeting to go beyond 6 p.m., requiring the Council’s prior approval for any request of a presentation not related to a pending bill or resolution, and requiring equal time be allowed for and against the subject matter of any presentation relating to a pending bill or resolution.

Reference: **Comm. 79**  
Intr. by: **Ms. Wille**  
Postponed: **February 4, 2015**

(Note: There is a pending motion by Ms. Wille and duly seconded by Ms. David to approve Res. 50-15.)

**Res. 55-15:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HAWAI‘I HEALTH SYSTEMS CORPORATION, HILO MEDICAL CENTER (HMC), PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO PROVIDE DISPOSAL SERVICES OF NON-HOSPITAL INFECTIOUS WASTE FROM THE HAWAI‘I FIRE DEPARTMENT’S EMERGENCY MEDICAL SERVICES BUREAU
Provides for the disposal of non-hospital infectious waste at a cost of $3.50 per pound, which may be increased upon written notice by HMC.

Reference: **Comm. 88**  
Intr. by: **Ms. Eoff**  
Approve: **FC-6**

**Res. 60-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE 2015 HAWAI‘I ISLAND WOMEN’S LEADERSHIP FORUM
Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits the same to the Office of the Prosecuting Attorney, Committee on Status of Women, Miscellaneous Contract Services account (2015 Hawai‘i Island Women’s Leadership Forum). Funds would be used to pay for promotional and educational materials.

Reference: **Comm. 95**  
Intr. by: **Mr. Kanuha**
Res. 61-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR HAWAIʻI ISLAND HUMANE SOCIETY´S (HIHS) ANIMAL COMMUNITY CENTER
Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits the same to the Hawaiʻi Police Department–Animal Control Humane Society, Miscellaneous Contract Services account (HIHS – Animal Community Center). Funds would be used to pay for front entrance landscaping and rock wall enclosures.

Reference: Comm. 96
Intr. by: Ms. Eoff

Res. 62-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO CONTINUE THE BUS ROUTE THAT SERVICES THE UNIVERSITY OF HAWAIʻI AT HILO (UHH) AND HAWAIʻI COMMUNITY COLLEGE (HCC)
Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Mass Transit Agency, Mass Transit Other Current Expenses, Miscellaneous Contract Services account (UHH/HCC Bus Route). Funds would be used to cover operating expenses to continue the bus route servicing UHH and HCC students during the academic year.

Reference: Comm. 100
Intr. by: Mr. Paleka

Res. 63-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR HAWAIʻI ISLAND HUMANE SOCIETY´S (HIHS) ANIMAL COMMUNITY CENTER IN KEAUAHOU
Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits the same to the Hawaiʻi Police Department–Animal Control Humane Society, Miscellaneous Contract Services account (HIHS–Animal Community Center). Funds would be used to purchase a permanent sign for the front entrance.

Reference: Comm. 101
Intr. by: Ms. David
**Res. 64-15:** SUPPORTS THE EFFORTS OF THE HAWAI‘I STATE JUDICIARY IN SEEKING AN APPROPRIATION FROM THE HAWAI‘I STATE LEGISLATURE FOR THE REMAINING BALANCE FOR THE CONSTRUCTION AND COMPLETION OF THE KONA JUDICIARY COMPLEX

Supports the State’s effort to secure the remaining balance of $55 million to complete the project.

Reference: Comm. 102
Intr. by: Mr. Chung
Waived: GREDC

**Res. 66-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE 2015 HAWAI‘I ISLAND WOMEN’S LEADERSHIP FORUM

Transfers/appropriates $4,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits the same to the Office of the Prosecuting Attorney, Committee on Status of Women, Miscellaneous Contract Services account (2015 Hawai‘i Island Women’s Leadership Forum). Funds would be used to pay for planning and implementation expenses.

Reference: Comm. 104
Intr. by: Mr. Chung

**Res. 67-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO CONTINUE THE BUS ROUTE THAT SERVICES THE UNIVERSITY OF HAWAI‘I AT HILO (UHH) AND HAWAI‘I COMMUNITY COLLEGE (HCC)

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits the same to the Mass Transit Agency, Mass Transit Other Current Expenses, Miscellaneous Contract Services account (UHH/HCC Bus Route). Funds would be used to cover operating expenses to continue the bus route servicing UHH and HCC students during the academic year.

Reference: Comm. 105
Intr. by: Mr. Onishi
Res. 68-15: URGES THE HAWAI'I STATE LEGISLATURE TO PASS SENATE BILL NO. 316 AND HOUSE BILL NO. 1165 TO HELP VICTIMS OF DOMESTIC ABUSE

Urges the passing of both bills, which remove the provision allowing criminal courts to waive the Crime Victim Compensation Fee in cases where the court finds the defendant is unable to pay.

Reference: Comm. 106
Intr. by: Mr. Onishi
Waived: GREDC

Res. 69-15: URGES THE HAWAI'I STATE LEGISLATURE TO PASS SENATE BILL NO. 574 AND HOUSE BILL NO. 1166 TO HELP VICTIMS OF DOMESTIC ABUSE

Urges the passing of both bills, which add the mouth and nose to the types of body parts on which pressure that is applied to impede normal breathing or blood circulation shall be pursued as a Class C felony.

Reference: Comm. 107
Intr. by: Mr. Onishi
Waived: GREDC

Res. 70-15: URGES THE HAWAI'I STATE LEGISLATURE TO SUPPORT FUNDING FOR AN ADVANCED LIFE SUPPORT AMBULANCE TO BE BASED IN PUNA, AS PROVIDED IN SENATE BILL NO. 1016 AND HOUSE BILL NO. 851

Urges the passing of both bills, which provide an additional advanced life support ambulance in Puna, plus funding for equipment and personnel costs.

Reference: Comm. 108
Intr. by: Mr. Ilagan
Waived: GREDC

Res. 71-15: NOMINATES A REPRESENTATIVE TO SERVE AS A DIRECTOR ON THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS

Nominates Council Member Danny Paleka.

Reference: Comm. 109
Intr. by: Mr. Onishi
Waived: GREDC
Res. 74-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE 2015 HAWAI‘I ISLAND WOMEN’S LEADERSHIP FORUM

Transfers/appropriates $1,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Office of the Prosecuting Attorney, Committee on Status of Women, Miscellaneous Contract Services account (2015 Hawai‘i Island Women’s Leadership Forum). Funds would be used to pay for educational materials and supplies.

Reference: Comm. 113
Intr. by: Mr. Paleka

Res. 79-15: URGES THE HAWAI‘I STATE LEGISLATURE TO SUPPORT FUNDING FOR AN ADVANCED LIFE SUPPORT AMBULANCE IN MAKALEI, AS PROVIDED IN SENATE BILL NO. 298 AND HOUSE BILL NO. 481

Urges the passing of both bills, which provide an advanced life support ambulance in Makalei, North Kona.

Reference: Comm. 119
Intr. by: Mr. Ilagan
Waived: GREDC

Res. 80-15: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS HOUSE BILL NO. 373 RELATING TO THE TRANSIENT ACCOMMODATIONS TAX (TAT)

Urges the passing of House Bill No. 373, which amends the TAT revenue amount allocated to the counties from $103 million annually to an unspecified percentage of the revenues collected.

Reference: Comm. 120
Intr. by: Mr. Onishi
Waived: GREDC
Res. 81-15: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS HOUSE BILL NO. 833 RELATING TO THE TRANSIENT ACCOMMODATIONS TAX (TAT)
Urges the passing of House Bill No. 833, which permanently allocates $103 million in TAT revenue to the counties.

Reference: Comm. 121
Intr. by: Mr. Onishi
Waived: GREDC

Res. 82-15: URGES THE HAWAI‘I STATE HOUSE OF REPRESENTATIVES TO PASS HOUSE BILL NO. 1041 RELATING TO HUNTING
Urges the passing of House Bill No. 1041, which establishes a game commission to serve in an advisory capacity to the Governor and the Board of Land and Natural Resources.

Reference: Comm. 122
Intr. by: Mr. Onishi
Waived: GREDC

Res. 85-15: URGES THE HAWAI‘I STATE LEGISLATURE TO APPROPRIATE FUNDS TO EMPLOY LIFEGUARD S FOR KUA BAY, KEKAHA KAI STATE PARK, ON THE ISLAND OF HAWAI‘I
Urges the passing of House Bill No. 527, which appropriates up to $200,000 for Fiscal Year 2015-2016 and the same amount for Fiscal Year 2016-2017 to pay for lifeguard salaries, benefits, equipment, and other related expenses.

Reference: Comm. 128
Intr. by: Ms. Eoff
Waived: GREDC

Res. 86-15: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS SENATE BILL NO. 1233 AND HOUSE BILL NO. 610 APPROPRIATING FUNDS FOR A FEDERAL INSPECTION STATION AT KONA INTERNATIONAL AIRPORT
Urges the passing of both bills, which funds a building that will replace a structure that no longer meets United States Customs and Border Protection technical standards and provides the state with a second international port of entry.

Reference: Comm. 129
Intr. by: Mr. Onishi
Waived: GREDC
BILLS FOR ORDINANCES (FIRST READING)

**Bill 281:**
(2012-2014) AMENDS CHAPTER 25, ARTICLE 6, DIVISION 1 AND ARTICLE 5 OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PLANNED UNIT DEVELOPMENT

Amends the Zoning Code to require Planned Unit Development (P.U.D.) applications to be reviewed and acted on by either the Leeward or Windward Planning Commission, to be determined based on the location of the property for which the P.U.D. is sought.

Reference: Comm. 1025
Intr. by: Ms. Eoff
Approve: PC-3

**Bill 17:**
AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT WAIĀKEA HOMESTEADS 2ND SERIES, WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-4-034:045 (Applicants: Melvin and Brenda Morris)
(Area: Approx. 3.002 acres)

The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicants to subdivide the property into three lots, to be conveyed to the applicants’ children.

Reference: Comm. 63
Intr. by: Mr. Ilagan (B/R)
Approve: PC-4

**Bill 18:**
AMENDS SECTION 25-8-3 (NORTH KONA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – 1 ACRE (A-1a) TO VILLAGE COMMERCIAL – 10,000 SQUARE FEET (CV-10) AT HŌLUALOA, NORTH KONA, HAWAIʻI, COVERED BY TAX MAP KEY: 7-6-013:017 (Applicant: Orchid Isle Auto Center) (Area: 1.002 acre)

The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to develop automobile storage and employee parking.

Reference: Comm. 64
Intr. by: Mr. Ilagan (B/R)
Approve: PC-5
**Bill 20:**

AMENDS ORDINANCE NO. 14-82, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014, TO JUNE 30, 2015

Adds the Environmental Management Hilo Ocean Outfall Assess/Repair project for $4.95 million to the Capital Budget. Funds for the project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources. Funds would be used towards design and construction costs related to protection of the exposed portion of the shoreline outfall pipe located in Hilo, to perform an assessment of the ocean outfall, and to repair leaking joints.

Reference: Comm. 82
Intr. by: Ms. Eoff
Approve: FC-7
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)**

**Bill 21:**

AMENDS ORDINANCE NO. 14-82, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014, TO JUNE 30, 2015

Adds the Public Works Highway Administration Office Building Improvements project for $500,000 to the Capital Budget. Funds for the project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used to expand and improve office space at the Highways Administration building.

Reference: Comm. 83
Intr. by: Ms. Eoff
First Reading: February 4, 2015
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 Federal Grants - Wrongful Conviction Demonstration Project account ($52,072); and appropriates the same to the Wrongful Conviction Demonstration Project account. Funds would be used to purchase recording equipment and related technology to record custodial interrogations of individuals by law enforcement personnel.

Reference: Comm. 89
Intr. by: Ms. Eoff
First Reading: February 4, 2015


Appropriates revenues in the Federal Grants - Improve Forensic Services account ($25,641); and appropriates the same to the Improve Forensic Services account. Funds would be used to pay for costs associated with keeping personnel updated in forensic science training and to purchase updated forensic science equipment.

Reference: Comm. 90
Intr. by: Ms. Eoff
First Reading: February 4, 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 **February 13, 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 Members Greggor Ilagan and Dennis “Fresh” Onishi 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 webpage 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, February 25 and March 4, 2015, at 6 p.m.; Fridays, February 27 and March 6, 2015, at 12 p.m.; and Sundays, March 1 and 8, 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, MARCH 3, 2015
COMMITEES TBA COUNCIL ROOM - HILO
25 Aupuni Street

WEDNESDAY, MARCH 4, 2015
COUNCIL 9:00 A.M. COUNCIL ROOM - HILO
25 Aupuni Street

TUESDAY, MARCH 17, 2015
COMMITEES TBA WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālole Highway
Building A

WEDNESDAY, MARCH 18, 2015
COUNCIL 9:00 A.M. WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālole Highway
Building A