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

4th Session

ORDER OF BUSINESS

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

January 23, 2015
9:00 a.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on 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 (9:00 A.M.)

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

APPROVAL OF MINUTES

COMMUNICATIONS

Comm. 72: NOMINATES PAULINE KE‘ALA LEE LOY TO THE CULTURAL RESOURCES COMMISSION
From Mayor William P. Kenoi, dated January 2, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: PC

Comm. 73: NOMINATES ANN KERN AND SHAUN ROTH TO THE KAILUA VILLAGE DESIGN COMMISSION
From Mayor William P. Kenoi, dated January 2, 2015, submitting for the Council’s review and confirmation the above nominations.

Waived: PC

Comm. 74: NOMINATES ANTHONY H. SYLVESTER II AND MARK C. BARTELL TO THE GAME MANAGEMENT ADVISORY COMMISSION
From Mayor William P. Kenoi, dated January 2, 2015, submitting for the Council’s review and confirmation the above nominations.

Waived: AWESC
ORDER OF RESOLUTIONS

The streets contain areas of 0.560, 0.852, 0.825, 0.823, 0.998, and 0.249 acre, respectively.

Reference: Comm. 49
Intr. by: Ms. Poindexter
Approve: PWPRC-1

Res. 39-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BASIC IMAGE, INC., FOR THE 2015 HONOLIʻI PĀKA ALOHA HONUA SURFING CLASSIC
Transfers/appropriates $800 out and from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits the same to the Department of Parks and Recreation, Parks and Recreation Administration Other Current Expenses, Miscellaneous Contract Services account (Basic Image, Inc. – 2015 Honoliʻi Pāka Aloha Honua Surfing Classic). Funds would be used to pay for T-Shirts and other expenses.

Reference: Comm. 57
Intr. by: Ms. Eoff
**Res. 40-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BASIC IMAGE, INC., FOR THE 11TH ANNUAL HONOLIʻI PĀKA ALOHA HONUA SURFING CLASSIC

Transfers/appropriates $500 out and from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits the same to the Department of Parks and Recreation, Parks and Recreation Administration Other Current Expenses, Miscellaneous Contract Services account (Basic Image, Inc. – Honoliʻi Pāka Aloha Honua Surfing Classic). Funds would be used to pay for refreshments.

Reference: Comm. 58
Intr. by: Ms. Poindexter

**Res. 42-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE 2015 HAWAIʻI ISLAND WOMEN’S LEADERSHIP FORUM

Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits the same to the Office of the Prosecuting Attorney, Committee on Status of Women, Miscellaneous Contract Services account (2015 Hawaiʻi Island Women’s Leadership Forum). Funds would be used to pay for speaker fees and facility rental.

Reference: Comm. 66
Intr. by: Ms. Eoff

**Res. 43-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KEALAKEHE PROJECT GRAD FOR PROJECT GRADUATION 2015

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits the same to the Department of Liquor Control, Public Programs, Miscellaneous Contract Services account (Kealakehe Project Grad). Funds would be used to pay for expenses associated with graduation-night celebration to be held on June 3, 2015.

Reference: Comm. 67
Intr. by: Ms. Eoff
Res. 44-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HAWAI‘I TOURISM AUTHORITY (HTA), PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE DEPARTMENT OF PARKS AND RECREATION FOR ITS LITTLE FIRE ANT CONTROL PROGRAM
Provides $50,000 from HTA to the Parks and Recreation Department to hire up to three staff members and to provide them with equipment and necessities such as bait.

Reference: Comm. 68
Intr. by: Ms. Eoff
Waived: FC

Res. 45-15: 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 $2,500 out and from the Clerk-Council Services – Contingency Relief account (Council District 6); 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 and supplies.

Reference: Comm. 71
Intr. by: Ms. David

BILLS FOR ORDINANCES (FIRST READING)

Requires the preliminary plat and final plat of a proposed subdivision be prepared, stamped, and signed by a surveyor.

Reference: Comm. 937
Intr. by: Ms. Eoff
Approve: PC-1
**Bill 1:** AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-254, SCHEDULE 2 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO 20 MILE PER HOUR SPEED LIMIT
Adds portions of Mahi‘ai Road to Subsection (g), Puna.

Reference: Comm. 12
Intr. by: Ms. Poindexter
Approve: PWPRC-2

**Bill 2:** AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-255, SCHEDULE 3 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO 25 MILE PER HOUR SPEED LIMIT
Amends Subsection (g), Puna, to revise existing provision for a portion of Wright Road and to add Amaumau Road and portions of Mahi‘ai and Wright Road.

Reference: Comm. 13
Intr. by: Ms. Poindexter
Approve: PWPRC-3

**Bill 3:** AMENDS CHAPTER 24, ARTICLE 10, DIVISION 3, SECTION 24-275.1, SCHEDULE 23.1 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO NEW PUBLIC ROAD TAXI STAND LOCATION
Adds portion of Ali‘i Drive to Subsection (f), Kona, to provide taxi parking between 10 p.m. and 8 a.m. daily.

Reference: Comm. 14
Intr. by: Ms. Poindexter
Approve: PWPRC-4
Bill 7:

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

Establishes the following program appropriations to the Capital Budget:
Roadway Projects (Engineering) ($1,750,000); Bridge Inspection, Repair, and Replacement Program (Engineering) ($1,500,000); and Local Road Improvements (Highways) ($3,250,000), for a total of $6.5 million. Funds for the program appropriations shall be provided from the portion of the Highway Fund which is designated as the Fuel Tax Increase Account No. 3104.06, and which consists of the increase fuel tax revenues created pursuant to Resolution No. 504-08. Exhibit A, attached to the bill, lists the specific projects in each category.

Reference: Comm. 26
Intr. by: Ms. Eoff
Approve: FC-1
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 10:

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 Mauna Kea Visitor Information Station Access Road and Parking - Private project for $55,000 to the Capital Budget. Funds for the project shall be provided from Private Contributions. Funds would be used to resurface the parking lot, pave a diagonal parking shoulder, install speed humps, and install lane and traffic-calming markings.

Reference: Comm. 45
Intr. by: Ms. Eoff
Approve: FC-2
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
**Bill 11:** 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 Mass Transit Maintenance and Baseyard Facility project for $10 million to the Capital Budget. Funds for the project shall be provided from Federal Grants Receivable ($4 million) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($6 million). Funds would be used to design and construct a new baseyard and administrative facility for the Mass Transit Agency.

Reference: Comm. 46  
Intr. by: Ms. Eoff  
Approve: FC-3  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

**Bill 12:** 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

Establishes the following program appropriations to the Capital Budget: North Kona Engineering Projects ($13,847.15); Roadway Projects (Engineering) ($2,879,576.15); Bridge Inspection, Repair, and Replacement Program ($10,588.21); Americans with Disabilities Act Curb Cut & Accessible Route Program ($370,644.65); Local Road Improvement – North Hilo ($109,019.82); and Local Road Improvement - North Kona ($2,112.65), for a total of $3,385,788.63. Funds for the program appropriations shall be provided from the lapsed Fuel Tax Increase funds in the Capital Projects Fund ($3,385,788.63). Exhibit A, attached to the bill, lists the specific projects in each category.

Reference: Comm. 47  
Intr. by: Ms. Eoff  
Approve: FC-4  
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 Fund Balance From Previous Year - Reserve account ($54,000.40); and appropriates the same to the Transfer to Capital Projects Fund - Highway account. These fiscal year 2013-2014 excess fuel tax revenues would be expended by the Public Works Department.

Reference: Comm. 48
Intr. by: Ms. Eoff
Approve: FC-5

Bill 14: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-257, SCHEDULE 5 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO 35 MILE PER HOUR SPEED LIMIT

Adds a portion of Wright Road to Subsection (g), Puna.

Reference: Comm. 50
Intr. by: Ms. Poindexter
Approve: PWPRC-5


Appropriates revenues in the State Grants – Little Fire Ant (LFA) Control – Hawai‘i Tourism Authority (HTA) account ($50,000); and appropriates the same to the LFA Control – HTA account. Funds would be used to hire up to three staff members and to provide them with equipment and necessities such as bait for the LFA Control Program.

Reference: Comm. 68
Intr. by: Ms. Eoff
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 8:**
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 Lower Puna Lava Response Projects – County project for $20 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 to repair, restore, rebuild, maintain, and/or improve infrastructure to protect public health and safety related to the June 27 Lava Flow.

Reference: Comm. 41
Intr. by: Ms. Eoff
First Reading: January 7, 2015
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

**Bill 9:**
AUTHORIZES THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FUNDING ALL OR A PORTION OF THE COSTS OF LOWER PUNA LAVA RESPONSE PUBLIC IMPROVEMENT PROJECTS AND HIGHWAY ROAD CONSTRUCTION/REPAIR PROJECTS; FIXES THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDES FOR THEIR SALE TO THE PUBLIC; AND AUTHORIZES THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE BONDS

Authorizes the issuance of up to $20 million in general obligation bonds for capital improvement projects associated with the Lower Puna Lava Response projects and for highway road construction/repair.

Reference: Comm. 42
Intr. by: Ms. Eoff
First Reading: January 7, 2015

REPORTS
REFERRALS FOR EXECUTIVE SESSION


From Deputy Corporation Counsel Amy G. Self, dated January 5, 2015, requesting an attorney-client confidential discussion to consult with the Council regarding a proposed settlement agreement related to the above-entitled Notices and Finding of Violations.

The Council anticipates convening executive meetings regarding the above matters, 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 January 21, 2015. Relay users please call 711(961-8255) to contact our office.

Public attendance via videoconference 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 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.

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.

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, 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: Fridays, January 30 and February 6, 2015, at 12 p.m.; Sundays, February 1 and 8, 2015, at 9 a.m.; and Wednesdays, February 4 and 11, 2015, at 6 p.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, FEBRUARY 3, 2015**

COMMITTEES TBA TBA

**WEDNESDAY, FEBRUARY 4, 2015**

COUNCIL 9:00 A.M. TBA
TUESDAY, FEBRUARY 17, 2015

COMMITTEES TBA WEST HAWAI‘I CIVIC CENTER 74-5044 Ane Keohokāole Highway Building A

WEDNESDAY, FEBRUARY 18, 2015

COUNCIL 9:00 A.M. WEST HAWAI‘I CIVIC CENTER 74-5044 Ane Keohokāole Highway Building A