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

54th Session

ORDER OF BUSINESS

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

November 16, 2016  
9:00 a.m.

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

INVOCATION  
Pastor Jason Meechan of Kona Faith Center

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 September 2, 2015

COMMUNICATIONS

ORDER OF RESOLUTIONS

**Res. 668-16:** INITIATES THE PROCESS OF RENAMING MĀ‘ILI STREET IN LEILANI ESTATES TO “MAILE STREET”

Directs the Planning Director to initiate the process of renaming Mā‘ili Street in Leilani Estates to “Maile Street” following enactment of the ordinance proposed in Bill No. 234.

Reference: Comm. 1088
Intr. by: Mr. Ilagan
Approve: PWPRC-50
Postponed: November 2, 2016

*(Note: There is a motion by Mr. Ilagan, seconded by Mr. Paleka, to approve Res. 668-16.)*

**Res. 696-16:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR ONE TRACTOR MOWER WITH A REAR FLAIL

Authorizes a five-year lease agreement, which would alleviate equipment repair and associated costs spent on older equipment. The new tractor mower would be used by the Department of Public Works, Highways Division, for Kohala roads.

Reference: Comm. 1128
Intr. by: Ms. Eoff
Approve: FC-79
**Res. 697-16:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR THREE MINI EXCAVATORS

Authorizes a five-year lease agreement for three mini excavators to be used by the Department of Public Works, Highways Division, for Puna, Kona, and Hāmākua roads.

Reference: [Comm. 1129](#)
Intr. by: Ms. Eoff
Approve: [FC-80](#)

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**Res. 698-16:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR TWO SMALL BOOM TRUCKS

Authorizes a five-year lease agreement, which would alleviate equipment repair and associated costs on older equipment. The new boom trucks would be used by the Department of Public Works, Highways Division, for South Hilo and Puna roads.

Reference: [Comm. 1130](#)
Intr. by: Ms. Eoff
Approve: [FC-81](#)

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**Res. 699-16:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR TWO TRACTOR MOWERS WITH SIDE SICKLE BARS

Authorizes a five-year lease agreement, which would alleviate equipment repair and associated costs on older equipment. The new tractor mowers would be used by the Department of Public Works, Highways Division, for South Hilo and Kaʻū roads.

Reference: [Comm. 1131](#)
Intr. by: Ms. Eoff
Approve: [FC-82](#)
Res. 705-16: REQUESTS THE DEPARTMENT OF PARKS AND RECREATION TO MINIMIZE THE USE OF PLASTIC WATER BOTTLES BY INSTALLING WATER BOTTLE FILLING STATIONS AT COUNTY OF HAWAI’I PARKS AND RECREATION FACILITIES ISLAND WIDE
Requests the departments of Water Supply and Public Works to assist as necessary with the installation of the water bottle filling stations.

Reference: Comm. 1140
Intr. by: Mr. Paleka
Approve: PWPRC-54

Res. 707-16: URGES THE 2017 HAWAI‘I STATE LEGISLATURE TO PREVENT ANIMAL CRUELTY BY PROHIBITING THE UNSAFE TETHERING OF DOGS
The proposed legislation would amend paragraph 711-1109(1)(g) of the Hawai‘i Revised Statutes, to more specifically define what manner of tethering constitutes the offense of cruelty to animals.

Reference: Comm. 1144
Intr. by: Ms. Wille
Approve: GREDC-11

Res. 713-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KA‘Ū RURAL HEALTH COMMUNITY ASSOCIATION, INC., FOR THE 6TH ANNUAL FLOATING LANTERN CELEBRATION
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 1157
Intr. by: Ms. David
Res. 714-16: 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 WEST HAWAI‘I VETERANS CEMETERY DEVELOPMENT AND EXPANSION ASSOCIATION, INC., TO BUILD A PURPLE HEART MEMORIAL

Transfers $3,333 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 1158
Intr. by: Ms. David

Res. 715-16: 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 WEST HAWAI‘I VETERANS CEMETERY DEVELOPMENT AND EXPANSION ASSOCIATION, INC., TO CONSTRUCT A PURPLE HEART MEMORIAL

Transfers $3,333 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 1159
Intr. by: Ms. Eoff

Res. 716-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE FITNESS EQUIPMENT FOR THE PĀHOA DISTRICT PARK

Transfers $12,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Parks and Recreation, Division Equipment account.

Reference: Comm. 1160
Intr. by: Mr. Ilagan
Res. 717-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO CROSSNET MINISTRIES INTERNATIONAL TO REIMBURSE THE PILIPAʻA VOLLEYBALL CLUB FOR TRAVEL EXPENSES RELATED TO ITS PARTICIPATION IN THE 2016 JUNIOR OLYMPICS

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 1161
Intr. by: Mr. Paleka

Res. 718-16: AUTHORIZES THE ACCEPTANCE OF THE DONATION OF USED MOTOR OIL CONTAINMENT UNITS FROM THE STATE OF HAWAIʻI DEPARTMENT OF HEALTH

Donated by the State’s Department of Health, with an estimated total value of $28,000, to be used by the Department of Environmental Management for collecting used motor oil from island residents.

Reference: Comm. 1166
Intr. by: Ms. Eoff
Waived: FC

Res. 719-16: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR SOFTWARE LICENSING

Authorizes the Mayor to enter into a new three-year Microsoft Government Enterprise agreement to continue the best pricing and benefits for Microsoft software used county-wide.

Reference: Comm. 1167
Intr. by: Ms. Eoff
Waived: FC
Res. 720-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST WITH PURCHASES OF NECESSARY EQUIPMENT, SUPPLIES, AND MATERIALS FOR THE PĀHOA AND MOUNTAIN VIEW SENIOR CENTERS
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Parks and Recreation, Elderly Activities Division Other Current Expenses account.

Reference: Comm. 1168
Intr. by: Mr. Paleka

Res. 721-16: 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 DANIEL R. SAYRE MEMORIAL FOUNDATION TO ASSIST THE HAWAI‘I FIRE DEPARTMENT WITH REFURBISHING ITS RADON RESCUE BOAT
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Hawai‘i Fire Department, Protection Other Current Expenses account.

Reference: Comm. 1169
Intr. by: Mr. Paleka

Res. 722-16: 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 MOUNTAIN VIEW ELEMENTARY SCHOOL PTSA TO PURCHASE TWO AIR CONDITIONING UNITS FOR THE SCHOOL’S CLASSROOMS
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 1170
Intr. by: Mr. Paleka
Res. 723-16: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR A MAINTENANCE CONTRACT FOR THE OFFICE OF AGING

Authorizes the Mayor to enter into a five-year maintenance contract for a multi-function copy machine to be used by the department’s Kona office.

Reference: Comm. 1172
Intr. by: Ms. Eoff
Waived: FC

Res. 724-16: 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 WEST HAWAI‘I VETERANS CEMETERY DEVELOPMENT AND EXPANSION ASSOCIATION, INC., TO CONSTRUCT A PURPLE HEART MEMORIAL

Transfers $3,333 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 1173
Intr. by: Mr. Kanuha

Res. 725-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR IMPROVEMENTS AT COUNTY PARK FACILITIES IN COUNCIL DISTRICT 3, INCLUDING CONSTRUCTION OF A STORAGE ROOM AT THE WAIĀKEA-UKA PARK BASEBALL FIELD

Transfers $2,400 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. 1174
Intr. by: Mr. Onishi
Res. 727-16: APPROVES LEGISLATIVE PROPOSALS FOR INCLUSION IN THE 2017 HAWAI’I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE
Approves a proposal submitted by the City and County of Honolulu and four proposals submitted by the County of Maui, as listed in Exhibit A, to be considered by the 2017 State Legislature, which convenes in January 2017.

Reference: Comm. 1182
Intr. by: Mr. Onishi
Waived: GREDC

BILLs FOR ORDINANCES (FIRST READING)

Bill 228 (Draft 2):
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 SINGLE-FAMILY RESIDENTIAL – 7,500 SQUARE FEET (RS-7.5) TO NEIGHBORHOOD COMMERCIAL – 7,500 SQUARE FEET (CN-7.5) AT PUNAHOA 2ND, SOUTH HILO, HAWAI’I, COVERED BY TAX MAP KEY: 2-3-035:018 (Applicant: Hilo Medical Center) (Area: 9,230 square feet)
The Windward Planning Commission forwards its unfavorable recommendation for this change of zone, which would allow for the development of a 24-26 stall paved parking lot for Hilo Medical Center employees that work at the Punahoe Professional Building and Pu’u Honu Professional Building

Reference: Comm. 981.4
Intr. by: Mr. Ilagan
Negative: PC-80 (Due to a vote of 3-ayes, 6-noes)

Bill 261:
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
Establishes the following program appropriations to the Capital Budget: Roadway Projects (Engineering) ($526,763.76); and Bridge Inspection, Repair, and Replacement Program (Engineering) ($277,748.11). Funds for these appropriations shall be provided from the lapsed Fuel Tax Increase funds in the Capital Projects Fund. Exhibit A, attached to the bill, lists the specific projects in each category.

Reference: Comm. 1162
Intr. by: Ms. Eoff
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai’i County Charter
Bill 262:  
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

Establishes the following program appropriations to the Capital Budget: TEA-21 Projects (Federal Aid) ($108,311.10) and Local Road Improvements ($108,311.10). Funds for these appropriations shall be provided from fuel tax revenue in excess of what was projected in Ordinance 15-23. Exhibit A, attached to the bill, lists the specific projects in each category.

Reference:  
Comm. 1163

Intr. by:  
Ms. Eoff

Waived:  
FC

Note:  
Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

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Bill 263:  

Appropriates revenues in the Fund Balance From Previous Year - Reserved account ($220,565.72); and appropriates the same to the Transfer to Capital Projects Fund - Highway account. These fiscal year 2015-2016 excess fuel tax revenues would be expended by the Department of Public Works.

Reference:  
Comm. 1164

Intr. by:  
Ms. Eoff

Waived:  
FC
Bill 264:

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

Establishes the following program appropriations to the Capital Budget: Roadway Projects (Engineering) ($2 million); Bridge Inspection, Repair, and Replacement Program (Engineering) ($1.4 million); and Local Road Improvements (Highways) ($3.4 million). Funds for these 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. 1165
Intr. by: Ms. Eoff
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)

Bill 234 (Draft 2):

AMENDS CHAPTER 14, ARTICLE 14, DIVISION 3, SECTION 14-86 OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION, AS AMENDED) RELATING TO STREET NAMES

 Allows for two streets in the same judicial district but with different zip codes to share the same name.

Reference: Comm. 1025.4
Intr. by: Mr. Ilagan
First Reading: October 18, 2016
Postponed: October 5 and November 2, 2016

(Note: There is a motion by Mr. Ilagan, seconded by Ms. David, to approve Bill 234, Draft 2.)
Bill 240
(Draft 2):
AMENDS CHAPTER 18, ARTICLE 4 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), BY ADDING A NEW DIVISION RELATING TO THE HELE-ON KĀKO‘O COMPLEMENTARY PARATRANSIT SERVICE
Establishes an eligibility determination process for paratransit services and the right of the County to suspend paratransit services for eligible riders if the County finds cause to do so, and further establishes a process to appeal denial or suspension of service to the Transportation Commission.

Reference: Comm. 1047.4
Intr. by: Mr. Paleka
First Reading: November 2, 2016

Bill 249:
Appropriates revenues in the Federal Grants – Hawai‘i Airport Task Force account ($53,259); and appropriates the same to the Hawai‘i Airport Task Force account. Funds would be used to reimburse the department for overtime costs incurred by staff to disrupt the flow of illicit drug trafficking into Hawai‘i.

Reference: Comm. 1132
Intr. by: Ms. Eoff
First Reading: November 2, 2016

Bill 250:
Appropriates revenues in the Federal Grants – United States Secret Service account ($10,000); and appropriates the same to the United States Secret Service account. Funds would be used to reimburse the Police Department for overtime, travel, fuel, equipment, and other costs incurred by staff for joint operations with the United States Department of Treasury, which includes protection of government officials, preventing counterfeiting of U.S. currency, and securing U.S. banking and finance infrastructure.

Reference: Comm. 1133
Intr. by: Ms. Eoff
First Reading: November 2, 2016

Recognizes the late Laurence J. Capellas by renaming the ballfield “Laurence J. Capellas Ballfield,” and adds it to the Parks and Recreation facility schedule.

Reference: Comm. 1136
Intr. by: Ms. David
First Reading: November 2, 2016


Recognizes the late Representative Robert N. Herkes by naming the gymnasium and shelter “Representative Robert N. Herkes Gymnasium and Shelter,” and adds it to the Parks and Recreation facility schedule.

Reference: Comm. 1137
Intr. by: Ms. David
First Reading: November 2, 2016


Recognizes the late Justin Masayoshi “Buddy” Perry by renaming the field “Buddy Perry Soccer Field,” and adds it to the Parks and Recreation facility schedule.

Reference: Comm. 1138
Intr. by: Mr. Paleka
First Reading: November 2, 2016

Provides that the Corporation Counsel may appoint or discharge Deputy Corporation Counsels when so approved by the Mayor and then the County Council, and further provides that Deputy Corporation Counsels shall serve until they resign or retire, or are discharged by the Corporation Counsel, as approved by the Mayor and then the County Council.

Reference: Comm. 1142
Intr. by: Mr. Chung
First Reading: November 2, 2016

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 November 14, 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:
• Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401; and
• Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.
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;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

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, 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, November 23 and 30, 2016, at 6 p.m.; Fridays, November 25 and December 2, 2016, at 12 p.m.; and Sundays, November 27 and December 4, 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/.)