COUNTY COUNCIL

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

25th Session

ORDER OF BUSINESS

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

November 3, 2015
9:00 a.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

INVOCATION

Pastor Bob Tominaga of Thy Word Ministries

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

COMMUNICATIONS

ORDER OF RESOLUTIONS

Urges the Hawai‘i Police Department, the Office of the Prosecuting Attorney, the Hawai‘i State Judiciary, and the Office of the Public Defender to work with the State of Hawai‘i Directors of Public Safety and Public Health to reduce the number of persons with mental illnesses that are incarcerated, in support of the Stepping Up Initiative.

Reference: Comm. 448.6
Intr. by: Mr. Ilagan
Approve: PSMTC-5

Requests the Governor designate four new Enterprise Zones in Hawai‘i County, which would provide tax incentives intended to foster economic development and generate employment. The proposed designations, delineated in exhibits to the resolution, are Hāmākua, Hilo-Puna, Kona, and Ka‘ū.

Reference: Comm. 471
Intr. by: Mr. Onishi
Postponed: October 20, 2015

(Note: There is a pending motion by Mr. Onishi and duly seconded by Mr. Paleka to approve Resolution No. 283-15.)
**Res. 287-15:** AUTHORIZES THE DIRECTOR OF FINANCE TO ENTER INTO NEGOTIATIONS FOR THE ACQUISITION OF TAX MAP KEY 9-5-012:005 SITUATED IN THE DISTRICT OF KA‘Ū, ALSO KNOWN AS KAHUA ‘OLOHŪ, UTILIZING THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

The 13 acre Kahua ‘Olohū property is listed as a key priority for purchase in the 2014 Annual Report of the Public Access, Open Space, and Natural Resources Preservation Commission for its historical significance and cultural importance.

Reference: [Comm. 476](#)

Intr. by: Ms. David

Postponed: October 20, 2015

(Note: There is a pending motion by Ms. David and duly seconded by Mr. Paleka to approve Resolution No. 287-15.)

**Res. 310-15:** AUTHORIZES THE DEPARTMENT OF PARKS AND RECREATION TO AWARD FUNDS TO KAILAPA COMMUNITY ASSOCIATION

A grant of $71,000 would be provided to the Kailapa Community Association to help with funding for a community park and playground.

Reference: [Comm. 509](#)

Intr. by: Ms. Eoff

Approve: FC-38

**Res. 311-15:** AUTHORIZES THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 OF THE HAWAIʻI REVISED STATUTES FOR THE PROPOSED MOHOULI HEIGHTS SENIOR NEIGHBORHOOD PROJECT PHASES II AND III, IN SOUTH HILO, HAWAIʻI, TAX MAP KEY: 2-4-001:184

Hawaiʻi Island Development Corporation seeks exemptions from agricultural zoning requirements to allow for multi-family residential units so that it may continue construction of its affordable housing program for seniors.

Reference: [Comm. 514](#)

Intr. by: Ms. David (B/R)

Approve: HSSSC-1
**Res. 314-15:** 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 LIONS FOUNDATION TO EXPAND CHILDREN VISION SCREENING SERVICES IN PUNA

Transfers $5,830 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. 517
Intr. by: Mr. Ilagan

**Res. 315-15:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE USE OF SPECIAL DUTY OFFICERS DURING THE 2015 PĀHOA HOLIDAY PARADE

Transfers $333 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Police Special Duty, Other Current Expenses account.

Reference: Comm. 518
Intr. by: Mr. Paleka

**Res. 316-15:** 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 HALE O NA KEIKI PRESCHOOL FOR COMPUTER EQUIPMENT AND A SITE VISIT TO THE RICHARDSON’S BEACH PARK OCEAN CENTER

Transfers $3,200 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Parks and Recreation Administration, Other Current Expenses account.

Reference: Comm. 519
Intr. by: Ms. Poindexter
Res. 317-15: 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 WITH EXPENSES RELATED TO THE 2015 HAWAI‘I ISLAND VETERANS DAY PARADE

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 520
Intr. by: Mr. Paleka

Res. 318-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST THE MASS TRANSIT AGENCY WITH TRANSPORTING WEST HAWAI‘I KUPUNA CLIENTS OF ALU LIKE, INC., FOR AN ALL-DAY EXCURSION

Transfers $800 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Mass Transit Agency, Other Current Expenses account. Funds would be used for a trip to Waimea and Kohala.

Reference: Comm. 526
Intr. by: Ms. Eoff

Res. 319-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HOSPICE OF HILO TO PURCHASE LAPTOPS AND SOFTWARE TO IMPROVE PATIENT CARE

Transfers $8,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 527
Intr. by: Mr. Chung
**Res. 322-15:** Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year lease for one multi-function copy machine for the Department of Research and Development. Authorizes the Mayor to enter into a five-year lease agreement for a multi-function copy machine for the Kona Office, at an approximate cost of $1,545 per year.

Reference: Comm. 531
Intr. by: Ms. Eoff
Waived: FC

**Res. 323-15:** Authorizes the Office of the Mayor to enter into an agreement with the United States Department of Justice, pursuant to Hawai‘i Revised Statutes Section 46-7, for a Justice Assistance Grant to the Hawai‘i County Police Department. Funds of $92,825 would be used by the Police Department to purchase equipment and related technology to assist in tracking and managing accreditation files, a microfilm conservation project, and the installation of a security door system for its Criminal Investigation Division.

Reference: Comm. 533
Intr. by: Ms. Eoff
Waived: FC

**Res. 324-15:** Transfers/appropriates an appropriation out and from a designated fund account and credits same to a designated fund account to provide a grant to ‘Aha Pūnana Leo, Inc., to assist with expenses related to ‘Ohana Nights at Ke Kula ‘O Nāwahīokalani‘ōpu‘u Charter School. Transfers $15,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 537
Intr. by: Mr. Paleka
BILLS FOR ORDINANCES (FIRST READING)

Bill 100:  

Amendments would allow for the transport of refuse from transfer stations to the non-designated landfill if doing so would avoid penalty fees, help to meet minimum volumes to qualify for discounted fees, or if the designated landfill is under repair.

Reference: Comm. 493  
Intr. by: Ms. Wille  
Approve: EMC-4

Bill 111:  
AMENDS ORDINANCE NO. 15-58, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016

Adds the Public Works Mass Transit Maintenance and Baseyard Facility – County project for $2 million to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources ($2 million). Funds would be added to previously appropriated funds to cover higher than expected costs for the construction of the facility.

Reference: Comm. 532  
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 112:  

Appropriates revenues in the Federal Grants – Justice Assistance Grant account ($92,825); and appropriates the same to the Justice Assistance Grant account. Funds would be used by the Police Department to purchase equipment and related technology to assist in tracking and managing accreditation files, a microfilm conservation project, and the installation of a security door system for its Criminal Investigation Division.

Reference: Comm. 533  
Intr. by: Ms. Eoff  
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 37**
(Draft 5):

AMENDS CHAPTER 2, ARTICLE 15, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO THE CODE OF ETHICS

Amends: 1) Definitions - revises definition for “agency” and adds definition for “immediate family”; 2) Fair Treatment - amends provision for use of County property to include “campaign purposes” and adds provision to allow a County officer or employee, or a business where an immediate family member of a County officer or employee has a controlling interest of said business, to enter into a contract with a County agency, provided disclosure and approval provisions have been satisfied; 3) Conflicts of Interest - revises provisions for the ability of County officers and employees to represent private interests in legal actions/proceedings against the County or appear on behalf of private interests before any agency of the County; and 4) Contracts – amends provision to allow the County to enter into contracts with officers or employees of the County, or any business where an immediate family member of an officer or employee has a controlling interest, provided disclosure and approval provisions have been satisfied.

Reference: Comm. 231.22
Intr. by: Ms. Wille
First Reading: October 20, 2015

**Bill 91**:

AMENDS ORDINANCE NO. 05-74 WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 1 ACRE (A-1a) AND RESORT-HOTEL – 1,250 SQUARE FEET (V-1.25) TO MULTIPLE FAMILY RESIDENTIAL – 2,500 SQUARE FEET (RM-2.5) AT AUHAUKEAE 1ST, NORTH KONA, HAWAI'I, COVERED BY TMK 7-5-009:067 (PREVIOUSLY INCLUDED A PORTION OF PARCEL 54) (Applicant: Kukui Development, LLC) (Area: 6.27 Acres)

The Leeward Planning Commission forwards its favorable recommendation for this amendment, which would allow a ten-year time extension to Condition C, time to complete construction.

Reference: Comm. 467
Intr. by: Mr. Ilagan (B/R)
First Reading: October 20, 2015
Bill 92:


The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into two parcels. The applicant states that these lots are intended to be residential/agricultural lots for the respective successors of the trust.

Reference: Comm. 468
Intr. by: Mr. Ilagan (B/R)
First Reading: October 20, 2015

Bill 93:


The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into five parcels. The applicants stated they intend to retain two lots and convey the remaining three lots to their three children.

Reference: Comm. 473
Intr. by: Mr. Ilagan (B/R)
First Reading: October 20, 2015

Bill 94:

AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING

Adds portion of Kalawa Street to Schedule 28 (No parking at anytime), Subsection (f), Kona.

Reference: Comm. 477
Intr. by: Ms. Poindexter
First Reading: October 20, 2015
Bill 95:  AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS
Amends provision in Schedule 5 (35 mph limit) and adds provision to Schedule 3 (25 mph limit), both for portions of Kawaiulani Street, Subsection (c), South Hilo, to relocate a 35 mph speed limit sign to allow for a future driveway.

Reference: Comm. 478
Intr. by: Ms. Poindexter
First Reading: October 20, 2015

Increases revenues in the Federal Grants – State Homeland Security Program Fiscal Year (FY) 2015 account ($360,000); and appropriates the same to the State Homeland Security Program FY 2015 account. Funds would be used with existing funds towards the purchase of specialized equipment to enhance the capability of state and county agencies to prevent and respond to incidents of terrorism and other hazards.

Reference: Comm. 497
Intr. by: Ms. Eoff
First Reading: October 20, 2015

Appropriates revenues in the Fund Balance From Previous Year – Designated account ($6.64); and appropriates the same to the Kohala Ranch Project 4 account. The funds would be maintained separately and expended in accordance to the requirements of their respective housing agreements.

Reference: Comm. 498
Intr. by: Ms. Eoff
First Reading: October 20, 2015

Increases revenues in the Federal Grants – Department of Health (DOH) Complete Streets-Federal Grant account ($35,000); and appropriates the same to the DOH Complete Streets-Federal Grant account. Funds would be used with existing funds to allow staff within the Planning Department to attend Complete Streets training.

Reference: Comm. 510
Intr. by: Ms. Eoff
First Reading: October 20, 2015

Bill 106: AMENDS ORDINANCE NO. 15-58, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016

Adds the Haihai Fire Station (Kawai‘ilani Station Replacement) project for $6 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 ($6 million). Funds would be used to replace the current facility, which will be negatively affected by Kawai‘ilani Street road improvements.

Reference: Comm. 511
Intr. by: Ms. Eoff
First Reading: October 20, 2015
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter


Adds portions of Manini Beach Road, Kahauloa Street, and Kahauloa Road, to Section 24-280, Schedule 28, (No parking at anytime), Subsection (f), Kona, to address a concern that cars are parking in this heavily used beach area in places too narrow for parking.

Reference: Comm. 513
Intr. by: Ms. Poindexter
First Reading: October 20, 2015
REPORTS

PC-31 (Comm. 512):
NOMINATION OF KRISTEN L. DIRKS AH SAM TO THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

PC-32 (Comm. 512):
NOMINATION OF RICHARD L. ELLIOT TO THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

REFERRALS FOR EXECUTIVE SESSION

Comm. 521:
CATHERINE SNEYERS, ET AL. VS. COUNTY OF HAWAI‘I, ET AL.; CIVIL NO. 10-1-0294, THIS CASE WAS APPEALED TO THE INTERMEDIATE COURT OF APPEALS CAAP-15-0000664
From Deputy Corporation Counsel Section Chief Laureen L. Martin, dated October 1, 2015, requesting an attorney-client confidential discussion to consult with the Council the above-entitled matter, including settlement discussion.

Comm. 528:
REQUEST TO AUTHORIZE THE HIRING OF LEONG KUNIHIRO BENTON & BROOKE AS SPECIAL COUNSEL FOR DEPARTMENT OF HUMAN RESOURCES, HEALTH & SAFETY DIVISION, WORKERS’ COMPENSATION BRANCH
From Corporation Counsel Molly A. Stebbins, dated October 14, 2015, requesting an attorney-client confidential discussion to consult with the Council the hiring of special counsel, including pricing information.

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.

The meeting places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by **October 30, 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:

- **Kona Council Office, West Hawai‘i Civic Center, 74-5044 Ane Keohokalole Highway, Building A.**
  (Pursuant to HRS §92-7 and Council Rule No. 2, Council Member Karen Eoff will be participating from the Kona Council Office.)

Public attendance via videoconference will be available at the Kona location.

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

- **Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapa‘au;**
- **Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu; 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](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](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 11 and 18, 2015, at 6:00 p.m.; Fridays, November 13 and 20, 2015, at 12:00 p.m.; and Sundays, November 15 and 22, 2015, at 9:00 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, NOVEMBER 17, 2015

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

WEDNESDAY, NOVEMBER 18, 2015

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

TUESDAY, DECEMBER 1, 2015

COMMITTEES          TBA          COUNCIL ROOM - HILO
                  25 Aupuni Street

WEDNESDAY, DECEMBER 2, 2015

COUNCIL               9:00 A.M.          COUNCIL ROOM - HILO
                      25 Aupuni Street