COUNTY COUNCIL

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

31st Session

ORDER OF BUSINESS

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

January 22, 2016
1:00 p.m.

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

INVOCATION

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

November 19, 2014

COMMUNICATIONS

Comm. 621: REQUESTS THE ACCEPTANCE OF A DONATION OF GIFT CARDS FOR 254 12-PACK ICE CREAM CUPS, WITH A COMBINED VALUE OF $1,546.86 From Finance Director Deanna Sako, dated January 4, 2016. Donated by KTA Super Stores, for use by the Fire Department’s Fire Prevention Bureau’s Education Program.

Waived: FC

Comm. 625: NOMINATION OF JOSEPHINE L. IBARRA TO THE BOARD OF ETHICS From Mayor William P. Kenoi, dated January 4, 2016, submitting for the Council’s review and confirmation the above nomination.

Waived: FC

Comm. 626: NOMINATION OF G. RICK ROBINSON TO THE BOARD OF ETHICS From Mayor William P. Kenoi, dated January 4, 2016, submitting for the Council’s review and confirmation the above nomination.

Waived: FC

Comm. 627: NOMINATION OF LAWRENCE M. BROWN TO THE PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE From Mayor William P. Kenoi, dated January 4, 2016, submitting for the Council’s review and confirmation the above nomination.

; and

NOMINATION OF FRANK COMMENDADOR TO THE PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE From Mayor William P. Kenoi, dated January 4, 2016, submitting for the Council’s review and confirmation the above nomination.

Waived: PC
ORDER OF RESOLUTIONS


The lots contain areas of 9,018 square feet and 1.193 acres, respectively, and would be used for roadway and drainage purposes.

Reference: Comm. 589
Intr. by: Ms. Poindexter
Approve: PWPRC-22

Res. 358-16: ACCEPTS THE DEDICATION OF LOT B, BEING A PORTION OF GRANT 3148, APANA 4 TO W. P. LELEIOHOKU, TAX MAP KEY: 7-5-007:009 (POR.), SITUATED AT HONUAULA 1ST, DISTRICT OF NORTH KONA, ISLAND OF HAWAI‘I, FROM KONA HOSPITALITY, LLC, A HAWAI‘I LIMITED LIABILITY COMPANY

The lot contains an area of approximately 1,670 square feet and would be used for roadway purposes.

Reference: Comm. 590
Intr. by: Ms. Poindexter
Approve: PWPRC-23

Res. 360-16: ACCEPTS THE DONATION OF LOT 31 OF THE HAWAIIAN PARADISE PARK SUBDIVISION, BEING TAX MAP KEY: 1-5-039:267, SITUATED AT KEA‘AU, DISTRICT OF PUNA, COUNTY AND STATE OF HAWAI‘I, FROM HAWAIIAN PARADISE PARK OWNERS ASSOCIATION

The donation of approximately 20 acres would be used to establish a park. The Department of Parks and Recreation must develop a master plan for the park within two years from the date of conveyance, or the property will be returned to the Hawaiian Paradise Park Owners Association.

Reference: Comm. 592.2
Intr. by: Mr. Ilagan
Approve: FC-43
Res. 362-16: AUTHORIZES THE DIRECTOR OF FINANCE TO NEGOTIATE A LEASE OF REAL PROPERTY, OLD JOB CORPS SITE, SITUATED AT PI‘IHONUA, SOUTH HILO, COUNTY AND STATE OF HAWAI‘I, IDENTIFIED AS TAX MAP KEY: 2-3-026:008, TO THE HAWAI‘I COUNTY ECONOMIC OPPORTUNITY COUNCIL.

Authorizes the Finance Director to negotiate a 10-year lease with two 10-year renewal options. The property, consisting of 2.263 acres, would be used to develop a self-sustainable botanical garden, visitor center, and related uses.

Reference: Comm. 594
Intr. by: Ms. Eoff
Approve: FC-44

Res. 364-16: AUTHORIZES THE DIRECTOR OF FINANCE TO DISPOSE OF REAL PROPERTY, TAX MAP KEY: 4-5-019:020 (TANK SITE) SITUATED AT NAMOKU, HĀMĀKUA, ISLAND AND COUNTY OF HAWAI‘I, TO THE WATER BOARD OF THE COUNTY OF HAWAI‘I.

Authorizes the Finance Director to transfer ownership of the tank site by way of sale at a cost of $1.00, to coordinate improvements to the water system in Namoku, Hāmākua.

Reference: Comm. 600
Intr. by: Ms. Eoff
Approve: FC-45


The lot contains an area of approximately 0.115 acre and would be used for roadway purposes.

Reference: Comm. 606
Intr. by: Ms. Poindexter
Approve: PWPRC-24
Res. 370-16: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF THE ATTORNEY GENERAL CRIME PREVENTION AND JUSTICE ASSISTANCE DIVISION
Awards additional grant funds in the amount of $23,151 to pay for training and updated equipment in the field of forensic science.

Reference: Comm. 617
Intr. by: Ms. Eoff
Waived: FC

Res. 371-16: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $1,000 TO THE HAWAI‘I COUNTY POLICE DEPARTMENT
Donated by the Hawai‘i Police Athletic Association to be used for the Department’s Hawai‘i Isles Police Activities League program.

Reference: Comm. 618
Intr. by: Ms. Eoff
Waived: FC

Res. 372-16: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR VOICE OVER INTERNET PROTOCOL (VOIP) SERVICE
Authorizes the Mayor to enter into a three-year agreement with a State of Hawai‘i Procurement Office contractor to provide VOIP services for up to three County locations.

Reference: Comm. 619
Intr. by: Ms. Eoff
Waived: FC
Res. 373-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO GOING HOME HAWAI‘I TO SUPPORT THE STEPPING UP INITIATIVE

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 622
Intr. by: Mr. Ilagan

BILLs FOR ORDINANCES (FIRST READING)

Bill 79: AMENDS SECTION 25-8-3 (NORTH KONA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT KEŌPŪ 3RD, NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY: 7-5-024:078 (Applicant: Charles E. Lipps, Jr., and Janet S. Lipps Trust) (Area: 3.039 acres)

The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to apply for the subdivision of the property into two lots. The applicant states that the makai lot would be conveyed to a family member to build a residence.

Reference: Comm. 424
Intr. by: Mr. Ilagan (B/R)
Negative: PC-25 (Due to a vote of 2-ayes, 6-noes, 1-absent)
Postponed: September 16, 2015

(Note: There is a motion by Mr. Ilagan and seconded by Mr. Onishi to approve Bill 79.)

; and

Comm. 424.2: From Council Chair Dru Mamo Kanuha, dated December 28, 2015, requesting Bill No. 79 be placed on the January 22, 2016, Council agenda.
Bill 101:  
(Draft 2) 

INITIATES AN AMENDMENT TO ARTICLE XIV, SECTION 14-5 OF THE HAWAIʻI COUNTY CHARTER (2014), RELATING TO THE BOARD OF ETHICS

The amendments would: 1) increase membership from five to nine members; 2) decrease member’s term from five to four years; 3) add council district residency requirements; and 4) allow each council member to nominate two persons from his or her council district to serve on the board, from which one would be appointed by the mayor, subject to confirmation by the Council.

Reference: Comm. 494.9
Intr. by: Ms. Wille
Negative: FC-42 (Due to a vote of 2-ayes, 6-noes, 1-absent)
Postponed: December 14, 2015

(Note: There is a motion by Ms. Wille and seconded by Mr. Paleka to approve Bill 101, Draft 2.)

Bill 119:  
(Draft 2) 

AMENDS CHAPTER 24 OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), RELATING TO VEHICLES AND TRAFFIC

Adds portions of the West Hawaiʻi Civic Center’s public parking area to Article 10, Division 5, Section 24-284 (Two hour parking areas), Subsection (f), Kona.

Reference: Comm. 588.1
Intr. by: Ms. Poindexter
Approve: PWPRC-25

Bill 123: 

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 Office of Housing & Community Development (OHCD) Facilities/Maintenance & Renovation project for $500,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources ($500,000). Funds would be used for general repairs and maintenance to all OHCD housing facilities.

Reference: Comm. 599
Intr. by: Ms. Eoff
Approve: FC-46
Bill 125: 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 Parks and Recreation Honomū Park New Playground Equipment - County project for $500,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources ($500,000). Funds would be used for the construction of new playground equipment at Honomū Park.

Reference: Comm. 603
Intr. by: Ms. Poindexter
Approve: FC-47

Bill 127: AMENDS THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAIʻI, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT PANAʻEWA HOUSE LOTS, 2ND SERIES, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-2-056:002

(Applicants: Minoru, Jr., and Katherine Takehiro) (Area: 2.666 acres)

Reference: Comm. 612
Intr. by: Mr. Ilagan (B/R)
Approve: PC-41

; and

Bill 128: 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 RESIDENTIAL AND AGRICULTURAL – ONE-HALF ACRE (RA-.5a) AT PANAʻEWA HOUSE LOTS, 2ND SERIES, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-2-056:002

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

Approve: PC-42

Increases revenues in the Federal Grants – Improve Forensic Sciences account ($23,151); and appropriates the same to the Improve Forensic Services account. Funds would be used to pay for training and updated equipment in the field of forensic science.

Reference: Comm. 617
Intr. by: Ms. Eoff
Waived: FC


Increases revenues in the Police Department Private Contributions account ($1,000); and appropriates the same to the Hawai’i Isles Police Activities League (HIPAL) Other Current Expenses account. Funds would be used for the Department’s HIPAL program.

Reference: Comm. 618
Intr. by: Ms. Eoff
Waived: FC

Bill 134: 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 Environmental Management Kealakehe Wastewater Treatment Plant (WWTP) Upgrade and Sludge Removal – State Revolving Funds (SRF) project for $5 million to the Capital Budget. Funds for this project shall be provided from SRF ($5 million). Funds would be used to replace liners at the WWTP facility.

Reference: Comm. 620
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 135:** AMENDS ORDINANCE NO. 14-99, WHICH AMENDED ORDINANCE NO. 13-21, WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS AND AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI‘I

Increases from $18 million to $23 million the principal amount of general obligation bonds that may be issued by the County to repay loan costs for the Kealakehe Wastewater Treatment Plant Aeration Upgrade and Sludge Removal project.

Reference: Comm. 624  
Intr. by: Ms. Eoff  
Waived: FC  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 47-5, Hawai‘i Revised Statutes

**Bill 136:** 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 Housing Micro Unit Housing – West Hawai‘i project for $650,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources ($650,000). Funds would be used to prepare and acquire 32 micro housing units to provide permanent, long-term housing to the chronically homeless.

Reference: Comm. 632  
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 120: 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 Lower Puna Lava Response Projects – Federal Emergency Management Agency (FEMA) project for $10 million to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($10 million). Funds would be used towards reimbursable expenditures incurred for the FEMA portion of the June 27, 2014, Lava Flow on the northeast flank of Pu‘u O‘o.

Reference: Comm. 596
Intr. by: Ms. Eoff
First Reading: January 6, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 121: 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
Reappropriates lapsed fuel tax funds from previous years to the Capital Budget. Funds shall be provided from the Fuel Tax Increase 12-14 account ($2,070,063.90), and would be used for the projects listed in Exhibit A.

Reference: Comm. 597
Intr. by: Ms. Eoff
First Reading: January 6, 2016
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 – Reserved account ($136,056.48); and appropriates the same to the Transfer to Capital Projects Fund – Highway account. These excess fuel tax revenues collected in Fiscal Year 2014-2015 would be used by the Department of Public Works, Highways Division.

Reference: Comm. 598
Intr. by: Ms. Eoff
First Reading: January 6, 2016
REPORTS

PC-37:  (Comm. 609) NOMINATION OF ANN KERN TO THE KAILUA VILLAGE DESIGN COMMISSION

PC-38:  (Comm. 610) NOMINATION OF PAULINE KE’ALA LEE LOY TO THE CULTURAL RESOURCES COMMISSION

; and

PC-39:  (Comm. 610) NOMINATION OF THERESA K. DONHAM TO THE CULTURAL RESOURCES COMMISSION

PC-40:  (Comm. 611) NOMINATION OF JOHN (JACK) HOYT TO THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

PSMTC-6: (Comm. 608) NOMINATION OF MICHAEL L. AKAU TO THE TRANSPORTATION COMMISSION

; and

PSMTC-7: (Comm. 608) NOMINATION OF KRIS L. K. HOKE TO THE TRANSPORTATION COMMISSION

; and

PSMTC-8: (Comm. 608) NOMINATION OF RADFORD HIRAI TO THE TRANSPORTATION COMMISSION

; and

PSMTC-9: (Comm. 608) NOMINATION OF WENDY DAVIS TO THE TRANSPORTATION COMMISSION
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 January 20, 2016. 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, Dennis “Fresh” Onishi, Danny Paleka, and Valerie Poindexter will be participating from the Hilo Council Chambers.)

Public attendance via videoconference will be available at the Hilo 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 location until public testimony has been completed or 4:30 p.m., whichever comes first:

- Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapa‘au.

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; 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 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:
Fridays, January 29 and February 5, 2016, at 12:00 p.m.; Sundays, January 31 and February 7, 2016, at 9:00 a.m.; and Wednesdays, February 3 and 10, 2016, at 6:00 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/](http://www.naleo.tv/tv-schedules/channel-55/).)