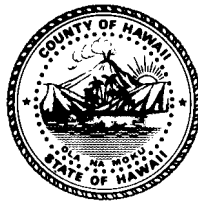


GARY SAFARIK
Chairman & Presiding Officer

BOB JACOBSON
Vice Chairman



JAMES Y. ARAKAKI
STACY K. HIGA
PETE HOFFMANN
FRED C. HOLSCHUH, M.D.
DONALD IKEDA
VIRGINIA ISBELL
K. ANGEL PILAGO

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

7th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Tuesday, March 1, 2005
9:00 a.m.

INVOCATION Reverend Tag Taggart, Center for Spiritual Growth or First Church of Religious Science

CALL TO ORDER 9:18 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES January 21, 2005 - APPROVED AS AMENDED
September 15, 2004 (2002-2004) - POSTPONED

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

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS

ORDER OF RESOLUTIONS

Res. 38-05: Authorizes the Acceptance of a Donation of Four (4) Oil Paintings for the Department of Public Works. {Donation from Clayton Bryant Young, with an estimated total value of \$16,000.}

Re: Comm. 88
Intr. by: Ms. Isbell
Approve: FC-37

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 39-05: Authorizes the Acceptance of a Donation of a Custom Two-Man Lifeguard Tower for the Department of Parks and Recreation. {Donation from Territorial Builders, Inc., to be used at Kahalu'u Beach Park, with an estimated total value between \$12,000 and \$15,000.}

Re: Comm. 89
Intr. by: Ms. Isbell (B/R)
Approve: FC-38

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 40-05: Creates Thirty (30) Police Officer III (Temporary) Positions for the Hawai'i County Police Department. {These positions will 1) allow the Police Department to temporarily assign qualified individuals to the Field Training Officers (FTO) positions via the payroll process; 2) provide more flexibility in starting and terminating the FTO positions; and 3) reduce the amount of paperwork and time on the part of all departments involved with the current process.}

Re: Comm. 90
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-39

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 42-05: Authorizes the Office of the Mayor to Enter Into an Inter-Governmental Agreement with the City and County of Honolulu, Pursuant to HRS 46-7, for Real Property Tax Support Services; and Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year. {This cost sharing agreement with the City and County of Honolulu will provide certain services to support our County's real property tax program which will include technical services, support and training to areas of statewide concern common to all counties and will provide documents in editable electronic formats.}

Re: Comm. 96
 Intr. by: Ms. Isbell
 Approve: FC-40

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 43-05: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for Multi-Year Leases (Five Years) for Two (2) Copiers for the Office of the Prosecuting Attorney. {Copiers are for the Kona and Waimea offices (Kona needs a second copier which will greatly improve workflow and efficiency and Waimea has no copier and must use the Police Department's copier that is located in a different building across the street).}

Re: Comm. 97
 Intr. by: Ms. Isbell
 Approve: FC-41

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 47-05: Supports State House and Senate Legislative Measures, House Bill 1160 and Companion Senate Bill 1489, Which Appropriates \$2,000,000 in Fiscal Year 2005-2006 and \$2,000,000 in Fiscal Year 2006-2007 to Eradicate Coqui Frogs on the Big Island Through the Establishment of a Multi-Agency Coqui Frog Eradication Program on the Island of Hawai'i.

Re: Comm. 108
 Intr. by: Mr. Holschuh
 Waived: PWIRC

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 49-05: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the Law Enforcement Terrorism Prevention Program. {Funds will provide law enforcement communities with enhanced capabilities for detecting, deterring, disrupting, and preventing acts of terrorism.}

Re: Comm. 112
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 50-05: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the Citizen Corps Program. {Funds will be used to support Citizen Corps Counsels with planning, outreach, training, and management of Citizen Corps programs and activities.}

Re: Comm. 113
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 51-05: Authorizes the Office of the Mayor to Enter Into Agreements with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the FY 2005 State Homeland Security Program. {Funds will be used for the purchase of specialized equipment to enhance the capability of state and county agencies to prevent, respond to, and mitigate incidents of terrorism involving the use of chemical, biological, radiological, nuclear, or explosive (CBRNE) weapons; as well as to provide for the protection of critical infrastructure and prevention of terrorist incidents; for costs related to the design, development, conduct, and evaluation of CBRNE and cyber security programs; and for costs associated with implementing State Homeland Security Assessments and Strategies.}

Re: Comm. 114
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 53-05: Authorizes the Corporation Counsel, and His Authorized Representatives, to Enter Into an Agreement with the Individually Named Party, Who is an Employee of the County of Hawai'i, to Represent Him in the Civil Action Entitled *Donna Alcosiba & Guy Alcosiba v. Leslie Botelho*, Civil No. 04-1-0017.

Re: Comm. 86.1
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

BILLS FOR ORDINANCES (FIRST READING)

Bill 19: Amends the State Land Use Boundaries Maps, H-14 and H-8 for the County of Hawai'i, by Changing the District Classification from the Agricultural to the Rural District at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-11:33 (approx. 6.5077 acres). {Robert and Christine Almeida, Applicant.}

Re: Comm. 63
Intr. by: Mr. Pilago and Mr. Hoffmann
Approve: PC-8

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Holschuh, Ikeda, Isbell, and Chair Safarik – 6.

NOES: Council Members Hoffmann, Jacobson, and Pilago – 3.

ABSENT & EXCUSED:None.

Bill 20: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-11:33 (approx. 6.5077 acres). {Robert and Christine Almeida, Applicant.}

Re: Comm. 63
Intr. by: Mr. Pilago and Mr. Hoffmann
Approve: PC-9

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Holschuh, Ikeda, Isbell, and Chair Safarik – 6.

NOES: Council Members Hoffmann, Jacobson, and Pilago – 3.

ABSENT & EXCUSED:None.

Bill 28: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. { Adds PUBLIC WORKS: Coupe Condemnation (\$300,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$300,000). Condemnation and acquisition of this 3.348 acre parcel of land is needed for the construction and development of a road intended to bypass the Māmalahoa Highway. }

Re: Comm. 87
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-36
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 33: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. { Appropriates revenues in Federal Grants – Law Enforcement Terrorism Prevention Program (\$301,471); appropriates same to Law Enforcement Terrorism Prevention Program. }

Re: Comm. 112
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 34: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. { Appropriates revenues in Federal Grants – Citizen Corps Program (\$26,312); appropriates same to Citizen Corps Program. }

Re: Comm. 113
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 35: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – State Homeland Security Program (\$1,381,742); appropriates same Fiscal Year 2005 State Homeland Security Program.}

Re: Comm. 114
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 26: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in State Grants – Product Development Program (\$50,000); appropriates same to Product Development Program – State. Additional funding to be used in calendar year 2005 by the Department of Research and Development's Product Enrichment Program to support and improve tourism product development initiatives and projects.}

Re: Comm. 80
 Intr. by: Ms. Isbell
 1st Reading: February 16, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 355
 (2002-2004): Amends the State Land Use Boundaries Map, H-65 for the County of Hawai'i, by Changing the District Classification from the Agricultural to the Urban District at Makahanaloa, South Hilo, Hawai'i, Covered by Tax Map Key 2-8-8:103, Por. 104, Por. 95, and Por. 3 (approx. 4.182 acres). {Continental Pacific, LLC, Applicant.}

Re: Comm. 821
 Intr. by: Mr. Elarionoff
 1st Reading: February 16, 2005

POSTPONED TO 4-6-05 MEETING

Bill 356
(2002-2004): Amends Section 25-8-35 (Pepeekeo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Village Commercial (CV-10), Limited Industrial (ML-20), and General Industrial (MG-5a) to Single Family Residential (RS-20) and from Agricultural (A-20a) to Limited Industrial (ML-20) at Makahanaloa, South Hilo, Hawai'i, Covered by Tax Map Key 2-8-8:103, Por.104, Por. 95, and Por. 3 (Area: Parcel A – approx. 1.194 acres; Parcel B – approx. 1.462 acres; Parcel C – approx. 6.64 acres; Parcel D – approx. 4.182 acres; Total: approx. 13.478 acres). {Continental Pacific, LLC, Applicant.};

Re: Comm. 821
Intr. by: Mr. Elarionoff
1st Reading: February 16, 2005

POSTPONED TO 4-6-05 MEETING

and

Comm. 92.22: From Claudia Rohr, dated February 17, 2005; *and*
Comm. 92.23: From Council Member Virginia Isbell, dated February 22, 2005.

Bill 365
(2002-2004): Amends the State Land Use Boundaries Maps, H-14 and H-25 for the County of Hawai'i, by Changing the District Classification from the Agricultural to the Rural District at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-11:9 (approx. 5.0067 acres). {Arthur and Diane Maher, Applicant.}

Re: Comm. 847
Intr. by: Mr. Elarionoff
Deferred: December 21, 2004
1st Reading: February 2, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Holschuh, Ikeda, Isbell, Pilago, and Chair Safarik – 7.

NOES: Council Members Hoffmann and Jacobson – 2.

ABSENT & EXCUSED:None.

Bill 366 (Draft 2)
(2002-2004): Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-11:9 (approx. 5.0067 acres). {Arthur and Diane Maher, Applicant.}

Re: Comm. 847.1
Intr. by: Mr. Elarionoff
Deferred: December 21, 2004
1st Reading: February 2, 2005

AMENDED TO DRAFT 3 & PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Holschuh, Ikeda, Isbell, Pilago, and Chair Safarik – 7.

NOES: Council Members Hoffmann and Jacobson – 2.

ABSENT & EXCUSED:None.

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended January 31, 2005.
APPROVED

REFERRALS FOR EXECUTIVE SESSION

(the purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS. Note: 2/3 Vote – Pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

Comm. 118: M. W. MIRANDA TRUCKING VS. COUNTY OF HAWAI'I, CIVIL NO. 01-1-0343
From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 17, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

	<u>THURSDAY, MARCH 10, 2005</u>	
NONPROFIT SITE VISIT/INTERVIEWS (E. HAWAI'I)	8:00 a.m.	COUNCILROOM
COUNCIL PUBLIC HEARING RE BILL 4, DRAFT 5 (ANIMAL)	6:00 p.m.	COUNCILROOM
	<u>FRIDAY, MARCH 11, 2005</u>	
NONPROFIT SITE VISIT/INTERVIEWS (E. HAWAI'I)	8:00 a.m.	TBA
	<u>MONDAY, MARCH 14, 2005</u>	
COUNCIL PUBLIC HEARING RE BUDGETS (E. HAWAI'I)	5:00 p.m.	COUNCIL ROOM

COMMITTEES	<u>TUESDAY, MARCH 15, 2005</u> TBA	COUNCIL ROOM
COUNCIL PUBLIC HEARING RE BILL 4, DRAFT 5 (ANIMAL)	6:00 p.m.	OCEAN VIEW COMMUNITY ASSOCIATION COMMUNITY CENTER
	<u>WEDNESDAY, MARCH 16, 2005</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT AND SPA
COUNCIL PUBLIC HEARING RE BUDGETS (W. HAWAI'I)	6:00 p.m.	SHERATON KEAUHOU BAY RESORT AND SPA
	<u>THURSDAY, MARCH 17, 2005</u>	
NONPROFIT SITE VISIT/INTERVIEWS (W. HAWAI'I)	8:00 a.m.	SHERATON KEAUHOU BAY RESORT AND SPA
COUNCIL PUBLIC HEARING RE BILL 4, DRAFT 5 (ANIMAL)	6:00 p.m.	SHERATON KEAUHOU BAY RESORT AND SPA
	<u>TUESDAY, MARCH 22, 2005</u>	
COUNCIL PUBLIC HEARING RE BILL 4, DRAFT 5 (ANIMAL)	6:00 p.m.	WAIMEA CIVIC CENTER

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 12:51 p.m.

(Note: B/R, as listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" and on behalf of the requesting party; however, it does not necessarily signify their support of or opposition to the proposal.)

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by February 28, 2005. Persons using TDDs may call 961-8521. Copies may be viewed at the Hawai'i County Services Office at 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i 96740; at the Office of the County Clerk at 25 Aupuni Street, Hilo, Hawai'i 96720; and the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740.

Note: Videoconference from the Kona Mayor's Office is available for this meeting.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring fifteen copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Mayor's Office in Kailua-Kona, located at Hanama Place, 75-5706 Kuakini Hwy., Suite 103, should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at the above address, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. Copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, March 9, 2005, at 6 p.m.; Sunday, March 13, 2005, at 10:30 a.m.; and Wednesday, March 16, 2005, at 6 p.m.