

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*

9th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, April 6, 2005
9:00 a.m.

INVOCATION

Pastor Paul McIlroy of Kea'au Bible Church

CALL TO ORDER

9:25 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

February 16, 2005 **APPROVED**

(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 COMMS. 151, 151.1, 164, AND 164.1:

Comm. 151: NOMINATES MR. DAVID A. DRURY (COUNCIL DISTRICT 4) TO THE WATER BOARD BOARD OF APPEALS

From Mayor Harry Kim, dated March 3, 2005, transmitting for Council's consideration and approval the above nomination;

Waived: PC

APPROVED

and

Comm. 151.1: From Planning Committee Co-Chairs Pete Hoffmann and K. Angel Pilago, dated March 28, 2005.

Comm. 164: NOMINATES THE FOLLOWING INDIVIDUALS TO THE BOARD OF ETHICS: MR. KARL K. KAWAHARA (COUNCIL DISTRICT 4) AND MR. WAYNE JOSEPH (COUNCIL DISTRICT 5)

From Mayor Harry Kim, dated March 10, 2005, transmitting for Council's consideration and approval the above nominations;

Waived: FC

APPROVED

and

Comm. 164.1: From Corporation Counsel Lincoln S. T. Ashida, dated March 15, 2005.

Comm. 195: NOMINATES A MEMBER AND ALTERNATE TO THE HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) EXECUTIVE COMMITTEE FOR FISCAL YEAR 2005-2006.

From HSAC Vice President Gary S. Safarik, dated March 23, 2005, recommending K. Angel Pilago to serve as HSAC's representative and that he will continue to serve as its alternate.

Waived: PWIRC

APPROVED

Comm. 196: NOMINATES AN ALTERNATE MEMBER TO THE HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) SPECIAL COMMITTEE ON SOLID WASTE MANAGEMENT

From Council Chair Gary Safarik, dated March 24, 2005, recommending K. Angel Pilago to serve as HSAC's alternate to this Committee.

Waived: PWIRC

APPROVED

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

Res. 41-05: Extinguishes Utility Easement for the Mt. View-‘Ōla‘a Water System. {The Department of Water Supply no longer requires the use of the easement due to the relocation of the pipes that services the system. }

Re: Comm. 93
 Intr. by: Mr. Ikeda
 Approve: PWIRC-3

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Higa and Chair Safarik – 2.

Res. 54-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$9,694.50 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Improvement District 18-Kona Wonderview/Coastview account. Funds would absorb the cost of a miscalculation when three condominium units were counted on a lot where only two such units existed. }

Re: Comm. 128
 Intr. by: Mr. Pilago
 Approve: FC-52

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Higa and Chair Safarik – 2.

Res. 55-05: Requests a Study of the Feasibility of a Waikoloa Curbside Recycling and Trash Pick-Up Program. {Feasibility analysis would include an implementation plan and establishment of a scope of services (to begin by October 5, 2005); assessment of the cost and effectiveness of voluntary and mandatory participation; separation of the types of recyclable refuse from other types and other refuse; and the role by private business in implementing the pilot program to collect, store, sell, or transport recyclable refuse. }

Re: Comm. 133
 Intr. by: Mr. Hoffmann
 Approve: EMC-6

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Higa and Chair Safarik – 2.

Res. 56-05: Authorizes the Payment of Funds of a Later Fiscal Year or of More Than One Fiscal Year for a Multi-Year Lease (four years) of Real Property. {Renewing the lease will allow the Department of Parks and Recreation's Kona Elderly Activities office to continue to stay at its current location for a cost of \$4,000/month. }

Re: Comm. 137
 Intr. by: Ms. Isbell
 Approve: FC-54

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Res. 58-05: Creates an Architectural Drafting Technician I Position for the Department of Parks and Recreation. {This position will enable the Department to accomplish much of the necessary drafting services that is needed and to maintain a current data set of site plans and floor plans of its sites and facilities. }

Re: Comm. 146
 Intr. by: Ms. Isbell
 Approve: FC-58

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Res. 59-05: Reallocates and Changes the Time Element of a Recreation Technician II (3/4T) Position to Recreation Technician III Full Time. {Reallocating and increasing the time element will allow more recreational activities to be offered during the evenings and weekends at the Kailua Park Complex.}

Re: Comm. 147
Intr. by: Ms. Isbell
Approve: FC-59

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Res. 60-05: Authorizes the Office of the Mayor to Enter Into an Agreement with the United States of America, Pursuant to HRS 46-7, for the Assistance to Firefighters Grant for the Hawai'i County Fire Department. {Funds would be used to purchase a Mobile Live Fire Training Unit to be utilized in basic firefighter training for both department personnel and volunteer firefighters.}

Re: Comm. 158
Intr. by: Ms. Isbell
Approved: FC-64

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Res. 62-05: Authorizes the Mayor or His Duly Authorized Representative to Negotiate, Execute and Submit the Necessary Documents for the Reed's Bay Restoration Project Special Purpose Grant Application (\$248,525) and Other Related Documents to the U.S. Department of Housing and Urban Development.

Re: Comm. 169
Intr. by: Mr. Hoffmann
Approve: CHA – March 15, 2005

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 63-05: Authorizes the Mayor or His Duly Authorized Representative to Negotiate, Execute and Submit the Necessary Documents for the Kona Homeless Shelter Project Special Purpose Grant Application (\$670,613) and Other Related Documents to the U.S. Department of Housing and Urban Development.

Re: Comm. 170
Intr. by: Mr. Hoffmann
Approve: CHA – March 15, 2005

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 72-05: Authorizes the Mayor to Enter Into an Agreement with C. Brewer and Company, Limited, a Hawai'i Corporation, for the Acceptance of Three Hundred and Fifty Thousand Dollars (\$350,000) and the Donation of Land Identified by TMK: (3)9-6-002-024 in Pāhala, and TMK: (3) 9-5-024-011 in Na'alehu for the Creation of New Community Sewer Systems for Pāhala and Na'alehu, District of Kā'u, County of Hawai'i.

Re: Comm. 198
Intr. by: Mr. Jacobson
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 47: 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 PARKS AND RECREATION: Waikoloa – Ho‘oko Street Park (\$200,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$200,000). Additional funds to enable power to be supplied to the park to provide both functional and security lighting for the new pavilion, restrooms and parking lot that were in the original contracted scope of work. }

Re: Comm. 143
 Intr. by: Ms. Isbell
 Approve: FC-55
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 48: 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 ENVIRONMENTAL MANAGEMENT: Queen Lili‘uokalani Large Capacity Cesspool Replacement (\$500,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$500,000). Increases the existing project's appropriation for the design in order to connect the Queen Lili‘uokalani subdivision, which is currently serviced by large capacity cesspools, to the County sewer system via Kealaka‘a Street and Kealakehe Parkway. }

Re: Comm. 144
 Intr. by: Ms. Isbell
 Approve: FC-56
 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 49: 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 ENVIRONMENTAL MANAGEMENT: Honokohau Harbor Effluent Reuse – County (\$400,000) and Honokohau Harbor Effluent Reuse – State Revolving Funds (\$2,600,000); funds to be provided from General Obligation Bonds (\$400,000) and State Revolving Funds (\$2,600,000). Funds to be used to install an effluent reuse line from the Honokohau Harbor to Henry Street in conjunction with the State Department of Transportation's Queen Ka'ahumanu Widening Project. }

Re: Comm. 145
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-57
 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 50: 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 Transfer from General Fund (\$12,500); appropriates same to North and South Kohala Road Other Current Expense (Ho'oko Road Sidewalk Improvement). On February 28, 2005, the Finance Committee amended Bill 40 to appropriate these funds for this project. }

Re: Comm. 148
 Intr. by: Ms. Isbell
 Approve: FC-60

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED:Chair Safarik – 1.

Bill 51: 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 Transfer from General Fund (\$50,000); appropriates same to Recycling Program (Waikoloa Village Curbside Recycling Program Study). On February 28, 2005, the Finance Committee amended Bill 40 to appropriate these funds for this project.}

Re: Comm. 149

Intr. by: Ms. Isbell

Approve: FC-61

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 52: 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 Fund Balance Reserved for Liquor Control (\$23,450); appropriates to Liquor Control – Other Current Expense (\$2,000), Liquor Control – Equipment (\$16,450), and Public Programs (\$5,000), for a total of \$23,450. Funds would be used to purchase a sound level meter and an I.D. digital camera system; to contract with a vendor to install a fiber optic connection to the County's Local Area Network; and to conduct programs to promote compliance to liquor laws.}

Re: Comm. 155

Intr. by: Ms. Isbell

Approve: FC-62

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 53
(Draft 2):

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 PARKS AND RECREATION: Coastal Land Acquisition at Honu'apo (\$500,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$500,000). This will allow the County to help preserve coastal open space, enhance public access to recreational areas, and provide for continued cultural practices. };

Re: Comm. 156.1
Intr. by: Mr. Jacobson
Approve: FC-63
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 8.

NOES: Council Member Arakaki – 1.

ABSENT & EXCUSED:None.

and

Comm. 156.2: From Roy and Ola Kochis, dated March 25, 2005; *and*

Comm. 156.3: From Denise Kocek, dated March 26, 2005.

Bill 54:

Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), Relating to Vehicles and Traffic. { Adds permanent "No Parking" signs to the four temporary loading zones along Ali'i Drive and starts a new 90-day period, which will end on June 15, 2005. };

Re: Comm. 157
Intr. by: Mr. Ikeda
Approve: PWIRC-4

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 157.1: From Public Works Director Bruce C. McClure, P.E., dated March 17, 2005; *and*

Comm. 157.2: From Public Works Director Bruce C. McClure, P.E., dated March 22, 2005.

Bill 55: 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 – Assistance to Firefighters (\$301,000); appropriates same to Assistance to Firefighters.}

Re: Comm. 158
Intr. by: Ms. Isbell
Approve: FC-65

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 58: 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 Federal Grant – Special Purpose Grant Kona Homeless Shelter (\$670,613) and Federal Grant – Special Purpose Grant Reed's Bay Restoration (\$248,525), for a total of \$919,138; appropriates to Kona Homeless Shelter (\$670,613) and Reed's Bay Restoration (\$248,525), for a total of \$919,138.}

Re: Comm. 168
Intr. by: Mr. Hoffmann
Approve: CHA – March 15, 2005

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 72: Amends Chapter 3, Article 2 of the Hawai'i County Code, Relating to Advertising and Signs. {Corrects inadvertent drafting errors found in Ordinance 04-142, which repealed the old Article 1 and added a new Article 1. While the County Council also intended to enact a new Article 2, relating to Kailua Village Signs, the ordinance failed to include a provision repealing the then-existing Article 2. Therefore, to avoid any ambiguity, this measure repeals Sections 3-51 through 3-78 of the older Article 2 as well as Sections 3-49 through 3-62 of the recently adopted Article 2. It then re-enacts the provisions of the new Article 2 that the 2004 Council intended to enact (Sections 3-49 through 3-62). This measure does not affect Article 1, which was correctly drafted and adopted.}

Re: Comm. 191
 Intr. by: Mr. Ikeda
 Waived: PWIRC

PASSED 1ST READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 36: Names a County Recreational Facility (TMK: (3) 1-5-63:01) Pursuant to Chapter 15, Hawai'i County Code 1983 (1995 Edition). {Names a County parcel located in the Hawaiian Beaches area of Puna at the end of Kahakai Boulevard "Kahakai Park".}

Re: Comm. 115
 Intr. by: Mr. Safarik
 1st Reading: March 16, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 37: Amends Chapter 2, Article 15, Subsection 2-91.1(d), Hawai'i County Code 1983 (1995 Edition) Relating to Financial Disclosure Forms. {Eliminates the requirement for a short form Financial Disclosure Form.}

Re: Comm. 116
 Intr. by: Ms. Isbell
 1st Reading: March 16, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 38: 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: Hilo Bay Modeling (\$250,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$250,000). Project involves the development of a computer model of Hilo Bay that can be used to investigate the viability and effectiveness of modifications to the Hilo Breakwater or other alternatives that will improve the water quality and circulation of Hilo Bay as well as evaluate impacts of the alternatives to Hilo Bay's shipping lines, port operations, shoreline/beaches and Bayfront Highway.}

Re: Comm. 119
 Intr. by: Ms. Isbell
 1st Reading: March 16, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 39 (Draft 3): Amends Ordinance No. 99-41 of the County of Hawai'i Adopted on April 12, 1999, as Amended by Ordinance No. 00-56 Adopted on May 17, 2000, as Amended by Ordinance No. 04-61 Adopted on May 27, 2004, Relating to the Issuance of General Obligation Bonds for the Purpose of Financing Various Public Improvements for the County of Hawai'i. {Bond Ordinance No. 99-41 restricted the use of bond proceeds to specific projects and amounts noted within the text of the ordinance. The projects identified for funding did not always match with actual projects that were ready to go forward resulting in some bond proceeds, which should have been spent within three years, still remaining unspent. Presently, the County has CIP projects, which are in progress or ready to start, but are lacking funds. Recommends allowing use of the remaining funds for any appropriated projects, without the restriction of having to be listed within the ordinance, in order to expedite the completion of current projects and the use of bond money. Draft 3 corrects a typographical error to include the word "and" on Page 3.}

Re: Comm. 120.2
 Intr. by: Ms. Isbell
 1st Reading: March 16, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED: Chair Safarik – 1.

Bill 40
(Draft 4):

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 Fund Balance From Previous Year (\$1,767,250); appropriates to the following: Clerk-Council Services – Other Current Expense (\$42,000), Finance Administration – Other Current Expense (\$200,000), Accounts Division – Salaries and Wages (\$18,000), Treasury Division – Other Current Expense (\$46,750), Planning – Salaries and Wages (\$12,000), Civil Service – Salaries and Wages (\$32,000), Research and Development – Hawai'i County Resource Center (\$40,000), Automotive Division – Other Current Expense (\$300,000), Fire Protection – Other Current Expense (\$40,000), Parks Administration – Salaries and Wages (\$9,000), Parks Maintenance – Equipment (\$30,000), Parks Pana'ewa Zoo Other Current Expense (\$25,000), Transfer to Sewer Fund (\$20,000), Transfer to Capital Projects Fund (\$545,000), Employee Health Plans (\$300,000), Solid Waste Fund (\$50,000), Transfer to Highway Fund (\$57,500), for a total of \$1,767,250. Administration met with Members of the Council to inform them of needed priorities and to gather input on remaining allotment of the fund balance. Draft 4 amendments are as follows: 1) R&D-Hawai'i County Resource Center for Districts 3 and 4 for \$10,000 and \$30,000, respectively; 2) P&R-Pana'ewa Zoo Other Current Expense for a Monkey Display; 3) Transfer to Sewer Fund for the design and contract for a community septic system for 9-1/2 mile camp (030.631.5631.02.115); 4) Transfer to Highway Fund for streetlights (020.281.5281.32.115) in Districts 3 and 4 for \$20,000 and \$25,000, respectively; and 5) Transfer to Capital Projects Fund, which purpose was revised by appropriating \$75,000 to Laupāhoehoe Boat Ramp Repairs (110.599.5593.90), \$20,000 to the Lincoln Park Improvements and reducing the appropriation to repairs and renovation of the County Building to \$450,000.};

Re: Comm. 121.7
Intr. by: Ms. Isbell (B/R)
1st Reading: March 16, 2005

and

Comm. 121.8:

From Finance Committee Chair Virginia Isbell, dated March 28, 2005, transmitting Bill 40, Draft 5. Draft 5 amendments are as follows: 1) Legislative Contingency Relief, transfers \$75,000 for Districts 2, 5, 6, 7, 8, and 9; and 2) Transfer to Capital Projects Fund, which purpose is revised by eliminating the appropriation to repairs and renovation of the County Building. The proposal to move these monies into Contingency Relief is being made in anticipation of anticipated transfers for Council designated projects; *and*

Bill 40
(Draft 5):

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 Fund Balance From Previous Year (\$1,767,250); appropriates to the following: Clerk-Council Services – Other Current Expense (\$42,000), Legislative – Contingency Relief (\$450,000), Finance Administration – Other Current Expense (\$200,000), Accounts Division – Salaries and Wages (\$18,000), Treasury Division – Other Current Expense (\$46,750), Planning – Salaries and Wages (\$12,000), Civil Service – Salaries and Wages (\$32,000), Research and Development – Hawai'i County Resource Center (\$40,000), Automotive Division – Other Current Expense (\$300,000), Fire Protection – Other Current Expense (\$40,000), Parks Administration – Salaries and Wages (\$9,000), Parks Maintenance – Equipment

(\$30,000), Parks Pana'ewa Zoo – Other Current Expense (\$25,000), Transfer to Sewer Fund (\$20,000), Transfer to Capital Projects Fund (\$95,000), Employee Health Plans (\$300,000), Solid Waste Fund (\$50,000), Transfer to Highway Fund (\$57,000), for a total of \$1,767,250.

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

AMENDED TO DRAFT 6 & 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 41:

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: Encapsulated Asbestos Removal and Air Conditioning Upgrade at County Building (\$1,500,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,500,000). Funds would be used to remove encapsulated asbestos from existing roof trusses as well as asbestos that migrated from the roof trusses to the first floor ceiling space of the County Building; replace all air conditioning air handler units with new energy efficient units along with the cleaning and insulating of existing air conditioning duct work; and replace existing ceiling tiles with new ones.}

Re: Comm. 122

Intr. by: Ms. Isbell

1st Reading: March 16, 2005

2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED:Chair Safarik – 1.

Bill 44:

Amends Chapter 15 of the Hawai'i County Code 1983 (1995 Edition), Regarding Parks and Recreation. {Allows the Council to name open areas after a person or persons.}

Re: Comm. 127

Intr. by: Mr. Higa

1st Reading: March 16, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, and Pilago – 8.

NOES: None.

ABSENT & EXCUSED:Chair Safarik – 1.

Bill 45: 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 Block Grant Program Income (\$20,502.63); appropriates same to Removal of Architectural Barriers.}

Re: Comm. 141
 Intr. by: Mr. Hoffmann
 1st Reading: March 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 46: 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 HOME – Program Income (\$42,217.21); appropriates to 2020 Kino'ole Senior Residences (\$37,995.49) and Office of Housing and Community Development Administration (\$4,221.72), for a total of \$42,217.21.}

Re: Comm. 142
 Intr. by: Mr. Hoffmann
 1st Reading: March 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 56: 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 Healing Our Island (\$100,000), Adolescent Drug Prevention Program (\$380,000), Community Anti-Drug Effort Account (\$100,000), Hawai'i County Resource Center Anti-Drug Fund (\$50,000), for a total of \$630,000; appropriates to the following: Healing Our Island (\$100,000), Adolescent Drug Prevention Program (\$380,000), Community Anti-Drug Effort Account (\$100,000), Hawai'i County Resource Center Anti-Drug Fund (\$50,000), for a total of \$630,000.}

Re: Comm. 160
 Intr. by: Ms. Isbell
 1st Reading: March 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: March 1, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Safarik – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 356
(2002-2004): Amends Section 25-8-35 (Pepe'ekeo 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: March 1, 2005

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

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Safarik – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

and

- Comm. 92.22: From Claudia Rohr, dated February 17, 2005; *and*
Comm. 92.23: From Council Member Virginia Isbell, dated February 22, 2005; *and*
Comm. 92.28: From Claudia Rohr, dated February 22, 2005; *and*
Comm. 92.29: From Planning Director Christopher J. Yuen, dated February 22, 2005; *and*
Comm. 92.30: From County Clerk Constance R. Kiri, dated February 25, 2005; *and*
Comm. 92.31: From Claudia J. Rohr, undated; *and*
Comm. 92.32: From Claudia Rohr, undated; *and*
Comm. 92.33: From Pepe'ekeo Community Association President Lorraine Mendoza, dated March 1, 2005; *and*
Comm. 92.34: From Pepe'ekeo Filipino Association President Rosita Cabatu, dated March 1, 2005; *and*
Comm. 92.35: From Claudia Rohr, dated February 25, 2005.

REPORTS

- FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended February 28, 2005.
APPROVED
- FC-53 (Comm. 136): Recommends approval of three awards pedestals to the Parks and Recreation Department to be used for aquatic events' awards ceremonies from the Kona Dolphins Swim Club (total estimated value of \$1,500).
APPROVED
- PC-11 (Comm. 151): Recommends approval of the nomination of Mr. Joel Gimpel (Council District 8) to the Board of Appeals.
APPROVED
- PC-12 (Comm. 153): Recommends approval of the nominations of the following individuals to the Water Board: Ms. Millie Kim (Council District 1), Ms. Paula Z. Helfrich (Council District 3), and Mr. Riley W. Smith (Council District 9).
APPROVED
- EMC-5 (Comm. 152): Recommends approval of the nomination of Mr. William J. Sanborn (Council District 9) to the Environmental Management Commission.
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. 73.1: ELEANOR QUIOCHO VS. COUNTY OF HAWAI'I, ET AL. – CIVIL NO. 02-1-0306; PAULYN ESTIOKO, ET AL. VS. COUNTY OF HAWAI'I, ET AL. – CIVIL NO. 02-1-0307; MARGARET PARONG, ET AL. VS. COUNTY OF HAWAI'I, ET AL. – CIVIL NO. 02-1-0308; SHERMAN WASSMAN VS. COUNTY OF HAWAI'I, ET AL. – CIVIL NO. 02-1-0310.
From Deputy Corporation Counsel Harry P. Freitas, dated March 28, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

Comm. 162: WES HICKS VS. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 03-1-0288
 From Deputy Corporation Counsel Harry P. Freitas, dated March 8, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

Comm. 197: REQUEST FOR EXECUTIVE SESSION BRIEFING ON HOKULI'A LITIGATION
 From Council Member Fred C. Holschuh, dated February 28, 2005.
POSTPONED TO THE NEXT COUNCIL MEETING

OTHER BUSINESS

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

AMENDED AGENDA TO ADD THE FOLLOWING:

ORGANIZATION OF THE COUNCIL

APPROVED: STACY HIGA AS COUNCIL CHAIRMAN AND VIRGINIA ISBELL AS COUNCIL VICE-CHAIR.

ANNOUNCEMENTS

	<u>TUESDAY, APRIL 12, 2005</u>	
PLANNING COMMITTEE SITE VISIT RE BILLS 29 AND 30; AND BILLS 31 AND 32	3:30 p.m.	KUAKINI HIGHWAY MAKAI, KAILUA-KONA

PLANNING COMMITTEE PUBLIC HEARING RE BILLS 29 AND 30; AND BILLS 31 AND 32	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL
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	<u>TUESDAY, APRIL 19, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM

	<u>WEDNESDAY, APRIL 20, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

	<u>TUESDAY, MAY 3, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, MAY 4, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 4:34 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 April 4, 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 **sixteen (16)** 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, April 13, 2005, at 6 p.m.; Sunday, April 17, 2005, at 10:30 a.m.; and Wednesday, April 20, 2005, at 6 p.m.

(Hawai'i Tribune Herald – April 3, 2005)
(West Hawai'i Today – April 3, 2005)