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FRED C. HOLSCHUH, M.D.
DONALD IKEDA
BOB JACOBSON
K. ANGEL PILAGO
GARY SAFARIK

COUNTY COUNCIL

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

10th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, April 20, 2005
9:00 a.m.

INVOCATION

Pastor Ed Nakamoto of New Hope Christian Fellowship

CALL TO ORDER

9:05 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 1, 2005 – APPROVED AS AMENDED

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

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

Comm. 206: NOMINATION OF DAIN P. KANE TO THE NATIONAL ASSOCIATION OF COUNTIES (NACo) WESTERN INTERSTATE REGION (WIR) BOARD OF DIRECTORS

From Council Member Gary S. Safarik, dated April 4, 2005, nominating Dain P. Kane to serve on NACo's Western Interstate Region Board of Directors.

Waived: PWIRC

APPROVED

Comm. 207: PROPOSED HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) FY 2005-2006 ANNUAL BUDGET (AMENDED)

From Council Member Gary S. Safarik, dated April 4, 2005, requesting approval of HSAC's FY 2005-2006 amended Annual Budget. The amendment corrects the expenditure NACo Miscellaneous account to \$1,200 instead of \$900.

Waived: PWIRC

APPROVED

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

ORDER OF RESOLUTIONS

Res. 64-05: Authorizes the Payment of Funds of a Later Fiscal Year or of More Than One Fiscal Year for a Multi-Year Lease of Real Property. { Authorizes the Fire Department to enter into a two-year lease for office space in Na'alehu to serve as a base of operations for an advanced life support ambulance unit. }

Re: Comm. 180
Intr. by: Ms. Isbell
Approve: FC-69

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 65-05: Authorizes the Office of the Mayor to Enter Into an Agreement with the Hawai'i Community Foundation, Pursuant to HRS 46-7, for the Community Oriented Policing Services (COPS) Grant for the Office of the Prosecuting Attorney. {Awarded second year funding to continue the Drug Task Force project, which is staffed by two deputy prosecuting attorneys, who would complement the Police Department's enforcement efforts by providing prosecution services with regard to warrant review, charging decisions, preliminary hearings, grand jury, trial and appeals.}

Re: Comm. 181
 Intr. by: Ms. Isbell
 Approve: FC-70

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 66-05: Creates a Housing and Community Development Specialist V Position for the Office of Housing and Community Development (OHCD). {This position would serve as a Housing Planner and would draft plans, long-range goals, and objectives for OHCD as well as conduct surveys and studies to determine the demand for and the feasibility of developing new single family or multi-family housing projects; conduct needs assessments to develop plans, goals, and objectives; and assist with the negotiation and implementation of affordable housing conditions.}

Re: Comm. 183
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-72

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 67-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$22,500 out and from Clerk-Council Services – Contingency Relief account; credits to the following: Research and Development Hawai'i County Resource Center (Rural South Hilo Community) (\$5,000), Parks and Recreation Parks Maintenance-Building and Construction (Honomū Gym ADA accessible water fountain replacement) (\$2,500), Transfer to Capital Improvement Project Fund Parks and Recreation, Capital Improvement Project Repairs to Facilities (Honoka'a Park Improvements) (\$15,000), for a total of \$22,500. Funding would include the following tasks: preparation of a study for the Rural South Hilo area to provide a district vision in preparation for a regional community development plan for the Hāmākua coast area; the purchase and installation of an ADA accessible water fountain for the Honomū Gym; and the mitigation of a health hazard caused by a mite problem in the Honoka'a Park. }

Re: Comm. 184
 Intr. by: Mr. Holschuh
 Approve: FC-73

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 69-05: Commits to Funding the Cost Items Awarded to the Hawai'i Fire Fighters Association by Arbitration, Affecting Fire Fighters in Bargaining Unit 11 for the Contract Period July 1, 2005 Through June 30, 2007. {Cost items are across-the-board increases, step movements, and a bureau opportunity benefit incentive. }

Re: Comm. 192
 Intr. by: Ms. Isbell
 Approve: FC-74

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Res. 70-05: Authorizes the Office of the Mayor to Enter Into an Agreement with the United States of America, Pursuant to HRS 46-7, for the Justice Assistance Grant. {Funds would support law enforcement, prosecution, prevention and education, corrections, drug treatment and planning, evaluation and technology improvement programs, which would be administered by the Office of the Prosecuting Attorney.}

Re: Comm. 193
Intr. by: Ms. Isbell
Approve: FC-75

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 71-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$1,183,805 out and from the following: Police Headquarters – Salaries and Wages (\$12,000), Police Administration Division – Equipment (\$500,000), Drivers License and Traffic Services – Salaries and Wages (\$20,000), Criminal Investigation Division-Juvenile Aid Bureau-VICE – Salaries and Wages (\$50,000), South Hilo Police – Salaries and Wages (\$140,000), Waimea Police – Salaries and Wages (\$150,000), Kona Police – Salaries and Wages (\$281,805), Puna Police – Salaries and Wages (\$30,000), for a total of \$1,183,805; credits to Transfer to Capital Projects Fund. Funds would be used for unanticipated costs related to delays to the Microwave Relocation and System Renovation Project which have resulted in cost overruns and for cost increases due to changes in the project's construction design at two sites. }

Re: Comm. 194
Intr. by: Ms. Isbell (B/R)
Approve: FC-77

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 78-05: Authorizes the Mayor of the County of Hawai'i to Execute and Submit the 2005 Action Plan and All Other Related Documents to the United States Department of Housing and Urban Development for the 2005 Community Development Block Grant and to the State's Housing and Community Development Corporation of Hawai'i for the HOME Investment Partnerships and American Dream Downpayment Initiative Programs.

Re: Comm. 214
 Intr. by: Mr. Hoffmann
 Approve: CHA – April 6, 2005

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 80-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$22,000 out and from Clerk – Council Services Other Current Expense, Miscellaneous Contract Services; credits to Clerk-Council Services Other Current Expense, Rent of Land-Building (\$16,000) and Reprographic, Rental/Lease of Equipment (\$6,000), for a total of \$22,000. Funds would provide for the remaining rent for the Kona Office as well as for anticipated copying charges for Fiscal Year 2005.}

Re: Comm. 218
 Intr. by: Mr. Higa
 Waived: FC

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 81-05: Accepts the Dedication of Road Lot A (Kukuinui Street) and Road Lot B (Ohikapua Place), Holoholo Street Extension Lot and Nana Street Extension Lot of Kukuinui Subdivision From RS10 Kalaoa, LLC, a Hawai'i Limited Liability Company, Situate at District of North Kona, County and State of Hawai'i, Tax Map Key (3) 7-3-10:37, to the County of Hawai'i. {Acceptance of this dedication would provide needed interconnectivity between Nana Street in the Kona Wonderview Subdivision and Holoholo Street in the Kona Palisades Subdivision. }

Re: Comm. 219
 Intr. by: Mr. Higa
 Waived: PWIRC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

BILLS FOR ORDINANCES (FIRST READING)

Bill 57: 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 Grants – Speed Enforcement (\$26,000); appropriates same to Speed Enforcement. Additional funds would be used to purchase two speed boards displays with trailers, which would alert drivers of the speed they are traveling in hopes of reducing those that exceed the limit resulting in a decrease in the number of motor vehicle collisions. }

Re: Comm. 165
 Intr. by: Ms. Isbell
 Approve: FC-66

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 60: Amends Section 25-8-7 (North and South Kohala District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-5a) to Family Agricultural 3-Acre (FA-3a) at Kahua 1st, North Kohala, Hawai'i, Covered by Tax Map Key 5-9-6:5 (approx. 7.740 acres). {Kimi Cook-Walls and Robert Walls, Applicant.}

Re: Comm. 172
 Intr. by: Mr. Pilago and Mr. Hoffmann
 Approve: PC-13

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Higa – 6.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 61 (Draft 2): Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-26:11 (approx. 20.475 acres). {Kristina Deutsch, Applicant.}

Re: Comm. 173.1
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-14

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Higa – 6.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 62 (Draft 2): Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-27:7 (approx. 20.254 acres). {Bruce B. Easley, Applicant.}

Re: Comm. 174.1
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-15

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Higa – 6.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 63
 (Draft 2): Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-27:6 (approx. 21.695 acres). {Matthew K. Mather, Applicant.}

Re: Comm. 175.1
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-16

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Higa – 6.
NOES: Council Member Jacobson – 1.
ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 64: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code Relating to Uses Within the General Industrial (MG) District. {Adds "commercial excavation" as a permitted use within the General Industrial (MG) District.}

Re: Comm. 176
 Intr. by: Mr. Pilago and Mr. Hoffmann
 Approve: PC-17

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 65: Amends Chapter 2, Article 27, Section 2-153 of the Hawai'i County Code, Relating to Revisions of the County Code.

Re: Comm. 177
 Intr. by: Mr. Jacobson
 Approve: FC-67

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 68: 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 – Community Oriented Policing Services – Prosecutors (\$200,000); appropriates same to Community Oriented Policing Services – Prosecutors.}

Re: Comm. 181
 Intr. by: Ms. Isbell
 Approve: FC-71

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 73: 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 – Justice Assistance Grant (\$115,645); appropriates same to Justice Assistance Grant.}

Re: Comm. 193
 Intr. by: Ms. Isbell
 Approve: FC-76

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 74: 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 POLICE: Microwave Relocation and System Renovation (\$1,183,805); funds to be provided from General Fund and/or Other Sources (\$1,183,805).}

Re: Comm. 194
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-78
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

POSTPONED

Bill 81: 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 – 2005 HOME (\$1,006,554); appropriates to the following: Hualalai Elderly Housing Phase III (\$900,000), American Dream Downpayment Initiative (\$21,554), and Office of Housing and Community Development Administration (\$85,000), for a total of \$1,006,554.}

Re: Comm. 212
 Intr. by: Mr. Hoffmann
 Approve: CHA – April 6, 2005

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 82: 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 – Block Grant (\$2,672,100); appropriates to the following: Removal of Architectural Barriers – Americans with Disabilities Act Compliance – Various County Facilities (\$1,523,069), Boys and Girls Club – Phase 1 Renovations (\$541,337), The Arc of Hilo – Expansion Plans and Design (\$186,884), A Friendly Place – West Hawai'i One-Stop Homeless Resource Center (\$90,000), Construction Management (\$180,810), and Administration, Planning and Fair Housing (150,000), for a total of \$2,672,100.}

Re: Comm. 213
 Intr. by: Mr. Hoffmann
 Approve: CHA – April 6, 2005

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 367 (Draft 2)
(2002-2004): Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-1a) and Resort-Hotel (V-1.25) to Multiple Family Residential (RM-2.5) at Auhaukeae 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-9:67 and Portion of 54 (Parcel "A" approx. 169,792 square feet; and Parcel "B" approx. 103,751 square feet). {Kona Hale Ali'i, LLC, Applicant.};

Re: Comm. 848.2
Intr. by: Mr. Elarionoff
Approve: PC-124
Deferred: December 21, 2004

AMENDED TO DRAFT 4 & PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

and

Comm. 848.3 From Planning Program Manager Norman Hayashi, Planning Department, (2002-2004): dated December 13, 2004; *and*
Comm. 848.5 From Planning Consultant Sidney M. Fuke, dated January 18, 2005; *and* (2002-2004):
Comm. 100: From Planning Director Christopher J. Yuen, dated February 8, 2005; *and*
Comm. 100.1: From Sidney M. Fuke, Planning Consultant, dated April 8, 2005.

ORDER OF THE DAY (SECOND OR FINAL 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
1st Reading: April 6, 2005
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member 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
 1st Reading: April 6, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

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)
 1st Reading: April 6, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

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

1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member 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

1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member 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
 1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member 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
 1st Reading: April 6, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2nd & FINAL READING:

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

NOES: Council Member Arakaki – 1.

ABSENT & EXCUSED: Council Member Safarik – 1.

and

Comm. 156.20: From Bob and Julie Jacobson, dated April 8, 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
 1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

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
 1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member 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
 1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

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
 1st Reading: April 6, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

REPORTS

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. 197: REQUEST FOR EXECUTIVE SESSION BRIEFING ON HOKULI'A LITIGATION
 From Council Member Fred C. Holschuh, dated February 28, 2005.

Postponed: April 6, 2005

FILED

Comm. 210: REQUEST FOR EXECUTIVE SESSION RE WASTE REDUCTION TECHNOLOGY (REFERENCE: RESOLUTION 218-04)
 From Environmental Management Director Barbara Bell, dated April 7, 2005.

FILED

OTHER BUSINESS

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

ANNOUNCEMENTS

COMMITTEES	<u>TUESDAY, MAY 3, 2005</u> TBA	COUNCIL ROOM
COUNCIL	<u>WEDNESDAY, MAY 4, 2005</u> 9:00 a.m.	COUNCIL ROOM
HUMAN SERVICES AND ECONOMIC DEVELOPMENT COMMITTEE SPECIAL MEETING RE NONPROFITS	<u>THURSDAY, MAY 5, 2005</u> 9:00 a.m.	COUNCIL ROOM
COMMITTEES	<u>TUESDAY, MAY 17, 2005</u> TBA	COUNCIL ROOM
COUNCIL PUBLIC HEARING RE REAL PROPERTY TAX RATES (EAST HI)	5:00 p.m.	COUNCIL ROOM
COUNCIL	<u>WEDNESDAY, MAY 18, 2005</u> 9:00 a.m.	COUNCIL ROOM
COUNCIL PUBLIC HEARING RE REAL PROPERTY TAX RATES (WEST HI)	<u>THURSDAY, MAY 19, 2005</u> 6:00 p.m.	SHERATON KEAUHOU BAY RESORT & SPA

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 4:08 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 18, 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 27, 2005, at 6 p.m.; Sunday, May 1, 2005, at 10:30 a.m.; and Wednesday, May 4, 2005, at 6 p.m.

(Hawai'i Tribune Herald – April 17, 2005)
(West Hawai'i Today – April 17, 2005)