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PETE HOFFMANN
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K. ANGEL PILAGO
GARY SAFARIK

COUNTY COUNCIL

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

12th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, May 18, 2005
9:00 a.m.

INVOCATION	Kahu Wendell Davis of Kamehameha Schools Hawai'i Campus
CALL TO ORDER	9:06 a.m.
ROLL CALL	
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	April 6, 2005; October 4, 2004 (2002-2004) 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 ITEMS LISTED ON THE ORDER OF BUSINESS

ORDER OF RESOLUTIONS

Res. 82-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$32,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund (Department of Parks and Recreation, Pāhala Swimming Pool) Funds would be used to repair or replace the motorized equipment servicing this pool.}

Re: Comm. 222
Intr. by: Mr. Jacobson
Approve: FC-89

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:Council Member Arakaki – 1.

Res. 83-05: Authorizes the Acquisition of Private Property by Eminent Domain, Being Lot R-1, Tax Map Key:(3)7-3-010:029, and Road Lot A, Tax Map Key:(3)7-3-010:036 (Portion), Situate at Kalaoa, North Kona, County and State of Hawai'i, for the Development and Construction of a Connector Road Between Kauhale Street and Ahiahi Street, Kona, Hawai'i.

Re: Comm. 225
Intr. by: Mr. Ikeda
Approve: PWIRC-8
Note: First of two required readings, Section 101-13, Hawai'i Revised Statutes

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 84-05: Authorizes the Acquisition of Private Property by Eminent Domain, Being Road A, Tax Map Key:(3)7-3-005:111, Situate at Kalaoa, North Kona, County and State of Hawai'i, for the Development and Construction of a Connector Road Between Holu Street and Ke'oke'o Street, Kona, Hawai'i.

Re: Comm. 225
 Intr. by: Mr. Ikeda
 Approve: PWIRC-9
 Note: First of two required readings, Section 101-13, Hawai'i Revised Statutes

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 85-05: Authorizes the Acceptance of a Monetary Donation of \$500 to the Hawai'i County Police Department. {Funds donated by Kona Coast Resort would be used for the Department's Special Response Team. }

Re: Comm. 228
 Intr. by: Ms. Isbell
 Approve: FC-93

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 86-05: Authorizes the Director of Finance to Negotiate a Lease Agreement for the Former Caretaker's Cottage at Spencer Park at 'Ohai'ula Beach to the Historic Hawai'i Foundation. {The building is currently in unusable condition and would be restored for public use if leased by this Foundation. };

Re: Comm. 231
 Intr. by: Ms. Isbell
 Approve: FC-95

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 231.1: From Corporation Counsel Lincoln S. T. Ashida, dated May 3, 2005.

Res. 94-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$25,805.50 out and from Clerk-Council Services – Contingency Relief account; credits \$15,000 to Department of Parks and Recreation Park Maintenance Other Current Expense (Kona Community Aquatics Center-Security) and \$10,805.50 to Transfer to Highway Fund Traffic Division Street Lights-District 8, for a total of \$25,805.50. Funds would be used to provide security at this Center to protect the employees and the community; and for streetlights in the Highways Division.}

Re: Comm. 262
 Intr. by: Mr. Pilago
 Waived: FC

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.
NOES: None.
ABSENT & EXCUSED:None.

Res. 100-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$20,000 out and from Transfer to Sewer Fund account; credits same to Transfer to Capital Projects Fund. Funds would be used for the Waiākea-Uka Park restroom project.}

Re: Comm. 272
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.
NOES: None.
ABSENT & EXCUSED:None.

Res. 102-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Civil Defense Agency Other Current Expense Miscellaneous Contract Service. Funds would be used for the Puakō Community Emergency Alternate Escape Route. }

Re: Comm. 276
 Intr. by: Mr. Hoffmann
 Waived: FC

ADOPTED:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.
NOES: None.
ABSENT & EXCUSED:None.

BILLS FOR ORDINANCES (FIRST READING)

Bill 42: Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2005, to June 30, 2006. {Proposed \$277,449,000 Operating Budget for the County of Hawai'i};

Re: Comm. 124
 Intr. by: Ms. Isbell
 Approved: FC-87
 Public Hearings: March 14 and 16, 2005

and

Comm. 124.43: From Mayor Harry Kim, dated May 5, 2005, transmitting Bill 42, Draft 2. Draft 2 proposes numerous amendments to the previously submitted budget for FY 2005-2006. A narrative summary of the amendments is attached to Communication No. 124.43 (available to the public). This draft revises revenues and expenditures for accounts under the General Fund (total adjustment \$4,550,139), Sewer Fund (total adjustment \$1,043,624), and Solid Waste Fund (total adjustments \$592,591).}; *and*

Bill 42: Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2005, to June 30, 2006. {Proposed \$281,455,372 Operating Budget for the County of Hawai'i.};
 (Draft 2)

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

AMENDED TO DRAFT 3 & PASSED 1ST READING:
AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.
NOES: None.
ABSENT & EXCUSED:None.

and

HSEDC-2
(Comms. 94, 94.11,
and 94.13):

The Committee on Human Services and Economic Development is in accord with the purpose and intent of the funding recommendations of \$900,000 to 43 nonprofit agencies, as set forth in Communication 94.13 for inclusion in Bill 42, Draft 3, and recommends its adoption; *and*

APPROVED

Comm. 124.44:

From Council Chair Stacy K. Higa, dated May 9, 2005, transmitting proposed amendments to Bill 42, Draft 2, that would implement a proposed reorganization of the Legislative Branch (details are contained in this Communication).

Bill 43:

Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005, to June 30, 2006. {Proposed 66 projects totaling \$64,284,000 Capital Improvements Project Budget for the County of Hawai'i};

Re: Comm. 125
Intr. by: Ms. Isbell
Approved: FC-88
Public Hearings: March 14 and 16, 2005

and

Comm. 125.1:

From Mayor Harry Kim, dated May 5, 2005, transmitting Bill 43, Draft 2. Draft 2 proposes 77 projects requiring a total appropriation of \$86,003,000. Details are contained in Communication 125.1; *and*

Bill 43
(Draft 2):

Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005, to June 30, 2006. {Proposed \$86,003,000 Capital Improvements Project Budget for the County of Hawai'i, of which \$4,080,000 is Federal Grants Receivable and \$81,923,000 is County-financed through State Revolving Fund loans, bonds, or other sources.};

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

AMENDED TO DRAFT 3 & PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 125.2:

From Finance Committee Chair Virginia Isbell, dated April 29, 2005, requesting Mayor Harry Kim to include in Bill 43, Draft 2, the Operating and Maintenance (O&M) costs on the "Project Data/Financial Impact Statements" for applicable projects.

Bill 67
(Draft 2): Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designates Payroll Periods, Pay Days, Prescribes Requirements with Respect to Official Fidelity Bonds, and Repeals Ordinance No. 04-60 and All Amendments Thereto, said Ordinance to be Known as the Salary Ordinance of 2005;

Re: Comm. 179.2
 Intr. by: Ms. Isbell
 Approve: FC-68

and

Comm. 179.3: From Council Chair Stacy K. Higa, dated May 9, 2005, transmitting Bill 67, Draft 3. Draft 3 amendments relate to suggested organizational changes which adds, removes, or changes positions or pay grades of the County Council staff; *and*

Bill 67
(Draft 3): Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designates Payroll Periods, Pay Days, Prescribes Requirements with Respect to Official Fidelity Bonds, and Repeals Ordinance No. 04-60 and All Amendments Thereto, said Ordinance to be Known as the Salary Ordinance of 2005.

Intr. by: Mr. Higa

PASSED 1ST READING:

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

NOES: Council Member Safarik – 1.

ABSENT & EXCUSED:None.

Bill 79
(Draft 2): Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Acquiring Land for Public Access, Open Space and Natural Resource Preservation; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for Their Sale to the Public; and Authorizes the Issuance and Sale of a Like Principal Amount of General Obligation Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds. {Funds would be used to acquire lands or property with priority given to coastal lands, which would address the needs for the preservation of coastal areas, open space, cultural and historic sites, recreation areas, natural resources; as well as provisions of public access to the ocean, mountains, recreation, hunting, and gathering areas. }

Re: Comm. 209.6
 Intr. by: Mr. Jacobson
 Negative: FC-99 (due to a vote of 4 ayes, 4 noes, & 1 excused)

POSTPONED FOR TWO WEEKS

Bill 83: 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: Pāhala Swimming Pool Improvements (\$85,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (Council Contingency Relief) (\$85,000).};

Re: Comm. 222
 Intr. by: Mr. Jacobson
 Approve: FC-90
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 222.1: From Mayor Harry Kim, dated April 19, 2005.

Bill 84: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic. {Converts a portion of Sarona Road's east section to two-way traffic and prohibits left turns at Kuakini Highway.}

Re: Comm. 223
 Intr. by: Mr. Ikeda (B/R)
 Approve: PWIRC-7

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 85: 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: Waipi'o Valley Stream Debris Removal (\$50,000); funds to be provided from Federal Grants Receivable (\$50,000). Funds would be used to remove debris from the streams in Waipi'o Valley that were deposited by the April 2004 flood.}

Re: Comm. 226
 Intr. by: Ms. Isbell
 Approve: FC-91
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 86: 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 (\$172,000); appropriates to the following: Streetlights Other Current Expense (Districts 2, 3, & 4; Ainaloa Subdivision) (\$135,000) and Puna Road Other Current Expense (Volcano Charter School's Shoulder Paving) (\$37,000), for a total of \$172,000.}

Re: Comm. 227
 Intr. by: Ms. Isbell
 Approve: FC-92

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 87: 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 Contribution/Donation from Private Source (\$500); appropriates same to Police Administration Division – Other Current Expense.}

Re: Comm. 228
 Intr. by: Ms. Isbell
 Approve: FC-94

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 90: 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 (\$7,140); appropriates same to Recycling Program (Hāwī Recycling Facility Upgrade).}

Re: Comm. 232
 Intr. by: Ms. Isbell
 Approve: FC-96

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 91: 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 – Used Oil Collection/Disposal (\$12,500); appropriates same to Used Oil Collection/Disposal – State. Funds would be used to conduct education and public outreach for the used oil collection program.}

Re: Comm. 233
 Intr. by: Ms. Isbell
 Approve: FC-97

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 103: Amends the Parks and Recreation Facility Schedule, Chapter 15, Section 15-(), Hawai'i County Code 1983 (1995 Edition), Regarding Naming the Playground Located at Lincoln Park as the “Dr. Ruth E. Oda Playground” in Honor of Dr. Ruth Eiko Oda.

Re: Comm. 258
 Intr. by: Mr. Higa
 Waived: PSPRC

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 104: 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: Waiākea-Uka Park Comfort Station (\$20,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$20,000). Funds would be used for the construction of a comfort station in Waiākea-Uka Park. }

Re: Comm. 263
 Intr. by: Mr. Arakaki
 Waived: FC
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 106: 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 (\$36,602); appropriates same to Streetlights Other Current Expense (Kailua Village & Puna *Makai* Subdivision). Funds would be used for streetlights in the Puna *Makai* Subdivision and for five streetlights in Kailua Village – District 8. }

Re: Comm. 271
 Intr. by: Ms. Isbell (B/R)
 Waived: FC

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 107: 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 – Workforce Investment Act 2005 (\$1,719,272); appropriates to the following: Workforce Investment Act – Administration Planning 2005-06 (\$171,927), Workforce Investment Act – Adult Program 2005-06 (\$565,943), Workforce Investment Act – Dislocated Worker Program 2005-06 (\$399,866), and Workforce Investment Act – Youth Program 2005-06 (\$581,536), for a total of \$1,719,272. }

Re: Comm. 273
 Intr. by: Mr. Hoffmann
 Approve: CHA – May 4, 2005

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 108: 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 – Workforce Investment Act (\$48,438); appropriates same to Workforce Investment Act – Administration/Planning 04-05. }

Re: Comm. 274
 Intr. by: Mr. Hoffmann
 Approve: CHA – May 4, 2005

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

ORDER OF THE DAY (SECOND OR FINAL READING)

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)
 Postponed: April 20, 2005
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 75: 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 State Grants – Big Island Biodiesel Industry (\$10,000); appropriates same to Big Island Biodiesel Industry.}

Re: Comm. 203
 Intr. by: Ms. Isbell
 1st Reading: May 4, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 77: 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 Building Permits (\$44,124); appropriates to Building Design and Engineering Salaries and Wages (\$18,420) and Building Inspection Salaries and Wages (\$25,704), for a total of \$44,124.}

Re: Comm. 205
 Intr. by: Ms. Isbell
 1st Reading: May 4, 2005

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 78: Amends Chapter 2 of the Hawai'i County Code, as Amended, Relating to Public Access, Open Space, and Natural Resources Preservation Fund. {Creates a permanent funding source, which would be used for acquiring lands or property entitlements for: public outdoor recreation and education, including access to beaches and mountains; preservation of historical or culturally important land areas and sites; protection of natural resources, including buffer zones; preservation of forests, beaches, coastal areas and agricultural lands; protection of watershed lands to preserve water quality and water supply; and public access to, and enjoyment of public lands and open space.};

Re: Comm. 208
 Intr. by: Mr. Jacobson
 1st Reading: May 4, 2005

POSTONED FOR TWO WEEKS

and

Comm. 208.68: From Marjorie Erway, dated May 10, 2005.

Bill 96: 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 DEPARTMENT OF PARKS AND RECREATION: Lincoln Park Improvements (\$20,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$20,000). Funds would be used to construct a new pavilion for Lincoln Park to be located near the existing playground and would provide shelter for persons using this park as well as serve as a meeting place for the downtown Hilo community. }

Re: Comm. 245
 Intr. by: Mr. Higa
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 97: 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 DEPARTMENT OF PARKS AND RECREATION: Laupāhoehoe Park Boat Ramp Repairs (\$75,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$75,000). Funds would be used to make temporary repairs to the Laupāhoehoe Park Boat Ramp to mitigate an existing hazardous condition and would allow continued use of this ramp, being the only boat ramp between Hilo and Kawaihae, which is currently nearly 100% unusable by the boating community. }

Re: Comm. 246
 Intr. by: Mr. Holschuh
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 98: 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 DEPARTMENT OF PARKS AND RECREATION: Waikoloa Park Playground Equipment (\$10,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$10,000). Funds would be used to purchase playground equipment for the Waikoloa Park, which would benefit users of the park, especially children who currently lack such equipment. }

Re: Comm. 247
 Intr. by: Mr. Hoffmann
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 99: 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 DEPARTMENT OF PARKS AND RECREATION: Kamehameha Park Basketball Court (\$22,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$22,000). Funds would be used to build a new basketball court for the Kamehameha Park providing new recreational opportunities for our youth and other persons utilizing this park. }

Re: Comm. 248
 Intr. by: Mr. Hoffmann
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 100: 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 DEPARTMENT OF PARKS AND RECREATION: Old Kona Airport Park Canoe Halau (\$100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$100,000). Funds would be used to build a canoe *halau* at the Old Kona Airport Park providing a new shelter for canoes for the benefit of the canoe paddling community and other users of this park. }

Re: Comm. 249
 Intr. by: Ms. Isbell and Mr. Pilago
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 101: 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 DEPARTMENT OF PARKS AND RECREATION: Pāhala Tennis Court Lighting and Improvements (\$38,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$38,000). Funds would be used to install lighting and other improvements to the Pāhala Tennis Court providing increased recreational opportunities for the benefit of our youth and other persons utilizing this court. }

Re: Comm. 250
 Intr. by: Mr. Jacobson
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 102: 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 DEPARTMENT OF PARKS AND RECREATION: Puna Neighborhood Skateboard Park (\$90,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$90,000). Funds would be used to build a Pāhoa Neighborhood Skateboard Park in a portion of the Pāhoa Neighborhood Center area providing a recreational area for this sport, thus meeting requests for legal riding areas; curtailing illegal riding of skateboards on public roads and streets, County and private lands; and helping police direct violators of the traffic code to a legal designated area where the public would enjoy their skateboards. };

Re: Comm. 252
 Intr. by: Mr. Safarik
 1st Reading: May 4, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 252.1: From Mayor Harry Kim, dated April 30, 2005.

REPORTS

FC-98
(Comm. 234): Recommends acceptance of monetary donations totaling \$2,218 to the Parks and Recreation Department, which would be used as follows: 1) the care of the squirrel monkeys that reside in the South American exhibit at the Pana'ewa Rainforest Zoo, donated by Ann Staggemeier (\$10), Mary Katherine Carlstead (\$55), EnviroWatch Inc. (\$20), Patricia Shields (\$20), and various individuals (\$2,113); 2) to cover expenses of the Annual Biggest Easter Egg Hunt, donated by Kandi's Drive Inn (\$100) and Wayne Fukunaga (\$100); 3) for programs at the Waimea Community Center, donated by West Hawai'i InterGroup (\$50); and 4) for programs at the Mt. View Gym, donated by W. H. Shipman (\$60).

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. 73.2: 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 May 9, 2005.

CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

Comm. 210.1: REQUEST FOR EXECUTIVE SESSION RE REQUEST FOR PROPOSAL (RFP) 2146: FINANCING, DESIGN, CONSTRUCTION AND OPERATION OF A SORT STATION AND/OR MUNICIPAL SOLID WASTE REDUCTION FACILITY FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

From Environmental Management Director Barbara Bell, dated April 29, 2005.

FILED**OTHER BUSINESS**

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

ANNOUNCEMENTS

COUNCIL PUBLIC HEARING
RE REAL PROPERTY TAX
RATES (W. HAWAI'I)

THURSDAY, MAY 19, 2005

6:00 p.m.

SHERATON KEAUHOU
BAY RESORT & SPA

COMMITTEES

TUESDAY, MAY 31, 2005

TBA

COUNCIL ROOM

COUNCIL	<u>WEDNESDAY, JUNE 1, 2005</u> 9:00 a.m.	COUNCIL ROOM
COMMITTEES	<u>TUESDAY, JUNE 14, 2005</u> TBA	COUNCIL ROOM
COUNCIL	<u>WEDNESDAY, JUNE 15, 2005</u> 9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 6:02 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 May 16, 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 and the Pāhoā Neighborhood Facility 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, and the Pāhoā Neighborhood Facility 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, May 25, 2005, at 6 p.m.; Sunday, May 29, 2005, at 10:30 a.m.; and Wednesday, June 1, 2005, at 6 p.m.

(Hawai'i Tribune Herald – May 15, 2005)
(West Hawai'i Today – May 15, 2005)