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COUNTY COUNCIL

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

30th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, February 1, 2006
9:00 a.m.

INVOCATION

Associate Pastor Sheldon Lacsina of New Hope Christian Fellowship

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

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

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

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS

ORDER OF RESOLUTIONS

Res. 206-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$3,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Police Department – Police Administration Division Other Current Expense Educational, Recreational and Scientific Equipment (Neighborhood Watch Program). Discretionary funds from District 5 would be used to provide lights, signs, decals, and communication devices for the Ainaloa Neighborhood Watch Program.}

Re: Comm. 536
Intr. by: Mr. Safarik
Approve: FC-215

Res. 237-06: Requests the County of Hawai'i Police Department to Increase Enforcement of Traffic Violations Within the Hawaiian Paradise Park Subdivision.

Re: Comm. 624
Intr. by: Mr. Safarik
Approve: PSPRC-18

Res. 238-06
(Draft 2): Increases the Use of High Energy-Efficient Vehicles and Save County Funds by Requesting the County Department of Finance to Study the Procurement of Increasing Percentages of High Energy-Efficient Alternative Fuel Vehicles as Part of Their Annual Vehicle Acquisition Plans.

Re: Comm. 625.1
Intr. by: Mr. Safarik
Approve: FC-217

Res. 240-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$11,092 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Hilo and West Hawai'i Veterans' Cemetery Other Current Expense (West Hawai'i Veterans' Cemetery Development and Expansion Association, Inc. Discretionary funds from District 7 would be used to purchase three sheltered signs ('ohia-post) for the West Hawai'i Veterans' Cemetery.}

Re: Comm. 631
Intr. by: Ms. Isbell
Approve: FC-218

Res. 242-06: Authorizes the Acceptance of a Monetary Donation of \$500 to the Hawai'i County Fire Department (donated by the Firefighters Charitable Foundation). {Funds would be used in the Fire Department's training and public education programs. }

Re: Comm. 634
Intr. by: Ms. Isbell
Approve: FC-219

Res. 243-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s), for Kahuku Park Improvements that Will be Completed with the Help of Community Volunteers. {Transfers/appropriates \$40,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund – G (Department of Parks and Recreation, Kahuku Park Improvements. Discretionary funds from District 6 would be used to improve Kahuku Park. }

Re: Comm. 637
Intr. by: Mr. Jacobson
Approve: FC-223

Res. 249-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$14,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation-Friends of the Park (Dugout/Fencing Materials for Honoka'a/Pa'auilo Baseball Fields). Discretionary funds from District 1 would be used to purchase materials to build four baseball dugouts (two at Honoka'a Park and two at Pa'auilo Park) and fencing materials for the baseball field at Pa'auilo Park. }

Re: Comm. 647
Intr. by: Mr. Holschuh
Waived: FC

Res. 250-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$14,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Pana'ewa Zoo Other Current Expense. Discretionary funds from District 3 would be used to purchase two hexagon canopy shades for the Pana'ewa Zoo to provide sun protection for its visitors. }

Re: Comm. 648
Intr. by: Mr. Arakaki
Waived: FC

9:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)**BILLS FOR ORDINANCES (FIRST READING)**

Bill 197: Amends Ordinance No. 93-8, Relating to Exceptional Trees. {Removes one mango tree from a grove of 600 mango trees located adjacent to Pohoiki Road, which was added to the list of "Exceptional Trees of the County of Hawai'i".}

Re: Comm. 609
Intr. by: Mr. Pilago
Approve: PC-50

Bill 198: Amends Section 25-8-32 (South Hilo District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Unzoned to Agricultural (A-80a) at Kukuau 1st, South Hilo, Hawai'i, Covered by Tax Map Key 2-4-8:33 (approx. 885.400 acres). {The Newton Family Limited Partnership, Applicant.}

Re: Comm. 615
Intr. by: Mr. Pilago
Approve: PC-51

Bill 199: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural (A-1a) to Neighborhood Commercial (CN-20) at Ponahawai, South Hilo, Hawai'i, Covered by Tax Map Key 2-3-36:18 (approx. 8 acres). {Matsuno Enterprises, Ltd., Applicant.}

Re: Comm. 616
Intr. by: Mr. Pilago
Approve: PC-52

Bill 200: Amends Section 25-8-34 (Papaikou-Onomea Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural (A-20a) and Single Family Residential (RS-15) to Family Agricultural (FA-5a) at Wainaku, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-032:004 & 005 (approx. 26.122 acres). {Kulana Kea, LLC, Applicant.}

Re: Comm. 617
Intr. by: Mr. Pilago
Approve: PC-53

Bill 201: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds DEPARTMENT OF WATER SUPPLY: Ainaloa Waterline Installation (\$750,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$750,000). Funds would be used to install a waterline from State Highway 130 along Ainaloa Boulevard to Woodrose Drive in the Ainaloa Subdivision.}

Re: Comm. 620
Intr. by: Mr. Safarik
Approve: FC-216
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 204: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in Contribution from Private Source (\$500); appropriates same to Fire Prevention – Other Current Expense.}

Re: Comm. 634
Intr. by: Ms. Isbell
Approve: FC-220

Bill 205: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in State Grants – Product Development Program (\$100,000); appropriates same to Product Development Program-State. Funds would be used to support and improve the tourism product development initiatives and projects.}

Re: Comm. 635
Intr. by: Ms. Isbell
Approve: FC-221

Bill 206: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Increases the following appropriation: PUBLIC WORKS: Hawai'i County Building Improvements [\$1,500,000] (~~\$5,500,000~~); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$4,000,000). Additional funds would be used for incidental and supplemental work to complete the removal of asbestos fire proofing on roof trusses, above ceiling spaces, AC equipment, and floor tiles.}

Re: Comm. 636
Intr. by: Ms. Isbell
Approve: FC-222
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 207: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds PARKS AND RECREATION: Kahuku Park Improvements (\$40,000); funds shall be provided from General Obligation Bonds, Capital Project Fund-Fund Balance, and/or Other Sources (Contingency Relief) (\$40,000). Funds would be used for a community walking path (Life Walk); retaining rock walls at the soccer field, swing sets, and pavilion area, for erosion prevention and public safety; and for metal seats in the swing set area.}

Re: Comm. 638
 Intr. by: Mr. Jacobson
 Approve: FC-224
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Res. 230-05: Authorizes the Acquisition of Private Properties by Eminent Domain, Being Portions of Tax Map Keys: (3)1-3-003:005 and 006, Situate at Kauaea, Puna, County and State of Hawai'i, for the Kalapana Road, Highway 137, Realignment Project. {Realignment is needed due to erosion of the highway into the sea.}

Re: Comm. 602
 Intr. by: Mr. Ikeda
 1st Reading: January 20, 2006
 Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes

Bill 187: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds PARKS AND RECREATION: Kea'au Shipman Park Lighting (\$550,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$550,000). Funds would be used for the installation of lighting for the walkway, basketball court, and tennis court at the Kea'au Shipman Park.}

Re: Comm. 587
 Intr. by: Mr. Arakaki
 1st Reading: January 20, 2006
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 190
(Draft 2): Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Increases the following appropriation: ENVIRONMENTAL MANAGEMENT: East Hawai'i Regional Sort Station [\$2,200,000] (~~\$3,321,000~~); appropriation increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,121,000). Draft 2 decreases the proposed increase of \$2,779,000 to \$1,121,000 for the Department of Environmental Management's East Hawai'i Regional Sort Station.}

Re: Comm. 597.6
Intr. by: Ms. Isbell
1st Reading: January 20, 2006
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 191: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in Federal Grants – Sexual Assault Multi-Disciplinary Training (\$34,500); appropriates same to Sexual Assault Multi-Disciplinary Training.}

Re: Comm. 598
Intr. by: Ms. Isbell
1st Reading: January 20, 2006

Bill 192: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds PUBLIC WORKS: Kaūmana Drive Sidewalks (\$150,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$150,000). Funds would be used to construct sidewalks on Kaūmana Drive from Lele Street to Puuhina Street.}

Re: Comm. 601
Intr. by: Mr. Ikeda
1st Reading: January 20, 2006
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 193: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases/decreases revenues in the following: Federal Grants – Coastal Zone Management (\$146,246) and State Grants – Coastal Zone Management <\$45,108>, for a total increase of \$101,138; appropriates \$101,138 to Coastal Zone Management (CZM). Additional funds would be used to 1) undertake a review and revision of the County Subdivision Code to incorporate green infrastructure principles and reduce environmental impact, 2) review existing codes to determine whether amendments are needed to promote environmentally-sensitive design in agricultural and rural areas, 3) continue to support the downtown Hilo community visioning project by facilitating the development of the implementation process and tools to evaluate and measure progress of the living action plan against smart growth principles, 4) replace (purchase) equipment necessary for field surveys, meetings, presentations, field inspections, and enforcement of shoreline areas, and 5) attend workshops and/or conferences related to the CZM Program. }

Re: Comm. 603
Intr. by: Ms. Isbell
1st Reading: January 20, 2006

Bill 194: Authorizes the Mayor of the County of Hawai'i to Enter Into an Intergovernmental Agreement for a State Water Pollution Control Revolving Fund Loan for Wastewater Public Improvement Projects; and Authorizes the Issuance of \$5,500,000 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Disposal Improvements of the County of Hawai'i. {The U.S. Environmental Protection Agency (EPA) promulgated a regulation prohibiting the construction of new large capacity cesspools and a requirement that all large capacity cesspools must be closed or upgraded to prevent the endangerment of underground sources of drinking water, which the Public Works Department has taken the lead for this EPA mandate for County facilities. The current appropriation balance is at \$7,050,000 and the revised engineer's estimate is now set at \$12,500,000 (an additional appropriation of \$5,500,000 would be required to successfully complete construction). }

Re: Comm. 604
Intr. by: Ms. Isbell
1st Reading: January 20, 2006
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 195: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds PUBLIC WORKS: Large Capacity Cesspool Conversions – State Revolving Fund (\$5,500,000); funds shall be provided from State Revolving Funds (\$5,500,000). Authorizes the Mayor to enter into an intergovernmental agreement for a State Revolving Fund loan for the County's Large Capacity Cesspool Conversion project and authorizes the issuance of general obligation bonds for the purpose of financing this improvement project.}

Re: Comm. 604
Intr. by: Ms. Isbell
1st Reading: January 20, 2006
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 196: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in Fund Balance Reserved for Liquor Control (\$15,000); appropriates same to Public Programs. Funds would be used to conduct programs for the public which would promote compliance to liquor laws.}

Re: Comm. 605
Intr. by: Ms. Isbell
1st Reading: January 20, 2006

Bill 202: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in Transfer from General Fund (\$20,000); appropriates same to Kawaihae Transitional Shelter. Funds would be used to help sustain the Kawaihae Transitional Shelter Program for at least two years until a permanent site is found and new facilities built.}

Re: Comm. 632
Intr. by: Ms. Isbell
1st Reading: January 20, 2006

Bill 203: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in Federal Grants – Domestic Violence and Sexual Assault Victim Services Coordinator (\$36,920); appropriates same to Domestic Violence and Sexual Assault Victim Services Coordinator.}

Re: Comm. 633
Intr. by: Ms. Isbell
1st Reading: January 20, 2006

REPORTS

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

PC-49 (Comm. 628): Recommends approval of the nomination of the following individuals to the Kona Community Development Plan Steering Committee: Ms. Anne I. Young, Mr. Roger P. Dilts, Jr., Ms. JoAnn Farnsworth, Ms. Maralyn (Marni) Herkes, Mr. Thomas Hickcox, Ms. Kate Jacobson, Ms. Gretchen Lawson, Ms. Lydia Mahi, Ms. Stacie Mandaguit, Mr. Michael Matsukawa, Mr. Ken Melrose, Ms. Janice Palma-Glennie, Mr. Ed Rapoza, Mr. Curtis J. Tyler, III, and Ms. Chrystal Yamasaki.

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote, pursuant to HRS Section 92-4 and Rule 12 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

Comm. 162.2: WES HICKS VS. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 03-1-0288
From Deputy Corporation Counsel Harry P. Freitas, dated January 20, 2006.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, FEBRUARY 14, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, FEBRUARY 15, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, FEBRUARY 28, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, MARCH 1, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by January 30, 2006. Persons using TDDs may call 961-8521.

Copies of an item listed on the agenda 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; at the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i 96743.

Videoconferencing is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If, for technical reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

- Videoconferencing from the Pāhoa Neighborhood Facility will not be available.

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 Kona Council Office and the Waimea Council Office 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.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, February 8, 2006, at 6 p.m.; Sunday, February 12, 2006, at 10:30 a.m.; and Wednesday, February 15, 2006, at 6 p.m.