



**MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**

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

**COMMUNICATIONS**

Comm. 437: NOMINATION OF MR. FRANCIS I. KUAILANI (COUNCIL DISTRICT 8) TO THE WATER BOARD.  
From Mayor Harry Kim, dated May 3, 2007, recommending approval of the above nomination.

Waived: PC

**APPROVED**

**ORDER OF RESOLUTIONS**

Res. 158-07 (Draft 2): Requests the Planning Director to Initiate an Ordinance to Amend Chapter 23, Hawai'i County Code 1983 (2005 Edition, as Amended) Relating to Subdivisions and an Ordinance Amending Chapter 25, Hawai'i County Code 1983 (2005 Edition, as Amended) Relating to Zoning. {Requests the planning director to submit comments and recommendations on the proposed subdivision and zoning code amendments set forth in the proposed bills for ordinances attached as Exhibit "A" to this resolution or to prepare similar bills for ordinances to provide for a discretionary permitting process for applications for new subdivisions of seven or more lots, new planned unit developments of seven or more lots, and new cluster developments of seven or more lots, and the planning commission is requested to review and transmit these proposed bills with recommendations through the mayor to the council for consideration and action. }

Re: Comm. 331.6  
Intr. by: Mr. Hoffmann  
Approve: PC-32

**ADOPTED:**

**AYES:** Council Members Ford, Jacobson, Pilago, Yagong, and Chair Hoffmann – 5.

**NOES:** Council Members Higa, Ikeda, and Yoshimoto – 3.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 173-07: Authorizes the Acquisition of Private Property by Eminent Domain, Being Tax Map Key: (3)9-2-101-037, Situate at Kahuku, District of Ka'u, County and State of Hawai'i, for the Hawaiian Ocean View Estates Exploratory and Construction Well Project. {Contains an area of approximately 43,562 square feet.}

Re: Comm. 356  
 Intr. by: Mr. Jacobson  
 1<sup>st</sup> Reading: May 16, 2007  
 Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 184-07: Determines the Real Property Tax Rates for the County of Hawai'i for the Fiscal Year July 1, 2007, to June 30, 2008.

Re: Comm. 373  
 Intr. by: Mr. Yagong  
 Approve: FC-105  
 Public Hearings: May 15 and 17, 2007

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

;and Comm. 373.1.

Res. 186-07: Commits to Funding the Cost Items Agreed Upon by the Employers and the Hawai'i Government Employees Association (HGEA) Units 02, 03, 04, 13 and Employees Excluded from Those Units for the Contract Period July 1, 2007, Through June 30, 2009. {Cost items are across-the-board increases, step movements, increases to meal allowances, increase in night differential, and increases in per diem rates, as well as compensatory time will be capped at 240 hours.}

Re: Comm. 377  
 Intr. by: Mr. Yagong  
 Approve: FC-106

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 188-07: Commits to Funding the Cost Items Awarded by Arbitration to the Hawai'i Government Employees Association (HGEA) Bargaining Unit 09 for the Contract Period July 1, 2007, Through June 30, 2009. {Cost items are across-the-board increases, step movements, and an increase in night differential.}

Re: Comm. 381  
Intr. by: Mr. Yagong  
Approve: FC-107

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 194-07: Commits to Funding the Cost Items Agreed Upon by the Employers and the United Public Workers (UPW) Unit 01 and Employees Excluded from Bargaining Unit 01 for the Contract Period July 1, 2007, Through June 30, 2009. {Cost items are across-the-board increases, replacement of identification tags, increase in stand-by work, increase in night differential, increases in meal allowances, increases in drug testing, and increases in per diem.}

Re: Comm. 394  
Intr. by: Mr. Yagong  
Approve: FC-108

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 224-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$100,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Public Works Transfer to Capital Project Fund-General (To be allotted to District 2, South Hilo Road and Traffic Safety Improvements). Discretionary funds from District 2 would be used to purchase and install miscellaneous traffic safety improvements.}

Re: Comm. 447  
 Intr. by: Mr. Ikeda  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Naeole – 1.  
**EXCUSED:** None.

Res. 225-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$46,850 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Transfer to Capital Project Fund-General (To be allotted to Park Improvement Projects – Council District 2. Discretionary funds from District 2 would be used for improvements, repairs, upgrades, and modifications at various parks.)}

Re: Comm. 448  
 Intr. by: Mr. Ikeda  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Naeole – 1.  
**EXCUSED:** None.

Res. 226-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$71,975 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Transfer to Capital Project Fund-General (To be allotted to Park Improvement Projects – Council District 5). Discretionary funds from District 5 would be used for improvements, repairs, upgrades, and modifications at various parks.}

Re: Comm. 449  
 Intr. by: Ms. Naeole  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Naeole – 1.  
**EXCUSED:** None.

Res. 227-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$44,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Management, Office of Management Other Current Expense (Kohala Cultural Center Parking Lot and Restrooms). Discretionary funds from District 9 would be used towards improvements to the Kohala Cultural Center Gym parking lot and restroom facilities, in order to accommodate the expanded public use of these facilities due to the closure of Hisaoka Gym in North Kohala as a result of the October 15, 2006, earthquake.}

Re: Comm. 451  
 Intr. by: Mr. Hoffmann  
 Waived: FC

**AMENDED TO DRAFT 2 & ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Naeole – 1.  
**EXCUSED:** None.

Res. 228-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$12,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Planning Department, Planning Other Current Expense (General Plan Annual Report). Discretionary funds from District 9 would be used to contract with a consultant to assist in compiling available data pertinent to General Plan policies from multiple sources, which would be used in the preparation of a General Plan annual report. }

Re: Comm. 452  
 Intr. by: Mr. Hoffmann  
 Waived: FC

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 229-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$23,080 out and from Clerk-Council Services – Contingency Relief account; credits same to Hawai'i County Police Department, Police Administrative Division-Equipment (Radars). Discretionary funds from District 4 would be used towards the purchase of radars. }

Re: Comm. 453  
 Intr. by: Mr. Higa  
 Waived: FC

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

Res. 230-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of the Mayor Clerical Services Center Other Current Expense (Prime Time National Football League (NFL) Football Clinic). Discretionary funds from District 1 would be used for the following: offset the cost of holding two Prime Time NFL Football Clinics which would be held in Hilo and Honoka'a, provide fundamental training from the Oakland Raiders, provide transportation to and from the clinics for the participating children, and provide for lunches.}

Re: Comm. 454  
 Intr. by: Mr. Yagong  
 Waived: FC

**ADOPTED:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Naeole – 1.

**EXCUSED:** None.

**10:15 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)**

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 51 (Draft 3): Amends Chapter 27, Flood Control, Hawai'i County Code 1983 (2005 Edition), as Amended, Relating to Stormwater Management. {Significant revisions were made to sections throughout this bill, which are contained in this draft.}

Re: Comm. 176.80  
 Intr. by: Ms. Ford  
 Approve: PWIRC-21

**AMENDED TO DRAFT 4 & POSTPONED TO THE JULY 10, 2007, COUNCIL MEETING**

Comm. 176.83: ;and Comm. 176.81 and 176.82; and  
 From Public Works Director Bruce C. McClure, dated May 23, 2007, transmitting the following information in the consideration of Bill 51, Draft 3: letter dated May 18, 2007, from the State Department of Land and Natural Resources; Public Works Department comments; and an email from Data Systems dated May 22, 2007.

Bill 74  
(Draft 2):

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 Single-Family Residential – 10,000 Square Feet (RS-10) to Neighborhood Commercial – 40,000 Square Feet (CN-40) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-39:31, 57, 68, and 69 (approx. 88,317 square feet). {Ginger Patch, DP, LLC, Applicant.}

Re: Comm. 255.4

Intr. by: Mr. Pilago

Approve: PC-31

**PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 7.

**NOES:** Council Member Ford – 1.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 105:

Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Federal Grants – Workforce Investment Act (WIA) 2007 (\$1,184,707); appropriates to the following: WIA – Administration Planning 2007-08 (\$118,470), WIA – Adult Program 2007-08 (\$397,656), WIA – Dislocated Worker Program 2007-08 (\$264,322), and WIA – Youth Program 2007-08 (\$404,259), for a total of \$1,184,707.}

Re: Comm. 433

Intr. by: Mr. Hoffmann

Approve: CHA – May 15, 2007

**PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 107: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Wireless Enhanced 911 (E911) System (\$1,007,000); appropriates same to Wireless E911 System. Funds would be used to integrate the Pictometry application and imagery into the Positron Wireless E911 system at Police and Fire Dispatch centers. Upon installation and integration, the State Wireless Board would reimburse the County for all expenses related to the Pictometry application.}

Re: Comm. 441  
 Intr. by: Mr. Yagong  
 Waived: FC

**PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 108: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Transfer from General Fund (\$50,000); appropriates same to Transfer to Capital Projects Fund - Highway. {Resolution 212-07 was adopted by the Council on May 17, 2007, and these funds would be used for needed repairs on Kamā'oa Road in Ka'ū (\$50,000), however, the funding lapses on June 30, 2007. (This bill and subsequent Bill 109 allows the Public Works Department to expend the funds from these appropriations).}

Re: Comm. 443  
 Intr. by: Mr. Jacobson  
 Waived: FC

**AMENDED TO DRAFT 2 & PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 109: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. {Adds PUBLIC WORKS: Road Repairs in Ka'ū District (\$50,000); funds shall be provided from General Obligations Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$50,000).}

Re: Comm. 443  
Intr. by: Mr. Jacobson  
Waived: FC  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

**AMENDED TO DRAFT 2 & PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

**1:00 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING), REPORTS, REFERRALS FOR EXECUTIVE SESSION, AND OTHER BUSINESS**

**ORDER OF THE DAY (SECOND OR FINAL READING)**

Bill 23  
(Draft 3):

Amends Chapter 17, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Plumbing. Highlights of the proposed amendments to chapter 17 include the following: 1) To improve clarity, the chapter was reorganized into four articles: Article 1 - General Provisions; Article 2 - Administration and Enforcement; Article 3 - Installation Requirements; and Article 4 - Plumbing Work Within Special Flood Hazard Areas; 2) The bill adopts the 1997 edition of the Uniform Plumbing Code, with amendments to address local conditions. Changed format of these provisions, contained in article 3 of the bill, to model the format used by the City and County of Honolulu; 3) A new provision is added in sec. 17-16(b) of the bill that provides that permits shall not be required in the case of any replacement work for the following: replacement or repair of garbage disposals, faucets and fixtures, to include sinks, water closets and heaters for non-commercial occupancies only. Permits will be required when such repairs do involve or require the replacement or rearrangement of valves or pipes. All repairs or replacement work shall be done by a plumber licensed in the State of Hawai'i; 4) There is no increase in the plumbing permit fees, except for work commenced without a permit. A provision was added in sec. 17-28(b) of the bill that increases the additional application fee for work commenced without a permit from \$10 to \$100; 5) New language relating to strapping water heaters to resist displacement during earthquakes is added in sec. 17-47, paragraph 26 of the bill. (Amending sec. 510.5 of the Uniform Plumbing Code.); and 6) A summary of the proposed changes is attached to communication 85.7.

Re: Comm. 85.7  
Intr. by: Ms. Ford  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Higa – 1.  
**EXCUSED:** None.

Bill 60  
(Draft 3):

Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2007, to June 30, 2008. {Proposed \$368,660,576 Operating Budget for the County of Hawai'i.}

Re: Comm. 193.51  
Intr. by: Mr. Yagong  
Public Hearings: March 19 and 21, 2007  
1<sup>st</sup> Reading: May 16, 2007

**AMENDED TO DRAFT 4 & PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Higa – 1.  
**EXCUSED:** None.

Bill 61  
(Draft 3): Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007, to June 30, 2008. {Proposed 107 projects totaling \$138,082,000 Capital Improvements Project Budget for the County of Hawai'i}

Re: Comm. 194.15  
Intr. by: Mr. Yagong  
Public Hearings: March 19 and 21, 2007  
1<sup>st</sup> Reading: May 16, 2007

**AMENDED TO DRAFT 4 & PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 6.

**NOES:** None.

**ABSENT:** Council Members Ford, Higa, and Yoshimoto – 3.

**EXCUSED:** None.

;and Comm. 194.14.

Bill 62: Amends Section 25-8-30 (Na'alehu Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Single Family Residential – 7,500 Square Feet (RS-7.5) to Village Commercial – 7,500 Square Feet (CV-7.5) at Poupouwela and Kowala, Ka'u, Hawai'i, Covered by Tax Map Key 9-5-024:008 (approx. 17,382 square feet). {Big Island Ventures, LLC, Applicant.}

Re: Comm. 199  
Intr. by: Mr. Hoffmann  
1<sup>st</sup> Reading: April 4, 2007  
Postponed: April 18, 2007 (pending public hearing)  
Public Hearing: May 22, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

**(Note: There is a pending motion by Mr. Pilago and duly seconded by Mr. Jacobson to approve Bill 62.) ;and**

Comm. 199.4: From Planning Director Christopher J. Yuen, dated April 19, 2007, providing comment relating to curb, gutter, and sidewalk improvements; and Comm. 199.5.

Bill 80  
(Draft 3):

Amends Chapter 2, Article 14 of the Hawai'i County Code 1983 (2005 Edition) as Amended, by Adding a New Section Relating to Authority of the Mass Transit Agency. {Grants the Agency authority to establish rules and regulations necessary for the operation of the public transportation system, including interior advertisements on buses.}

Re: Comm. 288.4  
Intr. by: Ms. Ford  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7.

**NOES:** None.

**ABSENT:** Council Members Higa and Yoshimoto – 2.

**EXCUSED:** None.

Bill 87  
(Draft 2):

Amends Chapter 24, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Vehicles and Traffic. {Proposed amendment would make the existing trial left-turn prohibition at the Route 180/Route 11 intersection permanent for south bound motorists between the hours of 3:30 p.m. and 6:30 p.m., Monday through Friday except holidays.}

Re: Comm. 336.1  
Intr. by: Ms. Ford  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7.

**NOES:** None.

**ABSENT:** Council Members Higa and Yoshimoto – 2.

**EXCUSED:** None.

Bill 88:

Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in State Grant – Coqui Frog Cost-Sharing Program (\$125,000); appropriates same to Coqui Frog Cost-Sharing Program.}

Re: Comm. 350  
Intr. by: Mr. Yagong  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7.

**NOES:** None.

**ABSENT:** Council Members Higa and Yoshimoto – 2.

**EXCUSED:** None.

Bill 89: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in Federal Grants – Hawai'i Fire Department Generator Purchase Grant (\$33,299); appropriates same to Hawai'i Fire Department Generator Purchase Grant.}

Re: Comm. 351  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7.

**NOES:** None.

**ABSENT:** Council Members Higa and Yoshimoto – 2.

**EXCUSED:** None.

Bill 90: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Contribution from Private Source (\$12,500); appropriates same to Fireman's Fund Training Grant.}

Re: Comm. 352  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 97: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Federal Grants – Sexual Assault Training Program (\$10,002); appropriates same to Sexual Assault Multi-Disciplinary Training. Funds would be used to improve delivery of sexual assault services within the criminal justice system.}

Re: Comm. 399  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 98: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. {Adds PUBLIC WORKS: Hilo Roads Guardrail and Retaining Wall Improvements – Federal [\$2,400,000] \$4,900,000; funds shall be provided from Federal Grants Receivable (\$2,500,000). Funds would be used to construct retaining walls, guardrails/handrails, drainage drywells and widen shoulders at various locations in Hilo.}

Re: Comm. 400  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: May 16, 2007  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 99: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in Healing Our Island (\$200,000); appropriates same to Healing Our Island.}

Re: Comm. 401  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 100  
(Draft 2):

Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. {Adds HOUSING AND COMMUNITY DEVELOPMENT: Waikoloa Workforce Housing Project Pre-development (\$6,000,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$6,000,000). Funds would be used for pre-development, which includes planning, design, legal fees, special studies, and financial analysis that are related to the Waikoloa Workforce Housing Project as a whole and to pre-formation activities of a community facilities district.}

Re: Comm. 402.1  
Intr. by: Mr. Yagong  
1<sup>st</sup> Reading: May 16, 2007  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 101:

Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Federal Grants – Driving Under the Influence (DUI) and Crash Reconstruction Training (\$9,644); appropriates same to DUI and Crash Reconstruction Training. Funds would be used to improve communication between the Prosecuting Attorney's Office and Police Department and to improve the law enforcement system in efforts to enforce traffic offenses.}

Re: Comm. 403  
Intr. by: Mr. Yagong  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 102: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in Federal Grants – Horizontal Integration Project (\$24,000); appropriates same to Horizontal Integration Project.}

Re: Comm. 404  
Intr. by: Mr. Yagong  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 103: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in State Grants – Urban Search and Rescue Program Grant (\$6,000); appropriates same to Urban Search and Rescue Program Grant.}

Re: Comm. 405  
Intr. by: Mr. Yagong  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 104: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Contribution from Private Source (\$100,000); appropriates same to Kohala Ditch Repairs.}

Re: Comm. 406  
Intr. by: Mr. Yagong  
1<sup>st</sup> Reading: May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

Bill 156  
(Draft 5)  
(2004-2006):

Amends Chapter 11 (Housing), Article 1, Section 11-4(d), Hawai'i County Code 1983 (2005 Edition), to Include Affordable Housing Requirements for Industrial Park Developments. {Requires industrial park developments, consisting of multiple individual enterprises which cumulatively generate over 100 employees on a fulltime equivalent basis, to earn one affordable housing credit for every four fulltime equivalent jobs created; and rezonings to ML, MG, or MCX, approved after the effective date of this ordinance with a potential to generate more than one hundred employees on a full-time equivalent basis must earn one affordable housing credit for every four full-time equivalent jobs created. }

Re: Comm. 200.30  
Intr. by: Mr. Yoshimoto  
Postponed: November 9 and December 7, 2005  
1<sup>st</sup> Reading: March 9, 2007  
Held Over Pursuant  
to Council Rule 26(e): March 21, April 4 and 18, 2007  
Filed: May 2, 2007 (due to the vote of 4-ayes  
and 5-noes)  
Reconsidered: May 16, 2007 (motion to reconsider  
passes due to the vote of 8-ayes and  
1-no)

**HELD OVER TO JUNE 20, 2007, COUNCIL MEETING DUE TO A TIE VOTE  
ON A MOTION TO AMEND BILL 156, DRAFT 5 (Pursuant to Council  
Rule 11-9(b)):**

**AYES:** Council Members Ford, Jacobson, Pilago, and  
Yagong – 4.

**NOES:** Council Members Ikeda, Naeole, Yoshimoto, and  
Chair Hoffmann – 4.

**ABSENT & EXCUSED:**Council Member Higa – 1.

*;and*

Comm. 200.31

From Council Member Dominic Yagong, dated April 27, 2007, transmitting a proposed amendment to Bill 156, Draft 5.

Bill 318  
 (Draft 3)  
 (2004-2006):

Amends Chapter 25, Article 2, Division 4, Hawai'i County Code 1983 (2005 Edition, as Amended) by Adding a New Section Related to Concurrency Conditions. {Adds requirements to existing provisions within the Zoning Code relating to conditions on change of zone ordinances regarding water supply improvements or strategies as specified by the Department of Water Supply as well as transportation improvements or strategies to accommodate the impacts of development on transportation facilities; the above be made concurrent with development associated with any change of zone in order to manage growth and coordinate the delivery of government services in the County.}

Re:	Comm. 307.18
Intr. by:	Mr. Hoffmann
Pursuant to Section 25-2-43, Hawai'i County Code, recommends to commit to Planning Director and Planning Commission:	PC-106
Recommendation to commit failed due to the vote of 3-ayes and 6-noes:	September 7, 2006
Pending motion to Reconsider Bill 318 by Ms. Isbell and duly seconded by Mr. Safarik:	September 20, 2006
Commits Bill 318 to the Planning Director and Planning Commission:	October 16, 2006
Recommits Bill 318 to the Planning Department and Planning Commission:	February 21, 2007 (Planning Committee)
Postponed:	April 18, 2007
1 <sup>st</sup> Reading:	May 2, 2007
Held Over Pursuant to Council Rule 25(e):	May 16, 2007

**PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Ford, Jacobson, Pilago, Yagong, and  
Chair Hoffmann – 5.

**NOES:** Council Members Higa, Ikeda, Naeole, and Yoshimoto – 4.

**ABSENT:** None.

**EXCUSED:** None.

**(Note: There is a pending motion by Mr. Pilago and duly seconded by Mr. Jacobson to approve Bill 318, Draft 3.)**

Bill 326  
(Draft 3)  
(2004-2006): Amends Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to a University District. {Adds a new definition of "University" to Section 25-1-5 and a new division entitled "UNV, University District" to Article 7, "Special District Regulations".}

Re: Comm. 155.4  
Intr. by: Mr. Higa  
1<sup>st</sup> Reading: May 2, 2007  
Held Over Pursuant  
to Council Rule 25(e): May 16, 2007

**POSTPONED TO JULY 10, 2007, COUNCIL MEETING**

**(Note: There is a pending motion by Mr. Higa and duly seconded by Ms. Naeole to approve Bill 326, Draft 3.)**

## REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ending March 31, 2007.

**ACCEPTED**

PC-29  
(Comm. 239.5): Recommends approval of the nomination of Mr. Sherman Warner to the South Kohala Community Development Plan Steering Committee.

**APPROVED**

## 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. 446: CLAIM AGAINST THE COUNTY/SHANNON BURROWS ON BEHALF OF WILLIAM APPLETON

From Deputy Corporation Counsel Joseph K. Kamelamela, dated May 21, 2007.

**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**

Comm. 450: NAOMI M. RINGER, ET AL. V COUNTY OF HAWAI'I CIVIL NO. 05-1-0018K

From Deputy Corporation Counsel Harry P. Freitas, dated May 22, 2007.

**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**

Comm. 176.84: BILL 51, DRAFT 3, REGARDING AMENDMENTS TO HAWAI'I COUNTY CODE, CHAPTER 27, FLOOD CONTROL

From Deputy Corporation Counsel Ivan M. Torigoe, dated May 23, 2007.

**POSTPONED TO THE JULY 10, 2007, COUNCIL MEETING**

## OTHER BUSINESS

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

**ANNOUNCEMENTS**

MONDAY, JUNE 4, 2007

FINANCE COMMITTEE  
PUBLIC HEARING AND  
SITE VISIT RE  
RESOLUTION 169-07  
(Acquisition of Punalu'u  
Beach Park, Ninole Pond,  
and adjacent lands in the  
District of Ka'u)

4:00 p.m.

PUNALU'U BLACK  
SAND BEACH PARK,  
PAVILION NO. 1  
(PUBLIC HEARING/SITE  
VISIT – to recess following  
site visit and public hearing  
to reconvene at 5:30 p.m.)

5:30 p.m.

NA'ALEHU  
ELEMENTARY SCHOOL  
GYMNASIUM  
(CONTINUATION OF  
PUBLIC HEARING)

TUESDAY, JUNE 5, 2007

COUNCIL PUBLIC  
HEARING RE BILL 55,  
DRAFT 2 (Kailua Village  
Business Improvement  
District No. 1)

6:00 p.m.

SHERATON KEAUHOU  
BAY RESORT & SPA

TUESDAY, JUNE 19, 2007

COMMITTEES

TBA

SHERATON KEAUHOU  
BAY RESORT & SPA

WEDNESDAY, JUNE 20, 2007

COUNCIL

9:00 a.m.

SHERATON KEAUHOU  
BAY RESORT & SPA

MONDAY, JULY 9, 2007

COMMITTEES

TBA

COUNCIL ROOM – HILO  
333 Kīlauea Avenue  
Ben Franklin Building  
Second Floor

TUESDAY, JULY 10, 2007

COUNCIL

9:00 a.m.

COUNCIL ROOM – HILO  
333 Kīlauea Avenue  
Ben Franklin Building  
Second Floor

**ADJOURNMENT 11:14 p.m.**

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 for this meeting should call 961-8255 by May 30, 2007. 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 333 Kīlauea Avenue, 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 or other unanticipated 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 must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony should bring **seventeen (17)** copies of the testimony for distribution at the meeting. Those persons unable to testify in person may submit testimony (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni Street, Hilo, Hawai'i 96720, (2) by facsimile to (808) 961-8912, or (3) by e-mail to [counciltestimony@co.hawaii.hi.us](mailto:counciltestimony@co.hawaii.hi.us). **Please submit a separate testimony for each item.** For testimonies submitted by e-mail or fax, 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, 333 Kīlauea Avenue, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Friday, June 8, 2007, at 6 p.m.; Sunday, June 10, 2007, at 10:30 a.m.; and Wednesday, June 13, 2007, at 6 p.m.