

PETE HOFFMANN  
*Chair & Presiding Officer*

K. ANGEL PILAGO  
*Vice Chair*



BRENDA FORD  
STACY K. HIGA  
DONALD IKEDA  
BOB JACOBSON  
EMILY I. NAEOLE  
DOMINIC YAGONG  
J YOSHIMOTO

## COUNTY COUNCIL

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

20<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Sheraton Keauhou Bay Resort and Spa  
78-128 Ehukai Street  
Kailua-Kona, Hawai'i

Wednesday, September 19, 2007  
8:30 a.m.

INVOCATION                      Pastor Keith Elliot of Kona Church of God

CALL TO ORDER                      8:36 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES              February 22, 2007 - **APPROVED**

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

*Serving the Interests of the People of Our Island  
Hawai'i County is an Equal Opportunity Provider and Employer.*

**MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE****8:30 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS****COMMUNICATIONS****ORDER OF RESOLUTIONS**[Res. 169-07](#)  
(Draft 3):

Authorizes the Director of Finance to Enter Into Negotiations for the Acquisition of Punalu'u Beach Park, Ninole Pond and Adjacent Lands in the District of Ka'u, Pursuant to Chapter 2, Article 42, Hawai'i County Code. {Acquisition is critical for protecting the natural resources, public access, as well as preserving the habitat for endangered species.}; and FC-129.

**ADOPTED:**

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

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

**ABSENT:** None.

**EXCUSED:** None.

[Res. 303-07:](#)

Requests the Mayor to Create a Community Violence Coordinator Position for the Office of the Prosecuting Attorney. {Requests Council Members to commit a portion of their Contingency Relief funds toward the salaries and benefits for this position for the first year and that the Prosecuting Attorney's office fund this position for the subsequent fiscal years.}; and FC-156.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

[Res. 304-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$2,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Management Committee on the Status of Women (Real Women Creative Writing Contest). Contingency Relief funds from District 5 would be used towards the Real Women Creative Writing Contest.}; and FC-157.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

[Res. 305-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$2,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Management Committee on the Status of Women (Hall of Fame Awards Ceremony). Contingency Relief funds from District 5 would be used towards the Hall of Fame Awards Ceremony to be held on October 6, 2007.}; and FC-158.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 306-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$15,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Management Committee on the Status of Women (Teen Dating Violence Peer Education Conference). Contingency Relief funds from District 5 would be used towards the Teen Dating Violence Prevention Peer Education Conference to be held on October 18-19, 2007.}; and FC-159.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 313-07:](#)

Acknowledges Domestic Violence as a Problem that Needs to be Both Claimed and Addressed by the Community. {Social service agencies, governmental agencies, and private individuals can work together for a strategic response, if domestic violence is claimed by the community as a problem.}; and HSEDC-5.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 314-07:](#)

Authorizes the Grant of Easement for Sewer and Water Line Purposes Affecting and Within Alenaio Lane, Kūkūau 2<sup>nd</sup>, South Hilo, Island of Hawai'i, to HJC Development Corporation. {Easement would provide sewer and water line services for the nine-unit apartment complex.}; and PWIRC-32.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 315-07:](#)

Accepts the Dedication of Lot 6-B, Being a Portion of Tax Map Key:(3)2-2-050:008, Situate at Waiākea, District of South Hilo, County and State of Hawai'i, from Edward K. Hirayama and Dianne S. Hirayama. {Dedicates all roadway improvements within Lot 6-B containing an area of 500 square feet.}; and PWIRC-33.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 322-07:](#)

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 Office of Aging Area Plan on Aging Other Current Expense (Hawai'i State Rural Health Association Annual Conference). Contingency Relief funds from District 5 would be used for the Hawai'i State Rural Health Association's Annual Conference to be held on October 24-26, 2007.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 323-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Other Current Expense, Education-Recreation-Scientific Supplies Account (Pu'u'eo Community Center). Contingency Relief funds from District 2 would be used to defray expenses related to the Halloween program to be held at the Pu'u'eo Community Center.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 324-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Management Committee on the Status of Women (Teen Violence Education Program). Contingency Relief funds from District 6 would be used to support the “Teen Violence” Education Program.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 325-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Aquatics Pools Equipment (Automated External Defibrillator for Pāhala Pool). Contingency Relief funds from District 6 would be used for the purchase of an Automated External Defibrillator.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 326-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion (Peace Day Parade). Contingency Relief funds from District 6 would be used to support the Peace Day Parade.}

**WITHDRAWN AT THE REQUEST OF MR. JACOBSON (INTRODUCER)**[Res. 327-07:](#)

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 Department of Parks and Recreation, Recreation Division Other Current Expense (Council District 1 Tables/Chairs). Contingency Relief funds from District 1 would be used towards the purchase of tables and chairs for the Pāpa‘aloa, Pa‘auilo, and Wainaku gyms and the Kula‘imano Center in the Hāmākua District.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 328-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$18,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Mass Transit Agency Mass Transit Other Current Expense (Ocean View Community Association). Contingency Relief funds from District 6 would be used to support the Ocean View Community Association.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 333-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$17,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Fire Department Fire Protection-Equipment, Office Equipment-Fixtures (Lockers and Storage Cabinets for Kawaiilani Fire Station). Contingency Relief funds from District 4 would be used towards the purchase of new lockers and storage cabinets at the Kawaiilani Fire Station.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 334-07:](#)

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 Clerk-Council Services – Contingency Relief account; credits same to Department of Planning, Planning Other Current Expense, Miscellaneous Contract Services (EnVision Downtown Hilo 2025, Phase II). Contingency Relief funds from District 4 would be used for the EnVision Downtown Hilo 2025 VisionKeepers.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 335-07:](#)

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 Department of Research and Development Agriculture Research and Development Other Current Expense (Food Summit). Contingency Relief funds from District 6 would be used to support the Food Summit.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 336-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Other Current Expense, Education-Recreation-Scientific Supplies (Netting for Batting Cage Francis Wong Stadium). Contingency Relief funds from District 4 would be used towards the purchase of netting for the batting cage at Francis Wong Stadium.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

[Res. 337-07:](#)

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 Department of Research and Development Agricultural Research and Development Other Current Expense (The Kohala Center, The Hawai'i Island Food Summit). Contingency Relief funds from District 7 would be used towards costs associated with The Kohala Center, "Hawai'i Island Food Summit" to be held on October 5-6, 2007.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

**1:00 P.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)**

**BILLS FOR ORDINANCES (FIRST READING)****Bill 152:**

Amends Chapter 2, Article 25, Section 2-142 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Records, Reporting, and Fiscal Accountability Requirements. {Requires nonprofit organizations to submit written reports to the County Council rather than the Legislative Auditor.}; and HSEDC-4.

**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 153:**

Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i in a Principal Amount Not to Exceed \$147,000 for the Purpose of Funding a Portion of the Costs of a Water Department Project Referred to as the Andrade Camp Waterline Improvements; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for the Sale Thereof; and Authorizes the Taking of Other Actions Relating to the Issuance and Sale of the Bonds. {Grant amount not to exceed \$510,000 and for a loan amount of \$147,000.}; and FC-160.

**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 154:**

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds PARKS AND RECREATION: Konawaena Swimming Pool Improvements (\$750,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$750,000). Re-appropriates this project's funding into this fiscal year as well as increasing it from \$500,000 to \$750,000 to ensure sufficient appropriation capacity is available to execute the construction contract upon execution of the re-bid and to allow for some contingency in the bid process and during construction to accommodate increases in costs, unforeseen conditions, or take advantage of additional work that may become necessary.}; and FC-161.

**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 155:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds PARKS AND RECREATION: NAS Swimming Pool Renovations (\$250,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$250,000). Funds would be used to repair the NAS Swimming Pool facility.}; and FC-162.

**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 156:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Komohana Heights Large Capacity Cesspool Replacement – County [\$350,000] \$1,658,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,308,000). Additional funds are needed due to increased design and construction costs and the replacement of the State Revolving Fund funding for this project (with County funds).}; and FC-163.

**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 157:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Sludge Removal – County [\$600,000] \$4,600,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$4,000,000). State Revolving Fund (SRF) funding will not be available for this project (\$600,000 was previously appropriated for the County's share of this project). The additional \$4,000,000 represents the previous SRF portion, bringing the total appropriation to \$4,600,000.}; and FC-164.

**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 158:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Aeration Upgrade – County (\$1,950,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,950,000). State Revolving Fund (SRF) funding will not be available for this project and will come from the County instead. Funds would be used to replace existing blowers, expand the Operations Building to house the new blowers, electrical work for the upgraded blowers, replace aeration piping to the existing lagoons, and replace existing air diffusers in the lagoons.}; and FC-165.

**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 159:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Master Plan (\$500,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$500,000). Funds would be used for a Master Plan for upgrading of the Kealakehe Wastewater Treatment Plant to ensure that a plan is in place for upgrading of the facility as flows to the facility increase.}; and FC-166.

**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 160:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Queen Lili'uokalani Village Large Capacity Cesspool Replacement – County [\$500,000] \$850,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$350,000). Additional funds for the design is needed since realignment of the existing Sewer Collection System is required in order to connect the Queen Lili'uokalani Village subdivision to the Kona Sewer System at Keanalehu Street (due to the difficult topography in the project area).}; and FC-167.

**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 161:](#)

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 \$24,096,351 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Public Improvements of the County of Hawai'i. {Funds would be used for the following Department of Environmental Management projects: Honoka'a Large Capacity Cesspool Replacement (\$10,163,172) and Nā'ālehu and Pāhala Large Capacity Cesspool Replacement (\$13,933,179).}; and FC-168.

**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 162:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Honoka'a Large Capacity Cesspool Replacement – State Revolving Fund [\$5,000,000] \$7,000,000; funds shall be provided from State Revolving Funds (\$2,000,000). Additional funds would be used for the anticipated remedial construction work associated with portions of the existing Lehua Trunk sewer.}; and FC-169.

**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 163:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Transfer from General Fund (\$20,000); appropriates same to Traffic Division Equipment (Two Smart Signs for North Kulani Road in District 3). Funds would be used to install two smart signs in Council District 3 (North Kulani Road in Mountain View).}; and FC-170.

**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 164](#)  
(Draft 2):

Amends Ordinance No. 97-56, Which Reclassified Lands from Agricultural – 5 Acre (A-5a) to Single Family Residential – 10,000 Square Feet (RS-10) at Kalaoa 4<sup>th</sup>, North Kona, Hawai'i, Covered by Tax Map Key:7-3-028:082 – 102 (Formerly 7-3-010:037) (Request: 5-Year Time Extension to Condition D; approx. 10.2830 acres). {RS10 Kalaoa, LLC, Applicant.}; and PC-45.

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

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

**NOES:** Council Members Ford and Jacobson – 2.

**ABSENT:** None.

**EXCUSED:** None.

[Bill 165:](#)

Planning Director Initiated: Amends Chapter 25, Zoning Code, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Retail Establishments. {Creates a “superstore” zoning district, which would be the only zoning district where a “superstore” would be allowed.}; and PC-46.

**FILED DUE TO THE FOLLOWING VOTE:**

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

**NOES:** Council Members Higa, Ikeda, Naeole, Pilago, and Yoshimoto – 5.

**ABSENT:** None.

**EXCUSED:** None.

[Bill 167:](#)

County Council Initiated: Amends Chapter 25, Zoning Code, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Retail Establishments. {Proposed amendment to Chapter 25 would not permit “superstores” in any zoning district. (“Superstore” means a business exceeding 90,000 gross square feet, offering for sale more than 25,000 different stock keeping units, and dedicating more than 20,000 gross square feet of floor area to the sale of groceries).}

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

**AYES:** Council Members Higa, Ikeda, Naeole, Pilago, and Yoshimoto – 5.

**NOES:** Council Members Ford, Jacobson, Yagong, and Chair Hoffmann – 4.

**ABSENT:** None.

**EXCUSED:** None.

**2:30 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)**

**ORDER OF THE DAY (SECOND OR FINAL READING)****Bill 125**  
(Draft 2):

Amends Ordinance No. 93-101, Which Reclassified Lands from Office Commercial – 20,000 Square Feet (CO-20) to General Commercial – 20,000 Square Feet (CG-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key:2-2-021:007 (Formerly 2-2-021:007 and 046) (approx. 20,812 square feet). {Brian and Ramona Sakamoto, Applicants.}

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

**Bill 126:**

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 – 3 Acre (A-3a) to Family Agricultural – 2 Acre (FA-2a) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key:2-5-040:018 (approx. 4.852 acres). {Francis H. and Martha A. Rodillas, Applicants.}

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

**Bill 137:**

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 Industrial-Commercial Mixed – 20,000 Square Feet (MCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-036:090 (approx. 22,500 square feet). {Cynthia Kuulei Thomas, Applicant.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

**Bill 138**  
(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 Agricultural – 1 Acre (A-1a) to Neighborhood Commercial – 20,000 Square Feet (CN-20) at Ponahawai, South Hilo, Hawai'i, Covered by Tax Map Key:2-3-037:009 (approx. 1.020 acres). {Guy Nakao, Applicant.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 141:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Specialized Investigative Training (\$39,865); appropriates same to Specialized Investigative Training Grant.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 142:](#) Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: North Kona Sewer – County [\$500,000] \$3,960,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$3,460,000). Additional funds are due to anticipated increased project costs and would be used to cover contingency, construction, engineering, and administration costs.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 143:](#) Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: North Kona Effluent Reuse Upgrade – County [\$766,000] \$4,861,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$4,095,000). Additional funds are due to anticipated increased project costs and would be used to cover contingency, construction, engineering, and administration costs.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 145:](#) Amends Chapter 18, Article 4, Division 1, Subsection 18-90(H), Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Public Transportation. {Extends the original two-year time period of the designated transportation kōkua zone until December 31, 2009.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 146:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Hawai'i Anti-Trafficking Task Force (\$15,000); appropriates same to Hawai'i Anti-Trafficking Task Force.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 147:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Law Enforcement Investigations Standby Pay (\$32,486); appropriates same to Law Enforcement Investigations Standby Pay.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 148:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Sexual Assault Forensic Examiner (SAFE) Standby Pay (\$23,484); appropriates same to SAFE Standby Pay.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

[Bill 149:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Sexual Assault Forensic Examiner (SAFE) Training Grant (\$51,600); appropriates same to SAFE Training Grant.}

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

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

**NOES:** None.

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

**EXCUSED:** None.

**Bill 150** Amends Chapter 32, Articles 2, 5, and 6, of the Hawai'i County Code 1983  
 (Draft 2): (2005 Edition, as Amended) Relating to Community Facilities Districts.

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

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

**Bill 166:** Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Disaster Recovery Coordinators (\$160,250); appropriates same to Disaster Recovery Coordinators.}

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

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

**REPORTS**

**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 11 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

**OTHER BUSINESS**

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

**ANNOUNCEMENTS**

	<u>TUESDAY, OCTOBER 2, 2007</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>WEDNESDAY, OCTOBER 3, 2007</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>TUESDAY, OCTOBER 16, 2007</u>	

COMMITTEES

TBA

SHERATON KEAUHOU  
BAY RESORT & SPA

COUNCIL

WEDNESDAY, OCTOBER 17, 2007

9:00 a.m.

SHERATON KEAUHOU  
BAY RESORT & SPA**ADJOURNMENT 7:04 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 September 17, 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 Kilauea 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.

**Notice is hereby given** that pursuant to Hawai'i Revised Statutes (hereinafter "HRS") § 92-3.5, the Hawai'i County Council will be conducting its September 19, 2007, meeting via videoconference. Council Members will be present at the following locations:

**County Council Room – Ben Franklin Tower, 2<sup>nd</sup> Floor, 333 Kilauea Avenue, Hilo, HI 96720**

**Sheraton Keauhou Bay Resort and Spa, 78-128 Ehukai Street, Kailua-Kona, HI 96740.**

Videoconferencing is available at the following locations:

- Hilo Council Room at the Ben Franklin Building, Second Floor; and
- Waimea Council Office at the Holomua Center.

If audio stream is lost for more than a short period of time, the meeting will be terminated.

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

Submitting Testimony: Those persons wishing to testify in person at any of the three sites 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) Wednesday, September 26, 2007, at 6 p.m.; Sunday, September 30, 2007, at 10:30 a.m.; and Wednesday, October 3, 2007, at 6 p.m.