

**COMMITTEE ON PUBLIC WORKS AND
INTERGOVERNMENTAL RELATIONS**

3rd Session

Hilo, Hawai'i

Tuesday, February 3, 2009

The meeting of the Committee on Public Works and Intergovernmental Relations was called to order at 10:47 a.m., in the Councilroom, Hilo, by Ms. Brenda Ford, Chair.

ATTENDANCE: Present:

Ms. Brenda Ford, Chair
Mr. Guy Enriques, Member
Mr. Pete Hoffmann Member
Mr. Donald Ikeda, Member
Ms. Emily I. Naeole, Member
Mr. Dennis "Fresh" Onishi, Member
Mr. Dominic Yagong, Member
Mr. J Yoshimoto, Member

Absent:

Mr. Kelly Greenwell, Vice Chair

RELINQUISH
CHAIR:

At this time, Chair Ford relinquished the chair to Mr. Yagong.

(Note: There were no objections from Committee members.)

STATEMENTS
FROM THE
PUBLIC ON
ITEMS ON
THE AGENDA:

The Chair directed the members of the Committee to proceed to the next item on the agenda, Statements from the Public on Items on the Agenda.

The following individuals came forward to give testimony on Comm. 118 when called upon by the Chair:

Mr. Calvin H. Kaleiwahea; comment
Ms. Cory Harden, representing Sierra Club; comment
Mr. Jim Albertini, representing Malu Aina; comment
Mr. Danny Li; in opposition
Ms. Shannon Rudolph; comment
Mr. Doug Fox; comment

Mr. Lee Bowden; comment

Mr. George Klare, representing the 10,000 Gardens Project; comment

REFERRALS: The Chair directed the members of the Committee to proceed to the next item on the agenda, Referrals.

SUSPEND RULES: The Chair directed the Committee to Suspend the Rules and take up Comm. 118. (There were no objections.)

(Note: Comm. 118 was added as an addendum to the agenda.)

Comm. 118: UPDATE BY UNITED STATES ARMY COLONEL HOWARD KILLIAN ON THE TOPIC OF DEPLETED URANIUM (DU) AT THE POHAKULOA TRAINING AREA
From Councilmember Pete Hoffmann, dated December 12, 2008, transmitting the above request pursuant to Resolution 639-08, which requested regular updates on the topic of depleted uranium at the Pohakuloa Training Area by the United States Army.

Mr. Hoffmann moved to close file on Comm. 118.

Seconded by Ms. Naeole.

(At this time, United States Army Colonel Howard Killian came forward to address members of the Committee. Colonel Killian made a PowerPoint presentation. A hard copy of the presentation is available in the Clerk's Office, see Comm. 118.6.

(Note: For viewing of the subject presentation, see the DVD copy of the meeting proceedings on file in the Clerks Office.)

Councilmember Hoffmann asked Colonel Killian why the NRC (Nuclear Regulatory Commission) had no plans to come to the Pohakuloa Training Area (PTA). Colonel Killian stated he did not know specifically why but that right now it was not part of the NRC's itinerary. Mr. Hoffmann stated that their presence in Hawai'i might be of some assistance for public awareness and asked Colonel Killian if it was possible to ask on behalf of the Council, if they would consider coming to PTA. Colonel Killian replied that he would make the request.

Mr. Hoffmann inquired whether or not the advisory council had met as yet and if so, how often. Colonel Killian responded that it had already met; he called on Lieutenant Colonel Richardson to respond as to how often the council has met.

(At this time, United States Army Lieutenant Colonel Richardson came forward to address members of the Committee.)

Colonel Richardson stated that a community advisory council was formed prior to the resolution being adopted and has met twice. She stated that the advisory council's goal is to meet every quarter to discuss all military related issues. When asked by Mr. Hoffmann as to how many people were on the advisory council, Colonel Richardson said there were four people on the council, although their plan is to have representatives from each district on the island.

Mr. Hoffmann asked if the advisory council was included in discussions on efforts toward s raising awareness of depleted uranium. Lt. Colonel Richardson stated that the advisory council is still in the process of writing the rules, the missions, the recommendations, and the goals and objectives. She stated further that the council would be discussing all related issues, including training, traffic and outreach to the community.

Mr. Hoffmann asked for the military's clarification regarding the many e-mails he's received from the Sierra Club representatives stating, that 2,000 spotting rounds may have been shot at Pohakuloa. Colonel Killian responded that 714 rounds were shipped to Hawai'i and he senses that most of them were fired at Schofield. When Mr. Hoffmann asked if there was any possible support for 2,000 spotting rounds at PTA, Colonel Killian responded that if one extrapolated the math with the contemporary training manuals, you'd come up with a number of 2,050 spotting rounds and that, yes, it was possible.

Mr. Hoffmann asked if the Army was conducting any aerial or other methods of searching for depleted uranium on rounds other than spotting rounds from the Davey Crockett system. Colonel Killian replied that he was not aware of any, and that no other emitter was found, according to scientists.

(At this time, Mrs. Ford asked Dr. Mike Reimer to come forward to address members of the Committee via videoconference from Kona).

Ms. Ford asked Dr. Reimer, who is a member of the advisory council, if he had attended any of these meetings, and Dr. Reimer responded that he had not. He stated that he would like to see more specific details of the surveys that were run when asked by Ms. Ford as to his opinion of the Army's presentation.

Ms. Ford expressed concern that the information about the accomplished efforts at PTA are not being disseminated to the general public. Also, that the advisory council was meeting only quarterly. She feels they should be meeting more frequently, either monthly or every other month.

Ms. Ford asked if nuclear material could be shipped to depots with no record of their whereabouts. Colonel Killian affirmed the possibility of this occurring. Ms.

Ford was disturbed that nuclear material is not accounted for and felt the Army was exhibiting poor bookkeeping.

Ms. Ford and Ms. Naeole both expressed deep concern that Dr. Lorrin Pang is not on the advisory council despite their pleas to have him on the council. Ms. Ford stated that Representative Cindy Evans was adamant that Dr. Pang would not be asked to serve on the advisory council. Both Councilmembers Ford and Naeole stated that a physicist with Dr. Pang's credentials and capacity should be on the advisory council.

(At this time, at the request of Ms. Ford, Ms. Cori Harden, who is a member of the advisory council, returned to address members of the Committee.)

Ms. Harden stated that when she attempted to place the item of depleted uranium on the agenda, she was met with resistance. She was told that the advisory council she was on was different from the depleted uranium advisory committee. Ms. Ford insisted that a meeting take place consisting of herself, representatives from PTA, Mr. Hoffmann, Ms. Harden, and Dr. Reimer to discuss these issues.

Mr. Yagong stated that if there were issues or concerns that the Councilmembers wanted to pursue via legislation, there would be opportunity to do so, but that by way of this communication and presentation today, proposed legislation or decision making would not be possible.

The motion to close file on Comm. 118 was carried by the following roll call vote:

In Favor:	Committee Members Enriques, Ford, Hoffmann, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
Opposed:	None.
Absent:	Committee Member Greenwell.

RETURN TO
AGENDA:

The Chair directed the Committee to Return to the Agenda and take up the first Referral on page one.

Comm. 78:
(Bill 14)

AN ORDINANCE AMENDING CHAPTER 24 OF THE HAWAI'I COUNTY CODE, 1983 (2005 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC {adds Manawale'a Street, both sides to Article 10, Division 5 (Parking), Section 24-280, Schedule 28 (No parking at anytime), paragraph (f) Kona}

From Public Works Director Warren H. W. Lee, dated December 10, 2008, transmitting the above bill.

Ms. Naeole moved to close file on Comm. 78 and recommend passage of Bill 14 on first reading. Seconded by Mr. Hoffmann.

(At this time, Department of Public Works Traffic Division Chief Ron Thiel came forward to address members of the Committee.)

Mr. Ikeda asked Mr. Thiel how many parking spaces will be lost due to this restriction, to which Mr. Thiel replied that 47 potential parking spots would be displaced, however that 60 stalls were available in the neighboring areas and in complexes nearby.

The motion to close file on Comm. 78 and recommend passage of Bill 14 on first reading was carried by the following roll call vote:

In Favor: Committee Members Enriquez, Ford, Hoffmann, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
 Opposed: None.
 Absent: Committee Member Greenwell.

Comm. 79:
(Bill 15)

AN ORDINANCE AMENDING CHAPTER 24 OF THE HAWAI'I COUNTY CODE, 1983 (2005 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC {adds Manawale'a Street, both sides to Article 10, Division 9 (Bicycles) Section 24-294, Schedule 42 (Bicycle lanes), paragraph (f) Kona}

From Public Works Director Warren H. W. Lee, dated December 10, 2008, transmitting the above bill.

Ms. Ford moved to close file on Comm. 79 and recommend passage of Bill 15 on first reading. Seconded by Ms. Naeole and carried by the following vote:

In Favor: Committee Members Enriquez, Ford, Hoffmann, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
 Opposed: None.
 Absent: Committee Member Greenwell.

Comm. 80:
(Bill 16)

AN ORDINANCE AMENDING CHAPTER 24 OF THE HAWAI'I COUNTY CODE, 1983 (2005 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC {adds Manawale'a Street, both sides to Article 10, Division 1 (Speed Limits) Section 24-255, Schedule 3 (25 mile per hour limit), paragraph (f) Kona}

From Public Works Director Warren H. W. Lee, dated December 10, 2008, transmitting the above bill.

Ms. Ford moved to close file on Comm. 80 and recommend passage of Bill 16 on first reading. Seconded by Mr. Onishi and carried by the following roll call vote:

In Favor: Committee Members Enriquez, Ford, Hoffmann, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.

Opposed: None.

Absent: Committee Member Greenwell.

SUSPEND RULES: The Chair directed the Committee to Suspend the Rules and take up Comm. 110 (Res. 47-09), on page two. (There were no objections).

Comm. 110:
(Res. 47-09)

RESOLUTION AUTHORIZING THE ABANDONMENT AND DISPOSITION OF GOVERNMENT REMNANT SITUATE AT WAI'AHA, DISTRICT OF NORTH KONA, COUNTY AND STATE OF HAWAI'I, BEING A PORTION OF TAX MAP KEY: (3)7-5-015:015 (a .293 acre parcel currently owned by the Department of Water Supply)

From Assistant Corporation Counsel, Gerald Takase, dated January 21, 2009, transmitting the above resolution.

Ms. Ford moved to close file on Comm. 110 and recommend adoption of Res. 47-09. Seconded by Ms. Naeole.

(At this time, Deputy Corporation Counsel Gerald Takase, Property Manager Harry Yada and Mr. David Ka'apu, attorney representing Ms. Sara J. Peck, part-owner, came forward to address members of the Committee.)

Mr. Takase stated that currently the portion of this parcel is being used as a driveway by the Department of Water Supply to reach their tank, which is on the parcel right above this property. He noted that the Pecks were under the assumption that the property belonged to the Department of Water Supply (DWS), but subsequently found out that this was not the case. When it was condemned many years ago, it was actually done by the County for the DWS. The DWS has no objections to returning the parcel to the Pecks; the Pecks in turn will grant a permanent easement to the DWS to use the driveway.

Mr. Ka'apu clarified that the easement is actually in favor of Ms. Peck and adjoining landowners. While the property was owned by the County and used by the DWS, the DWS' access is actually from the north. Mr. Yada confirmed that what Mr. Ka'apu stated was correct.

The motion to close file on Comm. 110 and recommend adoption of Res. 47-09 was carried by the following roll call vote:

In Favor: Committee Members Enriquez, Ford, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
 Opposed: None.
 Absent: Committee Members Greenwell and Hoffmann.

RETURN TO AGENDA:

The Chair directed the members of the Committee to return to the agenda to take up Comm. 81.

Comm. 81:

HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) EXECUTIVE COMMITTEE'S DECEMBER 22, 2008 MEETING MINUTES AND MATERIALS
 From Councilmember Dennis "Fresh" Onishi, dated December 30, 2008, transmitting materials and highlights of the meeting.

Ms. Naeole moved to close file on Comm. 81. Seconded by Ms. Ford and carried by the following roll call vote:

In Favor: Committee Members Enriquez, Ford, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
 Opposed: None.
 Absent: Committee Members Greenwell and Hoffmann.

Comm. 108:
 (Bill 24)

AN ORDINANCE AMENDING CHAPTER 24 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC {adds Kino'ole Street/Kamana Street to Article 10, Division 2 (Moving Vehicles) Section 24-274.1, Schedule 22.1 (Traffic signal systems), paragraph (c) South Hilo}
 From Public Works Director Warren H. W. Lee, dated January 9, 2009, transmitting the above bill.

Ms. Naeole moved to close file on Comm. 108 and recommend passage of Bill 24 on first reading. Seconded by Ms. Ford.

(At this time, Public Works Traffic Division Chief Ron Thiel came forward to address members of the Committee.)

Mr. Thiel stated that the reason for the proposed bill was because the County Code needed to be amended due to the installation of a new traffic signal at Kino'ole and Kamana Streets.

The motion to close file on Comm. 108 and recommend passage of Bill 24 on first reading was carried by the following roll call vote:

In Favor: Committee Members Enriquez, Ford, Ikeda, Naeole, Onishi and Chair Yagong.
 Opposed: None.
 Absent: Committee Members Greenwell, Hoffmann, and Yoshimoto.

Comm. 109:
 (Bill 25)

AN ORDINANCE AMENDING CHAPTER 24 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC {adds Mohouli Street/Kumukoa Street to Article 10, Division 2 (Moving Vehicles) Section 24-274.1, Schedule 22.1 (Traffic signal systems), paragraph (c) South Hilo}

 From Public Works Director Warren H. W. Lee, dated January 9, 2009, transmitting the above bill.

Ms. Naeole moved to close file on Comm. 109 and recommend passage of Bill 25 on first reading. Seconded by Mr. Onishi and carried by the following roll call vote:

In Favor: Committee Members Enriquez, Ford, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
 Opposed: None.
 Absent: Committee Members Greenwell and Hoffmann.

Comm. 111:
 (Res. 48-09)

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE DONATION OF LOT 13-C, SITUATE AT KAIWIKI 3RD, DISTRICT OF SOUTH HILO, COUNTY AND STATE OF HAWAI'I, BEING A PORTION OF TAX MAP KEY: (3)2-9-004-028, FROM CHARLES P. CAVEDONI AND RONG HUA (a roadway encroachment in the Hakalau Homesteads Subdivision)

 From Assistant Corporation Counsel, Gerald Takase, dated December 17, 2008, transmitting the above resolution.


Ms. Naeole moved to close file on Comm. 111 and recommend adoption of Res. 48-09. Seconded by Mr. Onishi and carried by the following roll call vote:

- In Favor: Committee Members Enriques, Ford, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
- Opposed: None.
- Absent: Committee Members Greenwell and Hoffmann.

ADJOURNMENT:

There being no further business, at 12:22 p.m., Ms. Naeole moved to adjourn the meeting. Seconded by Ms. Ford and carried by the following voice vote:

- In Favor: Committee Members Enriques, Ford, Ikeda, Naeole, Onishi, Yoshimoto and Chair Yagong.
- Opposed: None.
- Absent: Committee Members Greenwell and Hoffmann.



Council Services Assistant II

Approved:



Brenda J. Ford, Chair
Public Works and Intergovernmental
Relations Committee