



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, February 06, 2024
6:00 PM CST
Council Chambers, City Hall

Call to Order.

Mayor Depreo called the meeting to order at 6:00 p.m.

Invocation - Councilmember Leise

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese

Ward 3 John Cumberland

Confirm or Adjust Agenda Order

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to confirm the agenda.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

- a. The next Regular Meeting of the City Council will be held February 20, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. City Hall will be closed Tuesday, February 13, 2024 for Mardi Gras.
- c. City Hall will be closed Monday, February 19, 2024 in observance of President's Day.

City Manager's Report.

CITY MANAGER REPORT
February 06, 2024

1. Park Ten Road –The contract is for 270 Calendar Days with an end date of June 1st. The roadbed has been formed with all drainage installed. Electrical conduit is being installed from Noma Circle to Park Ten. Curb & Gutter installation will begin by the end of the month.
2. Noma Drive Restoration – The final lift of asphalt is being installed. The contractor will begin to make the connection to multimodal path once the area is prepared. The contract is for 195 Calendar Days with an end date of March 24th.

3. Beaux Vue 2 – Bid has been awarded, currently waiting on contractor bonds and paperwork.
4. Bond Paving Diamondhead Drive – The contract is for 150 Calendar Days with an end date of March 6th. The striping sub-contractor was back on-site last week and expects to finish by the end of February (weather dependent). The three areas that needed to be patched were completed last week as well.
5. Montjoy Creek –DMR has sent out the notice for public comment. The project is on hold until the notice period (February 19, 2024) is complete.
6. Noma Drive Phase 1b – Bids are due on the 14th for this project. The project is to build the parking area, rebuild the boat ramp, and build the kayak launch and pier, and comfort station.
7. Kaleki Way –The project is out for bid. Bids are due Thursday.
8. Bayou Drive – Project is out for bid. Bids are due Thursday.
9. Canal Dredging – The city has received the permit from USACE to allow for the canal dredging on the south side. The project is currently under review by the RESTORE Council. The engineer has submitted the plans to the RESTORE Council for review.
10. DH Lakes Road – Elliott Homes’ engineers and Covington Engineering have agreed on design. EH will notify residents with a timeline for this project to begin. The preconstruction meeting is scheduled for tomorrow.
11. Gex Drive Lighting – Engineer is working on the plans.
12. Noma Drive Boardwalk – Engineer is working on the drawing. Working with landowners to acquire easements.
13. March of the Mayors for 2024 – The ‘March of the Mayors’ event has started. The event lasts through the month of February. The city has set up drop-off points where citizens can drop off a donation of 15-ounce cans of soup.
14. ARPA/GOMESA Projects – The following projects have been assigned to an engineering firm and are currently in the design phase.
 - a. Coon Branch – Chiniche
 - b. Koloa Steet @ Ala Moana – Chiniche
 - c. Lots 7 & 8 – Chiniche
 - d. Kolo Court – Covington
 - e. Turnberry – Covington
 - f. Ahuli Place – Covington
 - g. Kome Drive – Covington
 - h. Kalae Street – Covington
 - i. Hilo Way – West – MP Design
 - j. Hilo Way to Hapuna Place – MP Design
 - k. Hilo Way at Koko Street – MP Design
 - l. Aukai Place/DH Dr East – MP Design
 - m. DH Drive East/Kalani – Covington
 - n. Veterans/Substation – Covington
 - o. Fairway Drive – Covington
 - p. Anahola Place – Covington

15. Detention Ponds – **No change on this project.** I have met with the POA regarding the four ponds on the golf courses identified for dredging to allow for greater stormwater detention. The POA was receptive to the plans provided by the engineer. This project will be scheduled for the first of next year.
16. Noma Drive Walking Trail – **No change on this project.** The work assignment for the engineer is on this agenda for approval. This portion will be the planning phase using Tidelands funds. The city has applied for additional funding for this project with the MS Outdoor Stewardship Grant. This project will create a walking path from Noma Drive to Montjoy Creek.
17. Dog Park – **No change on this project.** The parcel is currently being surveyed to verify a few minor points. The road right of way is being evaluated to determine if it has been dedicated and accepted by the city. The city has started the re-subdivision process. This will be a several month process that will go through P&Z and Council for approval.

Email Request Received

1. Lola Drive and DH Drive North – Councilmember reported algae growth in ditch. A work order was issued to Public Works.
2. 10418 Malahini Place – Water behind home after kayak launch was completed. I am still waiting on DMR to schedule an onsite visit. I reached out to the engineer to get an update on the DMR meeting.
3. Mauna Loa Outfall Ditch – A council member notified me that the major outfall ditch on Mauna Loa is filled with leaves and a few fallen trees. A work order was issued to Public Works.
4. 7830 Hilo Place – Councilmember emailed about a young man pitch branches and a box of other things onto the empty treed lot access the street from our house. This was a public works employee, and the PW Director has addressed it. There was no trash, only tree limbs.
5. Alakoko Place – Councilmember asked about the rear ditch on this property. A work order was issued to Public Works.
6. Alkii Court – Councilmember emailed an anonymous complaint about 30 plus stray cats on Alkii Court. A resident seems to be putting food out for them to eat. The police contracted animal control.

Public Comments on Agenda Items.

William Parrish - Resident Canada Geese on Service Agreement with USDA

Henry Foreman - Safety and Road Striping

Jeff Jassby - Variance Request 7515 Turnberry Drive

Susan Joyce - Variance Request 684 Apona Street

Policy Agenda.

Minutes:

1. Motion to approve the January 17, 2024 Regular Meeting Minutes.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the January 17, 2024 Regular Meeting Minutes.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Tabled Matters:

2. **2023-274:** Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance. (Finley)

NO ACTION TAKEN

3. **2023-408:** Discussion on whether or not donations that were made for the Diamondhead Dog Park Twin Lakes location can be refunded to the donors as it was stated at a prior city council meeting. (Depreo)

NO ACTION TAKEN

Resolutions:

4. **2024-027:** Motion to adopt Resolution 2024-003 authorizing a supplemental grant application to GRPC for Federal Surface Transportation Project Funds through the Transportation Alternative Project (TAP) for additional funding in the amount of \$424,599.60 and for other related purposes including additional matching fund commitment in the amount of \$84,919.92 for the E. Aloha Improvements Phase 2 Project.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2024-003 authorizing a supplemental grant application to GRPC for Federal Surface Transportation Project Funds through the Transportation Alternative Project (TAP) for additional funding in the amount of \$424,599.60 and for other related purposes including additional matching fund commitment in the amount of \$84,919.92 for the E. Aloha Improvements Phase 2 Project.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

5. **2024-030:** Motion to adopt Resolution 2024-004 for Reappointment of Michael Bennett to serve as Planning and Zoning Commissioner.

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to adopt Resolution 2024-004 for Reappointment of Michael Bennett to serve as Planning and Zoning Commissioner.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

6. **2024-038:** Motion to adopt Resolution 2024-005 thereby authorizing the submittal of an amended application to the National Resources Conservation Service (NRCS) for Emergency Watershed Conservation Funding in the amount of \$43,000, federal share \$33,000 and local share \$10,000, for drainage system restoration at Lily Pond, committing matching funds and for other related purposes.

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to adopt Resolution 2024-005 thereby authorizing the submittal of an amended application to the National Resources Conservation Service (NRCS) for Emergency Watershed Conservation Funding in the amount of \$43,000, federal share \$33,000 and local share \$10,000, for drainage system restoration at Lily Pond, committing matching funds and for other related purposes.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Consent Agenda:

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to move from consent agenda item:

- 2024-028:** Motion to approve and enter into Cooperative Service Agreement with United States Department of Agriculture in an amount not to exceed for \$5,000 for wildlife management services as needed for the period January 22,2024 through January 23, 2025.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Motion made by Mayor Depreo, Seconded by Ward 2 Liese to table motion to approve and enter into Cooperative Service Agreement with United States Department of Agriculture in an amount not to exceed for \$5,000 for wildlife management services as needed for the period January 22,2024 through January 23, 2025.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Consent Agenda

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the following consent agenda items:

8. **2024-033:** Motion to enter into agreement with ES&S in the amount of \$4,172.00 for the February 20, 2024 Special Election Run-off for technical support, ballot coding and support and poll book coding and support.
9. **2024-035:** Motion to amend all Federal Programs Master Service Agreements to include Exhibit 1 and Exhibit 2 to comply with Code of Federal Regulations for contracts and/or purchases.
10. **2024-036:** Motion to approve amendment in the amount of \$27,500 to the Master Service Agreement Work Assignment with Chiniche Engineering for Montjoy Creek Trail Project.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Action Agenda.

11. **2024-026:** Motion for discussion and/or action to discuss methods to increase residents' engagement and methods to improve getting information out to residents. (Depreo)

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher for discussion and/or action to discuss methods to increase residents' engagement and methods to improve getting information out to residents.

NO ACTION TAKEN

12. **2024-031:** Motion to concur with the Planning Commission recommendation to allow Word and Robin Johnston a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool screen enclosure within 10' of the rear property line. The property address is 7515 Turnberry Drive. The tax parcel number is 067N-1-35-002.000 and is in a R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 10'. The Case File Number is 202300543.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to concur with the Planning Commission recommendation to allow Word and Robin Johnston a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool screen enclosure within 10' of the rear property line. The property address is 7515 Turnberry Drive. The tax parcel number is 067N-1-35-002.000 and is in a R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 10'. The Case File Number is 202300543.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

13. **2024-032:** Susan Joyce has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 5' of the rear property line. The property address is 684 Apona Street. The tax parcel number is 131A-0-04-067.000 and is in a R-2 zoning district. The rear yard setback is 10'. The variance requested for the accessory structure is 5'. The Case File Number is 202300565. The Planning Commission voted 3-3 resulting in no recommendation to the Council.

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley to approve the application filed by Susan Joyce requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 5' of the rear property line. The property address is 684 Apona Street. The tax parcel number is 131A-0-04-067.000 and is in a R-2 zoning district. The rear yard setback is 10'. The variance requested for the accessory structure is 5'. The Case File Number is 202300565. The Planning Commission voted 3-3 resulting in no recommendation to the Council.

Voting Yea: Mayor Depreo

Voting Nay: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION FAILED

- 14. 2024-034:** Motion to direct the City Manager to provide a presentation regarding new projects prior to their commencement at the City Council Meeting immediately following the official notification of affected residents, at which time, meeting rules are to be suspended to allow for a questions and answer session with meeting attendees, the parameters of which are to be set forth by the council prior to the first presentation of this kind. (Liese)

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to direct the City Manager to provide a presentation regarding new projects prior to their commencement at the City Council Meeting immediately following the official notification of affected residents, at which time, meeting rules are to be suspended to allow for a questions and answer session with meeting attendees, the parameters of which are to be set forth by the council prior to the first presentation of this kind.

Voting Yea: Councilmember-At-Large Maher, Ward 2 Liese, Ward 3 Cumberland

Voting Nay: Mayor Depreo, Ward 1 Finley

MOTION CARRIED

- 15. 2024-038:** Motion to concur with the Planning Commission recommendation to deny Susan Muth request for a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line. The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000 and is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to concur with the Planning Commission recommendation to deny Susan Muth request for a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line. The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000 and is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

Voting Nay: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION FAILED

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to approve Susan Muth request for a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line. The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000 and is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

- 16. Motion to approve Docket of Claims (DKT231422 - DKT231466) in the amount of \$72,651.69.

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to approve Docket of Claims (DKT231422 - DKT231466) in the amount of \$72,651.69.

Voting Yea: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

Voting Nay: Mayor Depreo

MOTION CARRIED

- 17. Motion to approve Payroll Payables PRCLAIM01084 in the amount of \$30,306.66, PRCLAIM01085 in the amount of \$30,368.76, PRCLAIM01086 in the amount of \$2,717.26 and Docket of Claims DKT231412-DKT231421 in the amount \$49,899.09.

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to approve Payroll Payables PRCLAIM01084 in the amount of \$30,306.66, PRCLAIM01085 in the amount of \$30,368.76, PRCLAIM01086 in the amount of \$2,717.26 and Docket of Claims DKT231412-DKT231421 in the amount \$49,899.09.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Department Reports

- a. December 2023 Financials

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to approve the December 2023 Financials.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items - None

Adjourn/Recess.

At 7:48 p.m. with no further business to come before the Council, motion made by Ward 1 Finley, Seconded by Ward 2 Liese to adjourn.

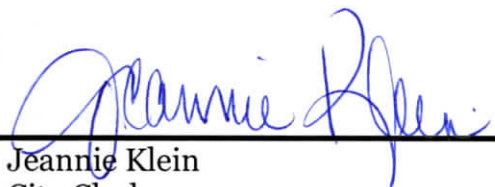
Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY



 Nancy Depreo
 Mayor





 Jeannie Klein
 City Clerk