

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, JANUARY 24, 2018

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘E, KAUA‘I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. December 6, 2017 Council Meeting
2. December 6, 2017 Public Hearing re: Bill No. 2673 and Bill No. 2674
3. January 10, 2018 Public Hearing re: Bill No. 2677

E. CONSENT CALENDAR:

1. [C 2018-17](#) Communication (12/06/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Dean A. Toyofuku to the Board of Ethics – Term ending 12/31/2020. (*See Resolution No. 2018-02*)
2. [C 2018-18](#) Communication (01/04/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding C 2018-16, a License Agreement between the County of Kaua‘i and Grove Farm Company, Inc., for the 800 MHz radio site located at Tax Map Key (TMK) No. (4) 3-8-002-005, Kalepa Ridge, Kaua‘i, Hawai‘i, for emergency communications for the County of Kaua‘i, as he is employed by Grove Farm Company, Inc.
3. [C 2018-19](#) Communication (01/05/2018) from Council Vice Chair Kagawa, transmitting for Council consideration, a Resolution Proposing A Charter Amendment Relating To Term Limits For Councilmembers. (*See Resolution No. 2018-03*)

4. [C 2018-20](#) Communication (01/12/2018) from the Mayor, transmitting for Council consideration, a Resolution Inviting The City Of Davao, Republic Of The Philippines, To Enter Into A Sister-City Relationship With The County Of Kaua'i, State Of Hawai'i, United States of America. (*See Resolution No. 2018-04*)

F. COMMUNICATIONS:

1. [C 2018-21](#) Communication (01/03/2018) from the Director of Economic Development, requesting Council approval, to apply for, receive, and expend funds, in the amount of \$70,000.00, and indemnify the Hawai'i Tourism Authority, to provide technical assistance for the revised Community Enrichment Program (CEP), the Aloha 'Aina Program, and the Kukulu Ola Program, to include, but not be limited to, technical and non-substantive guidance for Kaua'i's applicants wanting to respond to a Request for Proposals (RFP); assist in the promotion of the programs; identify and recruit new applicants; provide a work plan for evaluation of the programs including timelines; provide final evaluations for each event or project and provide monthly evaluation reports; and complete final reports.

2. [C 2018-22](#) Communication (01/04/2018) from the Chief of Police, requesting Council approval, to accept non-recurring, no-match grant funds from the Hawai'i State Attorney General's Office, Hawai'i Criminal Justice Data Center (HCJDC), in the amount of \$36,670.00, to compensate the County for the following expenses:
 - Scanning and digitizing backlogged firearms documents in the Record Management System (RMS);
 - Implementing customized data elements into the RMS to capture required state and county firearms information and convert firearms records from the legal RMS into the current RMS including developing a Statewide Firearms Registration form and delivering that information electronically; and
 - Procuring a server to enable the implementation of a two-way interface between the Kaua'i Police Department's RMS and the Hawai'i Integrated Justice Information Sharing (HIJIS) Program to facilitate the sharing of Kaua'i County's firearms information with the entire state.

3. [C 2018-23](#) Communication (01/04/2018) from the Director of Finance, requesting Council approval of the indemnification provisions contained within Equipment Lease Agreement No. 2951 and the County of Kaua'i Equipment Lease Rider documents made between the County of Kaua'i and Bank of Hawai'i, to rent various equipment.

4. [C 2018-24](#) Communication (01/10/2018) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to allow for construction of Additional Rental Units within the Residential Zoning District. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2018-2); Director's Report; and Supplement to the Director's Report #1, on file in the Office of the County Clerk.)*
(See Proposed Draft Bill (No. 2686))

5. [C 2018-25](#) Communication (01/12/2018) from Councilmember Brun, transmitting for Council consideration, a Bill For An Ordinance To Amend Chapter 8, Section 8-2.1(A) And Section 8-4.2(A), And Chapter 10, Section 10-5a.7(A), Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance And Lihu'e Town Core Urban Design District, to allow additional density of housing units within the Special Planning Area "D" ("SPA-D"), also known as the "Rice Street Neighborhood Design District", included in the Lihu'e Town Core Urban Design District, by increasing the upper limit of the Residential Zoning designation for the Rice Street Neighborhood Design District from R-20 to R-40. ***(See Proposed Draft Bill (No. 2687))***

6. [C 2018-26](#) Communication (01/12/2018) from the County Attorney, requesting Council authorization to expend additional funds up to \$100,000.00 in funds from the Claims and Judgments account in relation to the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and the County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters.

G. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2018-01:** on PWPR 2018-02 Communication (01/10/2018) from Council Chair Rapozo, requesting the presence of the Director of Parks & Recreation, to provide an update regarding the Department of Parks & Recreation's Fiscal Year 2018 priorities and the repair and maintenance program. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-02:** on BF 2018-01 Communication (12/28/2017) from Council Vice Chair Kagawa, requesting the presence of the Director of Finance and Assistant Chief Procurement Officer / Budget Chief, to provide a briefing on Finding No. 2017-001 of the Management Advisory Report for the Fiscal Year Ended June 30, 2017 and the County's Corrective Action Plan to improve internal controls over pCard purchases based on the audit finding. **[Received for the Record.]**

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2018-01:** on Bill No. 2677 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2017 AND JUNE 30, 2021 **[Approved as Amended.]**

H. RESOLUTIONS:

1. [Resolution No. 2018-02](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Dean A. Toyofuku*)
2. [Resolution No. 2018-03](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS
3. [Resolution No. 2018-04](#) – RESOLUTION INVITING THE CITY OF DAVAO, REPUBLIC OF THE PHILIPPINES, TO ENTER INTO A SISTER-CITY RELATIONSHIP WITH THE COUNTY OF KAUA'I, STATE OF HAWAII, UNITED STATES OF AMERICA

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2660\)](#) – A BILL FOR AN ORDINANCE TO AMEND THE KAUA'I COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit*)

2. [Proposed Draft Bill \(No. 2686\)](#) – A BILL FOR AN ORDINANCE TO AMEND THE KAUA‘I COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*)

3. [Proposed Draft Bill \(No. 2687\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8-2.1(A) AND SECTION 8-4.2(A), AND CHAPTER 10, SECTION 10-5A.7(A), KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE AND LIHU‘E TOWN CORE URBAN DESIGN DISTRICT

J. BILL FOR SECOND READING:

1. [Bill No. 2677, Draft 1](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2017 AND JUNE 30, 2021 (*See also CR-COW 2018-01; the Committee of the Whole recommended approval as amended to Bill No. 2677, Draft 1 on January 18, 2018.*)

K. EXECUTIVE SESSION: Pursuant to Hawai‘i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (*Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.*)

1. ES-938 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and County of Kaua‘i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

M. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed at the Office of the County Clerk as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Resolution No. 2017-74](#) – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3
2. [Bill No. 2678](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kapa'a Armory & Hanalei Substation Roof Repairs - \$550,000.00*)
3. [Bill No. 2679](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX
4. [Bill No. 2680](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX
5. [Bill No. 2681](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER FUND (*Sewer Line Emergency/Equipment Repairs - \$712,000.00*)

N. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

***TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.**