

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JANUARY 27, 2016
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'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 2, 2015 Council Meeting
2. December 16, 2015 Public Hearing re: Bill No. 2607 and Bill No. 2608
3. January 6, 2016 Special Council Meeting

E. INTERVIEW:

1. FIRE COMMISSION:

- Sharron Weber – Partial Term ending 12/31/2016

2. PLANNING COMMISSION:

- Glenda Y. Nogami Streufert (At-Large) – Term ending 12/31/2018

F. CONSENT CALENDAR:

1. [C 2016-01](#) Communication (12/07/2015) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2015-2016, pursuant to Section 17 of Ordinance No. B-2015-796, the Operating Budget of the County of Kaua'i for Fiscal Year 2015-2016. *(See also CR-BF 2016-03; the Budget & Finance Committee recommended C 2016-01 be Received for the Record on January 21, 2016.)*
2. [C 2016-18](#) Communication (12/31/2015) from the Mayor, transmitting for Council consideration and confirmation, Mayoral reappointment of Wallace G. Rezentes, Jr., to the Board of Water Supply – Term ending 12/31/2018. *(See Resolution No. 2016-18)*

3. [C 2016-19](#) Communication (01/04/2016) from the Office of the County Auditor, transmitting for Council information, the [Comprehensive Annual Financial Report \(CAFR\)](#), [Single Audit Reports](#), and [Management Advisory Report](#) for the Fiscal Year Ended June 30, 2015. (*Copies of the CAFR, Single Audit Reports, and Management Advisory Report on file in the County Clerk's Office.*)
4. [C 2016-20](#) Communication (01/11/2016) from the Director of Finance, transmitting for Council information, the Schedule of Fund Balances for the Fiscal Year Ended June 30, 2015.
5. [C 2016-21](#) Communication (01/12/2016) from the County Attorney, transmitting for Council information, that Quarterly Report on Settled Claims against the County of Kaua'i from October 1, 2015 through December 31, 2015.
6. [C 2016-22](#) Communication (01/20/2016) from Councilmember Chock and Councilmember Hooser, transmitting for Council consideration, a proposed draft Bill to amend Chapter 5A, Article 11A of the Kaua'i County Code 1987, as amended, by adding a new Section 5A-11A.3, relating to an Assessment Cap, which implements an Assessment Cap for owner-occupied properties and long term affordable rentals, and would cap any increase or decrease to real property tax assessments in any one year to not more than three percent (3%). (***See Proposed Draft Bill (No. 2615)***)

G. COMMUNICATIONS:

1. [C 2016-23](#) Communication (12/21/2015) from Council Chair Rapozo, requesting the presence of the Office of the County Auditor, the Director of Finance, and representatives from N&K CPAs, Inc., to discuss the Comprehensive Annual Financial Report (CAFR), Single Audit Reports, and Management Advisory Report for the Fiscal Year Ended June 30, 2015.
2. [C 2016-24](#) Communication (12/29/2015) from the Director of Parks & Recreation, requesting Council approval to accept a donation of exercise equipment (a Bowflex Extreme 2SE Gym) valued at \$1,600, from Rick Steenblik, for use at the Kalāheo Neighborhood Center workout room.
3. [C 2016-25](#) Communication (01/05/2016) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association, valued at \$35,757.09, of the following:
 - Four (4) solar-powered public address (PA) systems, one each for Hā'ena Beach Park, Hanalei Pavilion, Po'ipū Beach Park, and MacArthur Park;
 - Ten (10) rugged, high-quality, waterproof Kestrel Megaphones for use at six (6) other lifeguard towers; and
 - Four (4) jet-skis.

4. [C 2016-26](#) Communication (01/08/2016) from the Life's Choices Kaua'i Coordinator, requesting Council approval to apply for, receive, and expend funding from the State of Hawai'i Department of Health, Alcohol and Drug Abuse Division, Prevention Branch, in the amount of \$110,000 per year for a period of three (3) years, beginning April 2016, for the Substance Abuse Prevention System – Partnership for Success Grant. The mission of the project is to improve the prevention infrastructure by promoting alignment and collaboration of prevention resources and priorities.

H. LEGAL DOCUMENT:

1. [C 2016-27](#) Communication (01/15/2016) from the County Engineer, recommending Council approval of a Conveyance of Easement "F," Kalapakī, Līhu'e, Kaua'i, Tax Map Key (TMK) (4) 3-6-003-072, by Līhu'e Court Townhomes Corporation, a non-profit Hawai'i corporation, of a right-of-way easement necessary for construction of and public access to the Hoala Street to Rice Street Shared Use Path, a Community Development Block Grant (CDBG) funded project, for pedestrian and bicycle access to Līhu'e Court Townhomes, Rice Camp Senior Housing and the area around Hoala Street.

- Dedication of Easement

I. CLAIM:

1. [C 2016-28](#) Communication (01/08/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joshua Rowray, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-01:** on PWPR 2016-01 Communication (12/08/2015) from Councilmember Yukimura, requesting the presence of the Director of Parks & Recreation, to provide a briefing regarding the Department of Parks & Recreation's parks maintenance plan. **[Received for the Record.]**

- b. **CR-PWPR 2016-02:** on PWPR 2016-02 Communication (01/11/2016) from Committee Chair Kagawa, requesting the presence of the County Engineer, to provide a briefing on the Transportation Investment Generating Economic Recovery (TIGER) Grant, including, but not limited to, the scope of each project and the specific plan to close two lanes on Rice Street in Līhu'e. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2016-03:** on C 2016-01 Communication (12/07/2015) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2015-2016, pursuant to Section 17 of Ordinance No. B-2015-796, the Operating Budget of the County of Kaua'i for Fiscal Year 2015-2016. **[Received for the Record.]**

K. RESOLUTIONS:

1. [Resolution No. 2016-13](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Louis E. Abrams – Business*) (**Deferred January 13, 2016**)
2. [Resolution No. 2016-15](#) – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Theodore Kawahinehelelani Blake – Kōloa – Po'ipū – Kalāheo*) (**Deferred January 13, 2016**)
3. [Resolution No. 2016-18](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF WATER SUPPLY (*Wallace G. Rezentos, Jr.*)

L. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2615\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 11A, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 5A-11A.3, RELATING TO AN ASSESSMENT CAP

M. 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 in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-829 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(E) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters. The 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.
(Deferred January 13, 2016)
2. ES-832 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(e), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.

- O. 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 in the County Clerk's Office 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. [Bill No. 2601](#) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-15.1(d), KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS
2. [Bill No. 2611](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Hanalei Baseyard Fuel Tank Project – \$40,000*)

- P. PUBLIC HEARING NOTE: The Public Hearing is scheduled for 5:00 p.m. on January 27, 2016. *[*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 in the County Clerk's Office 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.]*

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1. [Bill No. 2610](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI

- Q. 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, LĪHUʻE, 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.