

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, FEBRUARY 7, 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 20, 2017 Council Meeting
2. December 20, 2017 Public Hearing re: Bill No. 2676
3. January 10, 2018 Council Meeting
4. January 24, 2018 Public Hearing re: Resolution No. 2017-74, Bill No. 2678, Bill No. 2679, Bill No. 2680, and Bill No. 2681

E. CONSENT CALENDAR:

1. [C 2018-27](#) Communication (01/09/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing Crosswalks On Mahea Road And Mehana Road; Establishing Stop Signs On Mehana Road, And Repealing A Stop Sign On Mahea Road, County of Kaua‘i. **(See Resolution No. 2018-05)**
2. [C 2018-28](#) Communication (01/16/2018) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua‘i from October 1, 2017 through December 31, 2017.

3. [C 2018-29](#) Communication (01/19/2018) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2017-2018, pursuant to Section 17 of Ordinance No. B-2017-821, the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018.
4. [C 2018-30](#) Communication (01/23/2018) from Councilmember Kawakami, providing written disclosure of a possible conflict of interest and recusal relating to C 2018-25 and Bill No. 2687 as this Bill would increase residential density in the Lihu'e Town Core Urban Design District, and his business, Commercial Properties Limited, has properties for lease on Rice Street in Lihu'e; in addition, he is also a stockholder and boardmember of Ha'upu Associates (aka Rice Shopping Center).
5. [C 2018-31](#) Communication (01/31/2018) from Councilmember Yukimura, transmitting for Council consideration, a Resolution Urging The United States To Conduct Diplomatic Talks With North Korea, With The Goal Of Signing A Peace Treaty. **(See Resolution No. 2018-06)**

F. COMMUNICATIONS:

1. [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. *(See CR-BF 2018-03; the Budget & Finance Committee recommended approval on January 31, 2018.)*
2. [C 2018-32](#) Communication (01/04/2018) from the Housing Director, requesting Council approval to decline the repurchase of property located at 5047 Kula Road, Kapa'a, Hawai'i, Tax Map Key (TMK) No. (4) 4-1-013-023, and grant the owner a one-year waiver of the buyback provision to allow for the market sale of the property by the owner.

3. [C 2018-33](#) Communication (01/05/2018) from the Fire Chief, requesting Council approval, to accept a donation from the Kauaʻi Lifeguard Association (KLA), of one (1) 2018 Honda All-Terrain Vehicle (ATV), valued at \$7,956.31, which will be utilized by the Ocean Safety Lifeguards at the Pinetrees Tower in Hanalei.

4. [C 2018-34](#) Communication (01/10/2018) from the Chief of Police, requesting Council approval, to purchase the following non-budgeted items with unexpended funds from the Kauaʻi Police Department Operating Budget for Fiscal Year 2017-2018, Regular Salaries, Account No. 001-1001-551.01-01 for the following:
 1. Fifteen (15) new marked Ford Explorer patrol vehicles (Each new patrol vehicle costs about \$55,000.00 to \$58,000.00, but proposing to lease the vehicles at a cost of \$180,000.00 a year.);
 2. Correction facility designed bunkbeds for the cellblock (\$35,000.00);
 3. Conversion of a holding cell into a padded holding cell (\$35,000.00);
 4. X-Ray inspection station for the cellblock (\$35,000.00);
 5. One (1) full-sized vehicle to be used as a crime scene response vehicle (\$60,000.00);
 6. Eighteen (18) ballistic vests for the Special Response Team members (\$53,000.00);
 7. Programmable logic controller and integration hardware system (\$60,000.00); and
 8. Ten (10) Police Portable Radios / APEX Model (\$44,000.00).

5. [C 2018-35](#) Communication (01/10/2018) from the Chief of Police, requesting Council approval to accept and utilize a vehicle forfeited through the Asset Forfeiture Program, which will replace a previously disposed of vehicle (a Silver 2001 Toyota Camry) that was assigned to the Vice Section and used for law enforcement purposes.

6. [C 2018-36](#) Communication (01/16/2018) from the Fire Chief, requesting Council approval to accept a donation from the Kauaʻi Lifeguard Association (KLA), of one (1) State-of-the-Art Surveyor Jr. Lifeguard Tower, valued at \$31,561.00, which will be placed at Poʻipū Beach Park to help eliminate the underlying issues that were discussed at the Kauaʻi County Council Meeting on January 10, 2018.

7. [C 2018-37](#) Communication (01/22/2018) from the Director of the Department of Liquor Control, transmitting proposed amendments to Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Liquor Fund, to fund the purchase of radio equipment to provide the Liquor Control Investigators the ability to monitor Kaua'i Police Department's (KPD) frequency, which was previously available but was removed when KPD's radios were upgraded. *(Department of Liquor Control – Radio Equipment - \$26,000)*
(See Proposed Draft Bill (No. 2688))

8. [C 2018-38](#) Communication (01/25/2018) from the Director of Parks and Recreation, transmitting for Council consideration, proposed amendments to Chapter 23, Section 23-3.1, Kaua'i County Code 1987, as amended, relating to Peddling at County Parks, Playgrounds, Other Facilities, and Beaches. *(See Proposed Draft Bill (No. 2689))*

9. [C 2018-39](#) Communication (01/26/2018) from the Executive on Transportation, requesting Council approval to release and indemnify G.N. Wilcox Health Properties, Inc. per acceptance of the indemnification language contained in Grant of Easement Document.

G. CLAIM:

1. [C 2018-40](#) Communication (01/16/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Richard C. Arruda, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

COMMITTEE REPORT:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2018-02:** on PWPR 2018-03 Communication (01/24/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing on the status of the Lopaka Paipa Boulevard connector road to Ala Kalanikaumaka Street via the Kōloa Estates Subdivision. **[Received for the Record.]**

- b. **CR-PWPR 2018-03:** on PWPR 2018-01 Communication (01/04/2018) from Council Chair Rapozo, requesting the presence of the Managing Director, to provide a briefing on the Administration's space planning efforts for County facilities. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-03:** on 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. **[Approved.]**
- b. **CR-BF 2018-04:** on Resolution No. 2017-74 RESOLUTION DETERMINING THE COUNTY OF KAUA'I FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3 **[Received for the Record.]**
- c. **CR-BF 2018-05:** on Bill No. 2679 A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX **[Received for the Record.]**
- d. **CR-BF 2018-06:** on 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 KAUA'I, 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*) **[Approved.]**

e. CR-BF 2018-07: on 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 **[Received for the Record.]**

f. CR-BF 2018-08: on 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*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2017-74](#) – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3 (*See CR-BF 2018-04; the Budget & Finance Committee recommended Resolution No. 2017-74 be received for the record on January 31, 2018.*)

2. [Resolution No. 2018-05](#) – RESOLUTION ESTABLISHING CROSSWALKS ON MAHEA ROAD AND MEHANA ROAD; ESTABLISHING STOP SIGNS ON MEHANA ROAD, AND REPEALING A STOP SIGN ON MAHEA ROAD, COUNTY OF KAUAI

3. [Resolution No. 2018-06](#) – RESOLUTION URGING THE UNITED STATES TO CONDUCT DIPLOMATIC TALKS WITH NORTH KOREA, WITH THE GOAL OF SIGNING A PEACE TREATY

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2688\)](#) – 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 IN THE LIQUOR FUND (*Department of Liquor Control – Radio Equipment - \$26,000*)

2. [Proposed Draft Bill \(No. 2689\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-3.1, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLING AT COUNTY PARKS, PLAYGROUNDS, OTHER FACILITIES, AND BEACHES

K. BILLS FOR SECOND READING:

1. [Bill No. 2666, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUA‘I (ZA-2017-3) (*The Planning Committee Approved Bill No. 2666, Draft 1 with amendments made to the General Plan Update Booklet (Kaua‘i Kākou – Kaua‘i County General Plan (Planning Commission Draft (June 2017)) and Appendices), as amended by the Planning Committee December 13-14, 2017 and January 25, 2018, as referenced in Bill No. 2666, Draft 1.*)

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 KAUA‘I, STATE OF HAWAI‘I, 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*) (*See CR-BF 2018-06; the Budget & Finance Committee recommended approval on second and final reading.*)

3. [Bill No. 2679](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX (*See CR-BF 2018-05; the Budget & Finance Committee recommended Bill No. 2679 be received for the record.*)

4. [Bill No. 2680](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX (*See CR-BF 2018-07; the Budget & Finance Committee recommended Bill No. 2680 be received for the record.*)

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 KAUA‘I, STATE OF HAWAI‘I, 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*) (*See CR-BF 2018-08; the Budget & Finance committee recommended approval on second and final reading.*)

L. 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-939 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 consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-940 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing regarding Charles A. Rapozo vs. County of Kaua'i, et al., Civil No. 17-1-000136 (KNAW) (Fifth Circuit Court), 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.
3. ES-941 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing regarding the First Amendment to Agreement to Finalize Consolidation and Resub-division for properties identified as Tax Map Key No.(s) (4) 5-5-001:002, 033, 034 and 049, 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.

M. ADJOURNMENT.

N. 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. [Bill No. 2682](#) – 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 (*Parks & Recreation Improvements (Operating Budget)*)
2. [Bill No. 2683](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL 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-CIP (*Parks & Recreation Improvements (CIP Budget)*)
3. [Bill No. 2684](#) – 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 HIGHWAY FUND (*Maluhia, Kōloa, and Olohena Collector Roads (Operating Budget)*)
4. [Bill No. 2685](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL 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 HIGHWAY FUND-CIP (*Maluhia, Kōloa, and Olohena Collector Roads (CIP Budget)*)

O. 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, LĪHU‘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.**