

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, FEBRUARY 21, 2018

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. January 24, 2018 Council Meeting

E. INTERVIEW:

1. POLICE COMMISSION:

- [Jonelle L. Jardin](#) – Term ending 12/31/2020

F. CONSENT CALENDAR:

1. [C 2018-41](#) Communication (01/30/2018) from the Director of Finance, transmitting for Council information, the Periods 1 through 5 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of November 30, 2017, pursuant to Section 21 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2017-2018. *(Copies of Periods 1 through 5 Financial Reports as of November 30, 2017 on file in the Office of the County Clerk.)*
2. [C 2018-42](#) Communicatin (02/05/2018) from Councilmember Yukimura, transmitting for Council consideration, a Resolution Amending Resolution No. 2017-02 And Resolution No. 2017-51, Relating To The Rules Of The Council Of The County Of Kauaʻi For The Organization Of Committees And The Transaction Of Business. *(See Resolution No. 2018-07)*

3. [C 2018-43](#) Communication (02/13/2018) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Opposing The Change Of Public, Education, And Governmental Programming Channel Numbers By Spectrum. (***See Resolution No. 2018-08***)

G. COMMUNICATIONS:

1. [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. (*See CR-CAVS 2018-01; the Community Assistance & Veterans Services Committee on February 14, 2018, referred C 2018-32 to the February 21, 2018 Council Meeting with an Executive Session briefing.*)
2. [C 2018-44](#) Communication (01/22/2018) from the Chief of Police, requesting Council approval to receive and expend Federal funds for the Sexual Assault Nurse Examiner (SANE) Exams and Supportive Funding and DNA Analysis programs, in the amount of \$48,462.00, which will be used to continue law enforcement efforts to assist in sexual assault investigations and crimes through agency collaboration, and approval to indemnify the State of Hawai'i Department of Attorney General for the term commencing November 1, 2017 to June 30, 2018.
3. [C 2018-45](#) Communication (01/29/2018) 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, Relating to the Comprehensive Zoning Ordinance, to provide a process for existing farm worker housing to obtain "farm worker housing use permits." (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2018-4) and the January 23, 2018 Director's Report, on file in the Office of the County Clerk.*) (***See Proposed Draft Bill (No. 2675)***)
4. [C 2018-46](#) Communication (01/31/2018) from the Executive on Aging, requesting Council approval to apply for, receive, and expend grant funding awarded by the Corporation for National and Community Service to the County of Kaua'i, Agency on Elderly Affairs, Kaua'i Retired and Senior Volunteer Program (RSVP) from April 1, 2018 to March 31, 2021, in the amount of \$62,847.00 with carry-over funds from the previous year of \$4,000.00 for a total of \$66,847.00, to assist Kaua'i RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. Chapter 22).

5. [C 2018-47](#) Communication (01/31/2018) from the Executive on Aging, requesting Council approval, to apply for, receive, and expend funds, in the amount of \$138,184.00, and to indemnify the State Executive Office on Aging for the Healthy Aging Contract for 2018, which will be used towards EnhanceFitness and Better Choices Better Health workshops, commencing January 2, 2018 through December 31, 2018.
6. [C 2018-48](#) Communication (02/02/2018) from the Acting County Engineer, requesting Council approval, to apply for, receive, and expend State grant funds, in the amount of \$45,000.00, to be used by the Department of Public Works, Solid Waste Division, to support Electronic Waste Recycling for this Fiscal Year, approval is also requested to indemnify the State Department of Health.
7. [C 2018-49](#) Communication (02/05/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$236,000.00, from the State of Hawai'i Department of Agriculture (HDOA), for the survey of irrigation pipeline easements, engineering and design, irrigation supplies, and installation of the irrigation system pipeline for the Kīlauea Community Agriculture Center.
8. [C 2018-50](#) Communication (02/05/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$25,000.00, from the State Department of Labor and Industrial Relations (DLIR), to work with the Department of Education (DOE) – Natural Resources Pathway and Future Farmers of America (FFA) programs at Kaua'i, Kapa'a, and Waimea High Schools in providing summer internship programs for students to work on Kaua'i farms, ranches, and agriculture-related businesses.
9. [C 2018-51](#) Communication (02/06/2018) from the Director of Finance, transmitting for Council consideration, proposed emergency ordinance amendments to the Fiscal Year 2017-2018 Operating and CIP Budgets, to increase funding to complete permanent repairs to the Pua Nani Street storm drain. (***See Proposed Draft Bill (No. 2691) and Proposed Draft Bill (No. 2692)***)
10. [C 2018-52](#) Communication (02/06/2018) from Council Chair Rapozo, transmitting for Council consideration, a proposal to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to additional dwelling units on other than residentially zoned lots. (***See Proposed Draft Bill (No. 2693)***)

11. [C 2018-53](#) Communication (02/09/2018) from Councilmember Chock, requesting Council consideration, for the public release of the following County Attorney opinion relating to Tax Increment Financing:

- County Attorney Opinion dated February 2, 2018 (Tracking No. 18-0059)

H. CLAIMS:

1. [C 2018-54](#) Communication (01/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Taytralyn Nuivo, for loss of wages and related personal expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2018-55](#) Communication (02/08/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance as subrogee for Amanda Mixon, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE:

a. **CR-CAVS 2018-01:** on 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. **[Referred to the February 21, 2018 Council Meeting with an Executive Session briefing.]**

2. BUDGET & FINANCE COMMITTEE:**a. CR-BF 2018-09:** on 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)*)
[Approved.]

b. CR-BF 2018-10: on 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)*)
[Approved.]

c. CR-BF 2018-11: on 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)*)
[Approved as Amended.]

d. CR-BF 2018-12: on 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 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-CIP (*Parks & Recreation Improvements (CIP Budget)*)
[Approved.]

J. RESOLUTIONS:

1. [Resolution No. 2018-07](#) – RESOLUTION AMENDING RESOLUTION NO. 2017-02 AND RESOLUTION NO. 2017-51, RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

2. [Resolution No. 2018-08](#) – RESOLUTION OPPOSING THE CHANGE OF PUBLIC, EDUCATION, AND GOVERNMENTAL PROGRAMMING CHANNEL NUMBERS BY SPECTRUM

K. EMERGENCY BILLS:

1. [Proposed Draft Bill \(No. 2691\)](#) – AN EMERGENCY 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 AND HIGHWAY FUND (*Pua Nani Road Drain Repair – Operating Budget*)

2. [Proposed Draft Bill \(No. 2692\)](#) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL 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 HIGHWAY FUND-CIP (*Pua Nani Road Drain Repair – CIP Budget*)

L. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2675\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Farm Worker Housing Use Permits*)

2. [Proposed Draft Bill \(No. 2693\)](#) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-15.1(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS

M. BILLS FOR SECOND READING:

1. [Bill No. 2682, Draft 1](#) – 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)*) (See CR-BF 2018-11; the Budget & Finance Committee recommended approval as amended to Bill No. 2682, Draft 1 on February 14, 2018.)

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)*) (See CR-BF 2018-12; the Budget & Finance Committee recommended approval on second and final reading.)

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)*) (See CR-BF 2018-09; the Budget & Finance Committee recommended approval on second and final reading.)

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 KAUA‘I, 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)*) (*See CR-BF 2018-10; the Budget & Finance Committee recommended approval on second and final reading.*)

N. 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. ***(Deferred February 7, 2018)***

2. ES-942 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) & (8), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council requests an executive session to provide a briefing on the Communication dated January 4, 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, 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; and or to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law.

O. ADJOURNMENT.

- P. 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. 2018-03](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS
2. [Bill No. 2686](#) – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*)

- 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, 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.**