

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 28, 2018
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. February 21, 2018 Council Meeting
2. March 14, 2018 Public Hearing re: Bill No. 2688 and Bill No. 2689

E. INTERVIEW:

1. PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES
PRESERVATION FUND COMMISSION:

- [Erica Jolie Anuheia Taniguchi \(Anahola – Hā‘ena\) – Term ending 12/31/2020](#)

F. CONSENT CALENDAR:

1. [C 2018-82](#) Communication (02/12/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Charles P. Stack to the Charter Review Commission – Partial Term ending 12/31/2019. (**See Resolution No. 2018-15**)

G. COMMUNICATIONS:

1. [C 2018-83](#) Communication (02/22/2018) from the Chief of Police, requesting Council approval to accept Hawai‘i High Intensity Drug Trafficking Area (HIDTA) discretionary funding from the Office of National Drug Control Policy, in the amount of \$147,000.00, to be used in obtaining technical communication/wireless equipment.

2. [C 2018-84](#) Communication (3/16/2018) from Council Chair Rapozo and Council Vice Chair Kagawa, transmitting for Council consideration, proposals to amend the Fiscal Year 2018 Operating and Capital Improvement Projects Budgets to fund the acquisition of a coastal property located at Tax Map Key (TMK) No. (4) 5-5-001:002 (por.) in Hanalei at a cost of \$5,600,000.00, utilizing funds from the Public Access, Open Space, Natural Resources Preservation Fund account. (***See Proposed Draft Bill (No. 2701) and Proposed Draft Bill (No. 2702)***)
3. [C 2018-85](#) Communication (03/21/2018) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Kaua'i County Code 1987, As Amended, Relating To Taxicabs. (***See Proposed Draft Bill (No. 2703)***)
4. [C 2018-86](#) Communication (03/21/2018) from the Office of the County Attorney, on behalf of the Council, requests authority to approve settlement regarding the claim filed by Troy K. Tanigawa, Department of Public Works, and related matters.

H. LEGAL DOCUMENT:

1. [C 2018-87](#) Communication (03/16/2018) from the County Attorney, recommending Council approval of the following:
 - Warranty Deed from the Apartment Owners of the Villas at Puali, conveying a roadway lot (Lot 1854) Tax Map Key (TMK) No. (4) 3-3-003:039 (por.), Līhu'e, Kaua'i, Hawai'i, for roadway purpose;
 - Grant of Easements from the Association of Apartment Owners of the Villas at Puali, conveying easements to the County of Kaua'i, Tax Map Key (TMK) No. (4) 3-3-003:039 (por.), Līhu'e, Kaua'i, Hawai'i for access and utility purposes, a bus stop, and drainage purposes;
 - Grant of Easements from Grove Farm Properties, Inc., conveying easements to the County of Kaua'i, Tax Map Key (TMK) No. (4) 3-3-018:009, Līhu'e, Kaua'i, Hawai'i, for access, utility, and drainage purposes.

I. CLAIMS:

1. [C 2018-88](#) Communication (03/16/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Andrea Laymon Turner, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2018-89](#) Communication (03/22/2018) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Troy K. Tanigawa, for reimbursement of attorney's fees / expenses, pursuant to Section 23.05 and/or 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2018-05:** on Bill No. 2689 A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-3.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLING AT COUNTY PARKS, PLAYGROUNDS, OTHER FACILITIES, AND BEACHES **[Approved.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-13:** on BF 2018-13 Communication (03/02/2018) from Committee Chair Kaneshiro, requesting the presence of the Director of Finance, to address the issues causing lengthy wait times at the County's Treasury Division, Motor Vehicle Section, how the Administration is/will be addressing this situation, and what members of the public can do to avoid the lengthy wait. **[Received for the Record.]**

- b. **CR-BF 2018-14:** on 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 - \$35,000*) **[Approved.]**

K. RESOLUTION:

1. [Resolution No. 2018-15](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Charles P. Stack*)

L. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2701\)](#) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanalei Coastal Property Acquisition (Operating Budget) – \$5,600,000.00*)

2. [Proposed Draft Bill \(No. 2702\)](#) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanalei Coastal Property Acquisition (CIP Budget) – \$5,600,000.00*)

3. [Proposed Draft Bill \(No. 2703\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS

M. BILLS FOR SECOND READING:

1. [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 - \$35,000*) (*See CR-BF 2018-14; the Budget & Finance Committee recommended approval on second and final reading.*)

2. [Bill No. 2689](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-3.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLING AT COUNTY PARKS, PLAYGROUNDS, OTHER FACILITIES, AND BEACHES (*See CR-PWPR 2018-05; the Public Works / Parks & Recreation 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-943 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 and request for authority to settle a claim filed by GEICO Insurance as subrogee for Amanda Mixon, 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.

2. ES-944 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, and 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 and request authority for a possible settlement proposal in a claim filed by Troy K. Tanigawa, Department of Public Works, and related matters, discussion regarding the production of documents related to a personnel matter, and related matters. This briefing and consultation involves the powers, duties, privileges, immunities, and/ or liabilities of the Council and the County as they relate to this agenda item.

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. [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)

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, HAWAIʻI 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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